

**BOARD OF SELECTMEN'S MEETING**  
**May 27, 2010 6:30PM**

**Quorum noted**

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

**Roll Call:** All present.

**Pledge of Allegiance recited**

**Moment of Silence observed**

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

**6:32PM** Motion by Mr. Fernald, seconded by Mr. McPherson, to approve the minutes of May 13, 2010, as amended.

**VOTE**

**4-0**

**Chair concurs**

Motion by Mr. Fernald, seconded by Mr. Moynahan, to approve the minutes of May 19, 2010 special meeting, as written.

**VOTE**

**4-0**

**Chair concurs**

**Public Comment:**

**6:33 PM** Mr. Faulkner noted that memorial Day (# 10) was on the agenda but asked if he could comment on that at this point.

The Chair agreed to let Mr. Faulkner speak.

Mr. Faulkner, speaking as a citizen, veteran and historical reenactor, said that Memorial Day had its origins as a decoration day and to honor our war dead and has since grown into a holiday where all veteran graves are decorated and deceased veterans are honored and, usually, Memorial Day observances are held in cemeteries because that's where the deceased veterans are. He said that, for the past several years of the historical re-enactors marching in the Eliot Memorial Day Parade, this has grown into what has become known as the Eliot Elite Military Timeline Color Guard, where they have re-enactors (not all from Eliot) that cover time from the colonial period up to the Vietnam era. He explained that, in talking with these people, they were very upset that the route of the parade was changed to go to the library. He added that, to the best of their knowledge, there are no war dead buried at the library. Mr. Faulkner said that it was their understanding that the change in the route was done at the request of the Bicentennial Committee and discussed the WWI Memorial there that they marched to dedicate three years ago. He said that they were told that would be a one-time event. Mr. Faulkner said that there would be no Eliot Elite Military Timeline Honor Guard at the Memorial Day Parade because of the change. He discussed the effort it takes to get into period costumes to march in these parades and that the re-enactors don't just dress up but represent the period they study in order to bring that alive to other people. He added that, on days like Memorial Day, they are in high demand and have many events to choose from, explaining that the Honor Guard came to Eliot (only 5 of 12 from Eliot) because they liked what Eliot did to honor veterans. Mr. Faulkner said that they have been told that they were impressed with the observances that Eliot had because it added a lot but the Color Guard would not be in the parade this year because it was to go to the library.

The Chair thanked Mr. Faulkner for his comments and asked if anyone knew why it was to be at the library this year.

Mr. Vetter said that, to get to the beginning and end of this, the Board should check with John Lippincott, heading the Bicentennial Committee, and that their idea was to go to the library and end up at the cemetery.

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Mr. Faulkner said that he had spoken with Mr. Lippincott and was told it was because of the WWI Monument, which Mr. Faulkner said was dedicated three years ago, and Mr. Lippincott said that there would be observances afterward at both Brooks and Mt. Pleasant Cemeteries, which Mr. Faulkner felt was an afterthought, as who would go there after the parade and observances at the library. He clarified that timeline re-enactors, when they kit out, don't just go somewhere, and the parade should have gone to the cemetery to honor the veterans that are buried there.

Ms. Wanager commented that she has heard that from a lot of people today...why are they going to the library and not the cemetery.

**6:37 PM** Mr. Faulkner said that it seemed that the decision was made (and he is not a member of the American Legion Post 188...assists placing flags in the outlying cemeteries) but he knows that there are members of 188 are very upset that they had no input on this decision.

The Chair thanked Mr. Faulkner for bringing this to their attention and said that, as people know, the Board does not arrange for the Memorial Day Observances.

Mr. Faulkner agreed and added that the Legion gets some of their money from the Town to purchase flags that go in the cemeteries so the Legion is not going to stand up here and protest...

The Chair said that that was duly noted and thanked Mr. Faulkner for bringing this to the Board's attention.

Board members had no additional comments.

Ms. Jacques discussed that she had talked with Mr. Lippincott and that he had said that the large bulk of the ceremonies would be at the library and that there would be small ceremonies at each of the cemeteries.

There were no other public comments.

**Department Head/Committee Reports**

Mr. Blanchette said that he has a couple of issues from Ms. Rawski to discuss. He said that he has a request from her to appoint J. Peter Dennett as Warden for the upcoming State Primary Election, which would need a vote by the Board.

Mr. Fernald moved, second by Mr. Moynahan, to appoint J. Peter Dennett as Warden for the upcoming State Primary Election, June 8, 2010.

**VOTE**

**4-0**

**Chair concurs**

**6:40 PM** Mr. Blanchette discussed paperwork he received from the Department of Economic and Family Development to amend the block grant, the Senior Transportation Bus Grant received two years ago and granted one extension, to extend again because they would not have spent all the money by the end of June. He said that the Board would need to vote to extend again.

Mr. Moynahan moved, second by Ms. Place, to amend the contract to extend the new contract end-date to 6/30/2011.

Discussion:

Mr. McPherson asked Mr. Blanchette if they had gotten any information on how much that was being used.

Mr. Blanchette said that he had gotten some brief information from Connie, who is supposed to come back with more detail. He discussed that ridership seemed to

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be around 70 over the period, the number of different people using the service in Eliot and Kittery and pretty much split evenly between the two Towns.

Mr. McPherson clarified that they would be asking to appropriate \$20,000 for this at Town Meeting.

Mr. Blanchette clarified that that was what they were trying to figure out...what they would need to run the bus service from July 1, 2010 through June 31, 2011. He added that they have not gotten a definite answer, yet, and he was waiting on a response.

End of discussion and call for vote:

**VOTE**  
**3 for-1 opposed**  
**Chair concurs with the majority**

Mr. Moynihan asked if the Chair would wish to speak to the Community Service Department building report at this time.

Mr. Blanchette said that they could and that the Board members should have received a copy of the Eliot Community Service Building Air Quality Report. He commented that the list was rather extensive as to what would be needed to get air quality back up and that he could get a cost estimate for that but that they needed to seriously consider what they wanted to do with that building, period.

Mr. Moynahan said that he could speak to the fact that he had a structural engineer look at the building and that it is currently rated at 7-9 lbs per square feet and that the code is 50-60 lbs per square foot for commercial use, so it is drastically under-structured, which should play a role in any decision around money spent.

The Chair confirmed that the building should not be occupied at all.

Mr. Moynahan agreed.

Mr. Fernald agreed with Mr. Moynahan and added that it was not this Board's decision to make but the people of Eliot that needed to make the final decision and that they need the figures of the cost to renovate versus new and let them make an informed decision.

Mr. Moynahan agreed with Mr. Fernald and added that, until cost estimates are given that building should not be occupied.

The Chair said that the Board has a letter from Ms. Muzeroll-Roy-Roy regarding this situation, too.

Mr. Fernald asked how they would go about getting cost information.

**6:47 PM**

Mr. Moynahan said that they would have to create a scope of work that could be used to generate estimates by several contractors. Then one would either solicit contractors or put it out to bid. The Board could put it out to local contractors or advertise. He added that there is already a sense of the scope of work based on the remediation for the air testing and then there is the structural piece. He said that it would take a bit to come up with language for that.

The Chair asked, if they put this out to bid, would the contractors assume they would be hired to do the work.

Mr. Moynahan clarified that that was part of doing business.

Ms. Place asked if they needed to get separate bids for this – one for the air quality issue and one for the structural issue – or could they be combined.

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Mr. Moynahan said that it could be combined.

Mr. McPherson suggested having an engineering firm or architect come up with a list of needed repairs.

Mr. Moynahan said that he had pointed out structural issues to an engineer who was with him and the Board could certainly contact him. He added that the clock starts now as far as paying. He also added that he doesn't believe they necessarily need an engineer to do this because it is pretty cut-and-dry as far as what the recommendations would be. He discussed that all the trades people might have different thoughts on how to remediate or what actually needs to be done.

The Chair clarified that they should hire a structural engineer.

Mr. Fernald said that he would hate to put any more money into that building because he knows it isn't structurally sound but they have to be able to present to the people in Town the reasons why this Board is doing this and, unfortunately, the Board would have to spend a little money to do that.

Mr. Moynahan asked if it would make sense to have two things done at the same time – actually spec out a separate building for the Community Service Department (ECSD) that would meet their needs and have a cost comparison before spending, say, \$200,000 to renovate and repair versus what it would cost for a new building.

The Chair asked if having someone attest that the building is unsafe for occupancy would be the simplest direction.

Mr. Moynahan commented that that was the situation, currently, but what the Board is talking about is getting it to the point it can be occupied, getting structural and air quality issues fixed. He reiterated that he believes they have already been put on notice that the building should not be occupied. He said that their next step is to find out how to get that so it can be occupied again or that that would not be a good use of funds.

**6:50 PM**

Mr. Fernald reiterated that it would not be the Board's decision to make a decision on either renovating that building or coming up with a new building to take the place of the old building; it would be for the Townspeople to vote on. He said that the Board would have to justify a new building so they would need to have an engineer or whatever it takes to come in and say this is what it would cost to renovate the Community Services building so that the people could compare the costs of the two options. He added that they also needed to discuss a temporary building for the ECSD, as they know the fire department is not a desirable place for them or the fire department.

Mr. McPherson said that he agreed with both Mr. Moynahan and Mr. Fernald that the Board needs to have someone tell them what it would cost to repair that building and what it would cost to replace it. He added that the Town had talked back a few years ago that a facility might be added onto the back of the Town Hall or would the people want a stand-alone structure.

The Chair asked the Board members what was the first step they wanted to take.

Mr. Blanchette asked Mr. Moynahan if it would be possible that the structural engineer Mr. Moynahan has been working with might give an estimate of the costs and he (Mr. Blanchette) would get an estimate from the people he is meeting with next week on the air quality issue. He added that it would be a ballpark figure but at least they would have some idea and suggested that would be a good place to start.

Ms. Place commented that it is a possibility that that building would not be able to be renovated.

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Ms. Shapleigh said that it would be nice if the Board could give a brief description of what was found wrong with the existing building. She added that, when McPherson Hall was built at the Congregational Church, many organizations, even the school, used that and there might be a possibility the Town could rent space at a reasonable rate in that building that would probably fill the needs of the ECSD now and not far from their current location. She added that she thought that would be looking into.

The Chair said that she thought they would hear a proposal for moving forward with a broader approach, maybe. She asked if there were any other department head reports.

Mr. Blanchette clarified that, before leaving this discussion, Mr. Moynahan needed to be given authority to hire the engineer to get the details.

The Chair commented that she thought they were in consensus to do that.

Mr. Blanchette said that consensus was fine but that he just wanted to make sure everyone understood that they need to hire an engineer to actually come up with an estimate of what is needed.

**6:55 PM**

Mr. Moynahan suggested that he proceed with the method the engineer was planning on for corrections and he would take it upon himself to price that out, which would hopefully not have to incur any cost to the Town, if he were willing to share that information with Mr. Moynahan and so may end up not costing anything.

The Chair thanked Mr. Moynahan.

Mr. McPherson asked what they were going to do, temporarily, to get the ECSD out of the fire station.

The Chair commented that they had a letter from Ms. Muzeroll-Roy asking about that. She said that Ms. Muzeroll-Roy speaks of the difficulty of being in the firehouse, of having five workstations around one oval table and what happens if an alarm goes off and so-forth – it is a very difficult situation.

Mr. McPherson commented on a situation that happened yesterday at the fire station with a medical call they responded to and, as the truck was coming back and backing in, a lady showed up to interact with ECSD and had two small kids with her. He said that little kids and fire trucks just don't mix. Addressing rental trailers, the Board would need to know how much space she would need and the cost would be from \$300 to \$500 a month for rent.

The Chair asked if the trailers had all the facilities necessary.

Mr. McPherson said that they have heat and light but no plumbing. He did think Ms. Shapleigh's suggestion was worth looking into but added that from what he has heard from Ms. Muzeroll-Roy, she would like to stay in the area her building is now located.

The Chair agreed that people are used to having that location and it is directly across from the elementary school, which they frequently use, and it makes sense.

Mr. Norton said that the American Legion would certainly be a place where offices could be set up and the Legion only has only one meeting a month in the evening. He added that there are offices both upstairs and downstairs and the American Legion could certainly use the income from that. He added that it has phone and internet service, air conditioning, refrigerator and stove, and has been used for office space many times. He added that it is handicap accessible.

The Chair commented that that was a pretty good suggestion they would pass along to Ms. Muzeroll-Roy.

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Ms. Jacques asked if there was any possibility of using the elementary school.

The Chair said that she did not believe they had the spare room for offices that they are not using.

Ms. Jacques said that she believed they were using a number of rooms for storage but she was talking about the second floor.

The Chair commented that, regarding the second floor, if it doesn't have an elevator, it could not be used by the public.

A member of the audience said that it did have an elevator.

The Chair commented that that was a suggestion that could be looked into. She asked Mr. Blanchette to get together with Ms. Muzeroll-Roy and report back to the Board with her needs.

**Old Business (Action List):**

**7:01 PM**

A. Job Review Form - ongoing

B. Sewer Contract with Kittery - ongoing

C. Combining town positions/outsourcing with surrounding towns – Mr. Fernald and Ms. O'Donoghue - ongoing

D. Firearms Ordinance – Mr. Fernald lead - ongoing

E. Consent Agreement – Subcommittee, Mr. Moynahan, Ms. Place and Mr. Murphy

Mr. Moynahan said that they had not met.

The Chair said that it might be something they should think about doing as more things are coming up.

Mr. Murphy said that he was waiting to hear of meeting dates.

F. Solid Waste Alternatives – Solid Waste Committee - ongoing

G. MVR's – on drivers authorized to drive Town vehicles (Correspondence #G under Old Business)

The Chair said that, at the last meeting, they talked about motor vehicle registrations and there was a lot of discussion about it, which was tabled and to be brought up at a future meeting and asked if the Board wanted to bring this issue up again and discuss it tonight. She added that she thinks she and Ms. Place agreed that this would be a fairly sensible practice to do and she believes it would be simple to do – adding that Mr. Blanchette believed he could administer this.

Mr. Blanchette clarified that it is very simple to do to go online and check the records. He clarified that the un-simple thing is that, first of all, they would need a copy of everyone's driver's license and the second issue would be what to do when the record isn't clean.

The Chair clarified for the public that this had to do with any Town employee driving a Town vehicle and their driving record. She added that this is something that MMA has suggested the Town do. She added that there had been a lot of discussion previously on this and asked if the Board wanted to discuss it tonight or table it until the next meeting.

Mr. Fernald suggested tabling this until the next meeting.

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**7:05 PM**

Mr. Blanchette said that, as the Board contemplates this, his recommendation would be that, if it is done, then one person should do it. He added that it does not need to be him, but he would do that, if that is what the Board wanted. He also added that, if there is anything other than a clean record, then it should come to the Board, in his opinion if he would be the one doing this check.

The Chair commented that there was some question about department heads being involved in anything other than a clean record.

Mr. Blanchette said that it should come to the Board at that time and, if the Board wanted department heads or the particular person, that would be up to the Board and it would obviously depend on the severity of the infraction.

Mr. Fernald commented that this was much more complicated than what it appears because a person could be clean today and not clean tomorrow.

Mr. Blanchette concurred and said that this would happen once a year, as directed by the insurance company. He added that he didn't know what the Town would get for that but that is what the insurance company would like.

The Chair said that that shows that, if there is something horrible happening, then at least the Town has taken some steps to protect their citizens.

Ms. Lewin said that it would strike her that there was a lot of confidential information and that, if the Board wanted to do something and decides to do it, then it should be done and administered by the Chief of Police, only, and he should report directly to the Board of Selectmen. She reiterated that there was a lot of confidential information in this and, if there were something catastrophic happening, then the Chief would be the person to know.

The Chair said that the police do have their own system but that it is a different system from the one under discussion.

Mr. Blanchette clarified that this program was through InfoMaine and is not the same system the police use to check records. He clarified that this check would only be about the driving record, not a criminal record.

Ms. Lewin asked if there was a cost to this program.

Mr. Blanchette clarified that the cost to the Town to run the record check was zero, other than the time it takes. He added that the real issue is what the Town does with it once they have it.

Ms. Place asked if MMA made any recommendations on how to deal with driving records that are not the best.

Mr. Hirst said that they have given the Town a sample list of criteria that the Town could use, if they want to. He clarified that, what MMA is asking Eliot to do (as they do all their towns and all insurance companies ask their clients to do) is to check it periodically, once a year.

**7:07 PM**

Mr. Hirst agreed with Mr. Blanchette about the protocol, in that he or whomever the Board directs should do the check and submit the results to the Board. He added that he doesn't think it's anyone else's business and the Board has to decide if they want to make exceptions or change the rules by which they live...it's entirely up to the Board. He commented that, part of the credits they hope to get from MMA, contemplate that they are doing this because, after the Board's unanimous vote of several meetings ago, he told MMA that Eliot was doing this.

The Chair looked to the Board members and they wanted to still table any action to have time to consider the ramifications. She said that this would be brought up at the next meeting for discussion.

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Mr. McPherson reiterated that he thought the Police Chief, Fire Chief and Public Works Director should be the three that were discussing this issue, as it is their people.

Mr. Murphy suggested adding the ECSD Head to that list, as well.

**New Business (Correspondence List):**

**7:10 PM**  
**#1**

TO : Board of Selectmen  
FROM : Martine Painchaud, Assessor  
REF : Personal Property

The Chair recognized Martine Painchaud.

Ms. Painchaud said that the list before the Board was one she received from the Business Development Committee (BDC) that she refined for current accuracy, adding that there were 223 left that she mailed personal property records to. She clarified that the ones in red are the ones who have not responded to her. Ms. Painchaud explained that she has had 134 respond and those were closed, moved, no such business or no business assets, etc. She added that the ones in black have responded and the total amount she has received, so far, is \$45,000 of value, which equates to \$540 using last year's tax rate.

The Chair commented that she was somewhat amused because she noticed some of the names in red are members of the BDC.

Ms. Painchaud agreed and said that one person has never responded to her in the 19 years she has been there. She added that she sends one every year and that sometimes he walks in the office and she reminds him and he replies he will get it to her.

The Chair said that she would contact him.

Ms. Painchaud explained that the other ones she has already done and that is where she gets all her property values, adding that last year those values totaled \$6,000,000. She said that this new input gained the \$45,000 additional value.

The Chair commented that it was quite an impressive list and the owners/addresses of these businesses are now known, which is important from a safety point-of-view.

Ms. Painchaud said that she has done extensive research on these because a lot of the addresses on that website were incorrect. She commented that having her new computer helped a great deal in her research and added that she believes the list is as up-to-date and correct as possible.

The Chair thanked her for her work and added that having the addresses was very important. She clarified that Mr. Blanchette was going to look into that at one point.

Mr. Blanchette agreed and said he passed that of to Mr. White because he is one of the addressing committee members and Mr. White was going to look into that when he had the chance.

Mr. Fernald asked Ms. Painchaud if there were people on this list that actually cost the Town more money than the Town gets back.

Ms. Painchaud said yes.

Mr. Blanchette discussed one of the businesses on the list that had a value of \$600, saying that that resulted in the Town receiving \$5 in taxes.

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Ms. Painchaud agreed and said that most of the businesses on the list were under \$5.

Mr. Blanchette said that another business with a value of \$300 translated into approximately \$4, using last year's tax rate. He clarified that, while there is \$45,000 worth of value, a lot of the values are \$1,000 or less.

The Chair commented that they certainly do not want to discourage businesses, as that is not the point, but trying to find out who is doing business in Town and this helps the Town do that.

**7:15 PM**

Ms. Painchaud said that she had some people who were very upset that their name had been on the website when they had never had a business. She explained that some of the listings had a name and address but not the particular business and it could be someone who, for example, knits mittens once a year for a fair. She said that she told them how this came about and where to go to find the website and they actually tried to remove themselves from it.

The Chair commented that the website just said that these were all businesses in Eliot.

Ms. Painchaud agreed but said they were all unverified and she spent some time trying to verify the listings, which led her to these people and her telling them how to try to take themselves off the site.

The Chair again thanked Ms. Painchaud for her work.

**7:17 PM**

**#2**

TO : Board of Selectmen  
FROM : Dana Norton will be present, no correspondence  
REF :

The Chair recognized Dana Norton.

Mr. Norton discussed the timeline of events. He said that he believed the CEO asked the Selectmen to initiate proceedings to take him to court in violation of his Home Business application and the Board wanted to speak to him about that. He added that he set up a meeting, which the CEO was unable to attend, and the meeting was cancelled. He again set up a meeting and came before the Board and the Board suggested he see the Planning Board (PB) to get permission to rent three parking spaces and that he should get back to the Selectmen. Mr. Norton said that, when he saw the PB, they said they didn't understand why he was before them, that there was nothing that they could do, and that Mr. Norton should come back to see the Selectmen. He explained that he set up a meeting with the Selectmen, he was very ill that day and he was unable to attend that meeting, so he called Mr. Blanchette know that he would be unable to attend. Mr. Norton commented that, one time the Board cancelled the meeting on him and the next time he had to cancel. Mr. Norton said that, the next day, he found out "on the street" that the meeting had taken place, that his issue was brought up and that the Board acted on false information to decide to proceed to take him to court. Mr. Norton said that the Board asked him to get back to them and, then, they took this action without him getting back to them and he did not believe that was entirely fair. He said that he set up the meeting and was unable to attend, so he cancelled it and, while he believed the Board certainly had the right to discuss whatever they wanted to discuss, but he did not believe a vote should be taking place on something that would put him into bankruptcy so that he would lose three houses and go on welfare. He added that he thought that was a harsh decision to make, not without consulting him, but not following through on the plan he thought they had in progress. He added that he would like to ask that that meeting be voided. He also added that he could go before the Board of Appeals (BOA). Mr. Norton said that, whenever he has come before any Board, he understands a decision has been made and the Chairperson always says he has 30 or 45 days to appeal the decision. He added that it has been a couple of weeks since a decision has been made and he has received nothing to say he has a certain

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amount of time to appeal this decision. He said that he made an appointment to come in to see this Board this evening and he called Mr. Blanchette a couple of days ago to see if he really did have an appointment to see this Board. Mr. Norton said that he wasn't even contacted to say he was on the agenda and he doesn't think that is entirely fair. Mr. Norton said that he had several other things or if the Board would like to respond to what he has said...

**7:20 PM** The Chair said that Mr. Norton mentioned false information and asked him to clarify that.

Mr. Norton said that he could and added that, in the minutes of that May 13 meeting, the Chair said: "The Chair, addressing the CEO, said that the Board received his note stating that the PB denied Mr. Norton's application and asked the CEO to speak to this." – to speak to his denial by the PB. He added that there were three paragraphs and that wasn't even addressed. He said that in discussion about bringing legal charges against him, the CEO discussed that, since the previous meeting (within the last three weeks to a month), Mr. Norton was working more hours, he clarified that he has worked the same hours he has always worked, and there were more cars in this last three to four weeks and there haven't been, as business has been very slow. Mr. Norton commented that he doesn't know where this came from, but it says that he didn't discuss with the CEO before he put in a second lift and he clarified that, when he moved into there, he had two lifts. He added that he didn't put in a third lift. He added that the minutes said that if he had come before the PB to put in the lift they would have said no because of...in his conditions of approval it says nothing about his purchasing of equipment and said that a lift is a tire machine, it's an air wrench, it's a lug wrench, it's not adding to the building and there is a stipulation in his Conditions of Approval (CoA) that he make no external changes to the building. Mr. Norton said that, putting equipment inside his shop is not making external changes to the building and he didn't understand why he felt he should have to come to speak about adding a lift to his business as it is a piece of equipment. He also said that the minutes say that, by him adding this lift, that "it created more of a hardship for him because now he has another mechanic" and said his CoA allows him two mechanics, which he has had since he has been there and himself. He said that the Board believes he has another mechanic because he has another lift and those are the citations of the false information that he believes the Board's decisions were made upon. He reiterated that the Board was certainly allowed to discuss any issue they wanted to discuss but to take a vote on a meeting he cancelled, he believes is entirely wrong.

Mr. Moynahan said that the first go-around with this was that there was non-compliance with PB approval that was given initially.

Mr. Norton said yes.

Mr. Moynahan said that this Board tried to see if the PB could find a way of gaining more parking spaces and that sort of thing.

Mr. Norton said exactly.

Mr. Moynahan said that that is the process. He clarified that the PB did not allow any more parking spaces, is that correct.

Mr. Norton said that was correct.

Mr. Moynahan said that what he thinks everyone was after was compliance with PB approval.

**7:25 PM** Mr. Norton asked what happened to see the PB and get back to me...what happened to the get back to me part. He added that he made the meeting, it was his meeting, he asked for the meeting and it was held without his knowledge. He reiterated that he had to find out "on the street" and he still hasn't received a statement saying that he has a right to appeal that decision. He said that, before, he has always gotten one in a timely manner – 4-5 days – from any Board he has

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attended. He added that any decision was followed by having 30 or 45 days to appeal this decision. Mr. Norton said that, unless someone had called him up and told him what had happened, he wouldn't have even known that proceedings were taken against him to take him to court. He asked what would have happened if he had not heard that and his 45 days were up and his right to appeal this was gone.

Mr. Moynahan said that he could not speak for the PB.

Mr. Norton asked again what about the getting back to me part. He said that he did get back to this Board and he is here now, but it is a little too late. He added that he understands that he could, in order to undo this or to carry this on, make an appointment to see the Board of Appeals (BOA), which he filed as soon as he knew that was what the process was. He said that, meanwhile, here we are.

Mr. Blanchette clarified that there is no appeal to the BOA from the Board of Selectmen's decision.

Mr. Norton said that he was told that he could a couple of days ago.

Mr. Moynahan clarified that, at the first meeting and due to non-compliance, the CEO asked for legal follow-up and this Board chose not to go that route to see if there was another avenue to resolve this, they were asked to by-pass legal action and they agreed. He said that this Board could not know what the PB would or would not allow and could not speak for them at all.

Mr. Norton commented that they had discussed Consent Agreements (CA). He said that that was the get back to me part. He added that he has the minutes and it was never discussed, a C.A., for his situation.

The Chair agreed that was never discussed. She added that they never got a request for a C.A.

The CEO said that this was not a C.A. issue as they can fix what they have here. He said that, as far as any meeting, he came to and asked the Board to put this on the agenda. He added that he doesn't know what Mr. Norton did later on but he asked the Board because some weeks had gone by since the PB had done their approval and he thought it was time to put it back on the agenda to see what the Board thought about it.

Ms. Wanager asked Mr. Norton what the Town was asking him to do.

Mr. Norton explained that they want him to be in compliance with four vehicles and they have now come up with working excess hours and hiring extra mechanics.

Ms. Wanager did not believe he had done that and clarified that they only want four vehicles out there at a time.

**7:27 PM**

Karen Norton said that there is a huge discrepancy in that four-vehicle situation because there are never more than four customers there at any one time. She clarified that this is a home business and, when the customer leaves that piece of property behind, it then becomes a material of the shop and a product of the shop. She said that it clearly states in Section 45-456-1-k that any materials associated with a home business are to be fenced, and they fenced them...and they are always fenced and is not an issue. She added that she doesn't understand what this mass confusion is that is going on constantly. Ms. Norton said, regarding the lift situation, that was discussed May 21, 2009 with the BOA. She said that Phil Lytle asked, and is in lines 77-82, about the lifts, Mr. Norton agreed and no action was taken – no discipline, no problem, you should have done this, you should have done that, no discussion...it was brought up, discussed, end of discussion. Ms. Norton discussed that there was an issue, she was sorry to say, with Mr. White in that a lot of times he was out-of-line, he favors the one person who constantly complains. She added that they took those people to court for personal harassment

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and who shows up in their favor but Paul White. She added that he was not supposed to take sides and she felt he was down there protecting their interests.

The Chair interrupted Ms. Norton to clarify that it was Mr. White's job to uphold the ordinances of this Town.

Ms. Norton clarified that this was nothing to do with the ordinances and clarified that this was a personal cease from harassment for liable and slander that both the McKinneys' put on their website against Mr. Norton, himself, not his business but his personal reputation and his business is run by his personal reputation. Ms. Norton said that there were other issues with Mr. White that concern her because, if a person is not honest in their integrity and she has papers she just picked up today here at Town which states that he has judgment against him for not filing...

The Chair interrupted Ms. Norton, saying that that was inappropriate at this time and that that will be discussed in Executive Session.

**7:30 PM**

Mr. Fernald commented that he had known Mr. Norton for "a thousand years" and what they were doing right now was going around and around the actual issue.

Mr. Norton commented that that's the way he feels about it.

Mr. Fernald said that the issue is that Mr. Norton has not been in compliance with the ordinance. He added that they, the Selectmen, have tried to help him find an avenue to make it right. He said that was why the Board asked Mr. Norton to go back to the PB to see if more than four cars could be parked over to the Legion and that would be acceptable. Mr. Fernald commented that, evidently it is not and that the ordinance says it is four cars no matter where they are.

Mr. Norton said he had never heard that.

Mr. Fernald acknowledged Mr. Norton's disagreement with that but, the fact of the matter is, if one is not in compliance with the ordinance then...the Board does this for everyone in Town. He said that the people right here have voted for that ordinance and they expect this Board to enforce it, along with the CEO.

Mr. Norton asked what happened to get back to me.

Ms. Norton said that they were asked to come back before this Board and were never given the opportunity.

Mr. Fernald agreed they were scheduled to come back and he did not know, personally, what the reasons were that they could not and thought that Mr. Blanchette maybe told the Board. He added that the fact of the matter is that they are back here today and they are still not in compliance with the ordinance.

Mr. Norton said that he is in more compliance than the Board was led to believe at that time.

Mr. Fernald clarified that it doesn't work that way. He said that one is either in compliance or not in compliance. He added that Mr. Norton needed to understand what the Board's job is...what the Town voted for the Board to do. Mr. Fernald asked what Mr. Norton was going to do to get into compliance with the ordinance.

Mr. Norton said that he had gone to the PB, as this Board suggested, and he was supposed to come back to this Board to discuss their decision and speak to this Board about a C.A.

Mr. Fernald said alright, that Mr. Norton had done that and come back, that he was here now and the PB has said that there is nothing they can do for Mr. Norton, that they can't bend the ordinance, this is what the ordinance says and they can't do anything. He added that now Mr. Norton is back before this Board

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and reiterated his question of what Mr. Norton was going to do to be in compliance with the ordinance.

Mr. Norton said that he wanted to discuss a C.A. with this Board and he wanted to discuss where it says that he cannot have off-site parking. He added that Mr. White, Mr. LaGrange, etc. all suggested off-site parking, which he had gotten and was alright with them, but it was more than 100 feet away from his property, so that was against the ordinance and was alright with them. He added that he has now found a way to be in compliance with off-site parking and now everyone says that off-site parking is not allowed and he doesn't know where it says that.

Mr. Fernald asked the CEO what does the ordinance say about off-site parking.

The CEO said that the issue that the PB had was that he could not have more than four vehicles no matter what. He added that Mr. Norton could park two vehicles off-site as long as he is within, he thinks, 100 feet of the site, itself, of his shop.

Mr. Fernald clarified that that was a total of four vehicles no matter where.

The CEO said that that was right and that was what the PB told him last time.

Mr. Fernald commented that, when Mr. Norton comes before this Board and says that there has not been more than four cars down there at one time, please. He said that he has gone by there several times, several times, and there have been much more than four cars.

Mr. Norton commented that he never said he was in compliance, never said there were not more than four cars. He said that, since the decision of the last Selectmen meeting, he has been in more compliance, acknowledging Mr. Fernald's comment about being either in or out, but this Board was led to believe he was further out of compliance and their decision was made on that information and that was wrong.

Mr. Fernald talked about the line between in or out of compliance and that the fact of the matter was that one is either in or out of compliance, that it is not more or less.

Mr. Norton said that he still doesn't what happened about getting back to this Board and a C.A.

The Chair acknowledged Ray Faulkner.

**7:35 PM**

Mr. Faulkner said that he has been a customer of Mr. Norton over the years. He clarified that the issue seems to be the four vehicles and Home Occupation. He commented that, if Mr. Norton were a seamstress and had people coming in to drop off something to be worked on, get measured, then leave, that would be fine; or a cabinetmaker (four vehicles) and someone comes in and drops some things off, talk about some things, fine. He said that Mr. Norton is an auto mechanic and his product is automobiles. He added that he has mentioned before at Board meetings that he has had vehicles up there that have had to be towed in, they had to order parts, the vehicle unmovable and out behind the fence, but that counts as one of the four vehicles but the vehicle can't be used, can't be moved so, therefore, that should detract from four other vehicles that he needs to keep his men occupied. Mr. Faulkner commented that, at 7:16 PM this evening, this Board said, "we certainly don't want to discourage business". He added that the State of Maine has a reputation for a poor business climate and is this how it starts. He said that there is a garage several hundred yards down the road and he went by there – two boats, twelve vehicles, a travel-trailer. He said that, at the last Board meeting, one of the illustrious Board members said that this business was grandfathered and has been in business continuously and he said that it has not. He said that he has lived in South Eliot for 34 years and that place has been shuttered from time to time and not open. He commented that, if he had know this would come to pass, he would have taken copious notes and lots of photographs. He added that to enforce something like four vehicles on Mr. Norton when he is

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in the same line of business as someone down the street is haphazard, capricious and, he believes, discriminatory. Mr. Faulkner said that, in order to make a living, he should be allowed to have more than the four vehicles. He said that common sense needs to prevail. He added that, if the vehicles are out behind the fence and they can't be seen, what difference does it make. He asked the Board, if Mr. Norton has four cars out behind the fence but two people stopping out front to go in to talk and make appointments, does that count as more than four vehicles. Mr. Faulkner said that it seemed to him a lack of common sense and people hiding behind a four-vehicle home occupation. He said that Mr. Norton's business is different than a lot of home occupations, the difference is the same as the one down the street that has been allowed to get away with more. He said that, if the Board enforces the four vehicles against Mr. Norton then the Board has to enforce it down the street because that is a business that has not been in operation continuously and, therefore, he doesn't think it should be considered grandfathered. He added that Mr. Norton's place where he works has been a business off-and-on for over 20 years on Main Street, it is a commercial structure and always has been a commercial structure.

**7:38 PM** Mr. Moynahan clarified that this Board did not put the conditions of the approvals of the PB on here by any stretch of the imagination. He added that the four vehicles was what the PB approved during the process of applying for a business at that location. He said that this Board had nothing to do with that so he doesn't think this Board can go and overturn something the PB did. He added that he might be wrong on that but that would be undermining another Board in the Town. He said that this Board was trying to find a way to, maybe, get some off-street parking, etc. and that is why this Board encouraged him to go back and have more discussions with the PB. Mr. Moynahan said that this was getting out-of-hand here a little bit. He added that they are getting crucified and this Board can only do so much – they are asked, if someone is not in compliance, to take action and they need to say yes or no and, if they say no, then they aren't doing their jobs.

The Chair said that she did not want to really hear anymore, as she thinks they have heard, unless someone has something different to say...

**7:41 PM** Kimberly Richards believes that what is happening is because the ordinance is flawed and asked how the people change the ordinance or get that addressed. She commented that they are all supposed to set up a system to help protect the citizens and then it just becomes a monster? – no. She reiterated that she would like to know how to get this addressed.

Mr. Fernald said that the citizens are actually the ones that make the ordinances and vote on the ordinances and the Board of Selectmen and CEO only enforce them.

Ms. Richards asked how they go about changing the ordinances as she was fairly new to this.

Mr. Blanchette said that he believes there are two methods to change an ordinance: one is to make the changes one believes are required, write it up as an amendment and get the required signatures to get it on the next Town Meeting. He added that one has to be careful of that because of timing because, once one has a petition article, the PB has so many days to review it (per the ordinance) and make a recommendation on it, which he believes is ninety days, but he isn't sure. He added that the other way to do it is to go to the PB and present them with the wording one feels needs to be changed and they can initiate the change from that and bring it the Board of Selectmen as a proposed amendment for vote at the next Town Meeting.

The Chair commented that there have been some ordinances generated by the citizenry.

Mr. Faulkner asked if this meant that the gentleman down the road from Mr. Norton can continue to have an unfair competitive advantage.

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Mr. Fernald asked the CEO to address Joe's Garage as being in compliance or not being in compliance.

**7:43 PM**

The CEO said that he is not aware of any PB approval that Joe's Garage has that specifically restricts him to any amount of vehicles parked on his lot. He added that, as far as whether it is a non-conforming building or business...

Mr. Fernald asked what was the difference between Mr. Norton's and Joe's Garage.

The CEO said that there are a lot of businesses in Town that have never gone to the PB or, if they have gone to the PB, they went prior to the adoption of the current ordinance so Mr. Norton is under the current ordinance, as approved by the PB. He added that he doesn't really know a lot about that site (Joe's Garage) and said that, ever since he has been here it has been operating as an automobile repair facility. He said that he has no reason to question why he has cars there or anything like that.

Mr. Fernald clarified that, when talking about "grandfathered", one is actually talking about different types of business being grandfathered and not talking about overall. He clarified that the area that Mr. Norton is in used to be a business for many years but it was not an automotive business.

The CEO agreed that there had been an oil business and a landscaping business there. He said that, at the time that Mr. Norton went before the PB, he understands that Mr. Norton was moving from one garage to another one and he went to the BOA and got the variance he needed, then went to the PB and got approved as a small business. He added that what came out of that were the particular requirements that he could not park more than four requirements. He said that there are a host of other requirements, as well, and all of them he agreed to at the time.

Ms. Shapleigh commented that it seems as though there is a lot of misunderstanding and the average person doesn't begin to understand the codes, they seem to contradict, they seem to favor someone over the other. She said that the average person who has voted these ordinances, and there are very few compared to the actual voters, it's kind of like the health care bill that didn't get read before it got voted and, it seemed to her that certainly those on the Boards and the CEO have all had training in how to read and understand these ordinances, which the general public has not. Ms. Shapleigh said that it didn't make sense to restrict someone to four vehicles if there is more than one person. She added that a person could own four vehicles, are they counting those vehicles, have those vehicles been inside the fence, has anyone found that out, do their kids visit with their vehicles – those vehicles could all be outside the fence because they have nothing to do with the home occupation. She asked who has actually researched this and explained to Mr. Norton in terms he understands. Ms. Shapleigh said that she would like to the Board reconsider this and try to find a way to work with him. She added that it doesn't make sense that one neighbor or one household can take away a person's livelihood and she did think Mr. Norton did need to toe the mark but he has to understand that. She also said that someone needs to explain that he can have four vehicles that have to do with his business and she isn't sure that was made clear to him. She said that, if that wasn't clearly defined then the Board really can't fault him. She added that even the State allows one to have three unregistered vehicles on one's property. Ms. Shapleigh commented that she thinks there needs to be considerably more research and some education and this shouldn't have gotten to this point. She said, as a taxpayer, she doesn't want people being taken to court every time something doesn't work out.

The Chair said that this has gone on a long time and this Board has tried to work very hard with Mr. Norton, giving him extra time, extra leeway, they've worked very hard to help him come into compliance and he is not in compliance. She asked what the Board wanted to do.

Mr. Fernald asked Mr. Norton what he was going to do to come into compliance.

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**7:47 PM** Mr. Norton said he would like to get a C.A. to rent three parking spaces at the American Legion, which would be a reasonable way to do this and is very simple. He added that, years ago, Mr. LaGrange said he could keep as many cars inside the fence as he wants to, if they can't be seen then they aren't there. He added that he was fine with that agreement with him. Mr. Norton said that, if he could get approval, he has four spaces approved for Ethel's Tree of Life in his own dooryard and he is asking for three right in front of the American Legion. He added that that would get the American Legion \$100/month and would take care of this problem. He said that this would give him four cars in his dooryard, three cars at the American Legion and give him room to work on two or three cars inside the shop. He reiterated that this would take care of that problem and he could live with that. He explained that when he agreed to four cars in the original agreement he thought that that could be done but, since then, the economy has changed, he has incurred different expenses. He explained that he has \$10,000 in the bank and he is \$400,000 in debt. Mr. Norton said that, if this legal action goes through, he has \$10,000 to fight it with until he is bankrupt, which is neither here or there. He said that the CEO had come down a couple of times and looked in the dooryard and there may have been seven cars in there...four of them were his and the CEO told him he couldn't park his own cars in his own dooryard. He said that the CEO told him he couldn't go in and take all the registrations numbers off all the cars, of course he could as he could come and ask Mr. Norton. He said that, in the past month, he has probably averaged six cars in the dooryard and now that is not in compliance. He further said...three places at the American Legion, four spaces in his dooryard and he could live with that, as it is workable, that would keep two people employed, he could pay his bills and reiterated that it would be workable if he could get the C.A. to rent the spaces from the American Legion.

The Chair asked the CEO what was the procedure for Mr. Norton to start a C.A. request and whether three cars would bring him into compliance.

**7:48 PM** The CEO clarified that the Chair was asking if he thought Mr. Norton would stick to only having seven cars.

The Chair agreed.

The CEO said he didn't know, as Mr. Norton often has many more than seven there.

Mr. Norton asked for the CEO to clarify how many of them were his.

The CEO said that he didn't want to get into that with him. He added that his understanding of a C.A. is that there is a violation that one just can't correct and he believes this can be corrected but it is up to the Board. He said that the policy the Board has in place, now, whether they follow it or not, does allow the Board to render a C.A. and set the terms for it, etc., then give it to the Town attorney for drafting it.

**7:50 PM** Mr. Fernald asked the CEO, if the Legion rented parking space to people that aren't part of the business, yet, and they rent part of the business until they tell Mr. Norton to fix his car and the car is brought to his business...

The CEO said that, if one wanted to try to circumvent the rules, then one could find many ways to do it. He clarified that he thinks the idea in this that is being missed is that in the provisions for the home business include that the business needs to have very little impact on the neighborhood and that is why they size the parking and the size of the building, no building more than 1,500 square feet, and those types of things actually limit the impact on the neighborhood. He added that, even if the Board allows car parking at the Legion, it would still have an impact on the neighborhood, as it is a really small area.

Mr. Fernald agreed that may be true but they could be Legion cars and he clarified that just because there were three cars parked at the Legion doesn't change the number of cars that are parked as far as the neighborhood is concerned.

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Mr. Lytle commented that he somewhat recalled Mr. Norton coming before the BOA and, relating to what they were currently discussing, he said that one of the things was that the BOA didn't care how many cars Mr. Norton had off lot as long as he had four cars at the garage so, what the Board is saying is almost what he should be doing.

Mr. Murphy commented that it was his understanding, and he might be wrong, was the recent PB ruling was based on the fact that the American Legion building is slightly more than the allowable distance – 100 feet. He asked how far away the American Legion was from Mr. Norton's business.

The CEO said that he believes it was less than 100 feet but added that he does not believe that was the basis for their decision. He clarified that what the PB said was that he could only have a total of four cars so, if he wanted to have two over to the Legion and two at his shop, then that would be fine. He added that Mr. Norton could only have a total of four for his business. He reiterated that it has a lot to do with keeping the size of the business small so that it has less of an impact on the neighborhood.

The Chair clarified that that was the latest decision from the PB.

The CEO said yes.

**7:53 PM** The Chair clarified that the next step for Mr. Norton would be for him to go to the BOA.

The CEO said that Mr. Norton does have a right to go to the BOA from the decision of the PB. He added that, if he wants to file with the BOA, then that is fine but he does not believe that has anything to do with this situation here at all. He said that, if Mr. Norton were successful at the BOA, then the lawsuit would go away. He clarified that what the BOA would hear is the decision of the PB and there would be no new information introduced. The CEO said that what the BOA would be looking for is whether the PB made an error in their decision saying that they could only have two here and two here. He added that that has already been debated at two other BOA meetings and this has been a long-standing issue in Town.

The Chair reiterated that there is another step that Mr. Norton could take.

The CEO said that if Mr. Norton wanted to appeal the decision of the PB to the BOA, then, yes.

Mr. Norton said that he recently got a tax bill for equipment he uses in his product. He explained that the cars inside that fence are his materials and his product. He added that, once a customer comes in and even though it is the customer's car, it is Mr. Norton's work piece, his product – his birdhouse or his toaster that he was working on. He discussed the intent and four customers pulling up to the Meet Market or Town Hall at one time and, if there were twenty customer's cars pulled up in front of his shop, then there would be a problem. Mr. Norton said that this rule fits perfectly in every situation but his. He explained that he believes that the cars inside his fenced area are his product - he recently got a tax bill for his product but he didn't have a product and this needs to be understood. He said that the customer cars parked in his fence or at the Legion Hall are a product. He added that, if his customers want to rent a parking space from the American Legion for the day and he went over there and worked on them and put them back together again, he did not see anything wrong with that. He further said that he did not understand why the Town was getting involved in the American Legion renting parking spots as a fundraiser. Mr. Norton reiterated that the cars inside his gate are his product. He said that, if he were to rent parking spaces from the American Legion he could not swear he would be in compliance because a car may be left overnight, or longer, or, he might not be able to get a part. He added that he has arranged for further off-site parking, which is against the ordinance that has been fine with everybody and he pays \$100/month for that, which is down the street. Mr. Norton asked the Board if there was any way that

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**May 27, 2010 6:30PM (continued)**

they could see that he could rent the three American Legion parking spaces, with the four cars in his dooryard – that is seven – there are three in the shop – that's ten and all the other garages around regularly keep ten to fifteen cars, they keep two people working. He said that he keeps two people working, he pays his bills and, without something being done, he would lose everything he has done and everything he has. He added that he was really throwing himself on the Board's mercy. He said that, if there is any way the Board could see him out of this – if not, he was belly up, all done. He added that this is more serious than an eyesore to somebody – there is only one person complaining and have been known to spend three or four hours a week up here talking about this and how much time is this taking from the CEO. He added that they complain about his own family's cars being there.

The Chair commented that they have all probably talked this to death for the moment.

Mr. Fernald said that he would recommend that Mr. Norton go forward to the BOA and see what their decision would be.

The Chair asked if the Board was in agreement with that.

Mr. Moynahan said that they should do whatever might help - they are not here to not do that.

Mr. Norton said that he knew they were not trying to put him out of business.

The Chair clarified that going to the BOA would be on the latest decision of the PB.

Mr. Norton said yes.

Mr. Blanchette said that he believes the Board needs to clarify is that the Board is telling the Town attorney and the CEO to not initiate legal action.

The Chair said yes for the moment.

**7:59 PM** There was consensus by the Board.

Mr. Norton clarified that he would go to the BOA to have them make a decision on PB to see if they were right or wrong and then he could come back to this Board.

The Chair said yes – and informed Mr. Norton he would have 45 days to appeal the BOA decision. She added that the next step would probably be legal.

Mr. Moynahan said that this would still keep going around because the BOA, based on it's **position? Decision?**, will not do anything, will not overturn. He added that it would still come back to this Board and it would be the same questions from the CEO on whether to pursue the Notice of Violation or consider doing something else. He said that he thinks everyone was hoping the PB could make a provision but that did not occur. He asked what the Board would do next, as it is just running Mr. Norton in circles, the CEO in circles.

Ms. Place commented that they could consider a C.A.

**8:01 PM** Mr. Fernald commented that he probably knows what the outcome will be with the BOA, however, it might give this Board a little more time to think of alternatives, as they are trying to do the best they can and Mr. Norton needs to understand what the Board's position is.

Mr. Norton said that he did not mean to appear overcritical – that the Board members are all volunteers – but he is fighting for his life here. He reiterated that he would go to the BOA and have them talk about the PB decision and then he

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**May 27, 2010 6:30PM (continued)**

could come back to this Board with their decision and, perhaps, discuss a C.A. or time to see what might be worked out.

The CEO asked to check the date of the PB decision because the time may have lapsed for Mr. Norton to go to the BOA.

The Chair agreed that was a good point and agreed.

**8:03 PM** Mr. McPherson asked Mr. Norton, if they went down there tonight and counted, how many cars would they find.

Mr. Norton said that he would have about 4-5 customer cars inside the gate. He added that he thinks the Board would be surprised at how good a shape he was in with that and he does try but if he calls someone to come pick up their car and they don't, what is he supposed to do with it.

The CEO said that May 4<sup>th</sup> was the PB decision and Mr. Norton has until June 4<sup>th</sup>. He added that Mr. Norton has to have the paperwork for the appeal in by Tuesday (June 2).

Mr. Murphy clarified that the four-car limit is a condition of approval of the PB and not of the ordinance.

The CEO said that it is an ordinance issue.

The Chair thanked everyone for their input and said that the meeting needed to move on.

Mr. Norton said that he appreciated the Board's thought and time and was not trying to be critical.

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

**8:05 PM**  
**#3**

TO : Board of Selectmen  
FROM : Phil Lytle, Transfer Station Manager will be present, no correspondence  
REF :

Mr. Lytle commented that there has been a lot of concern about how to make the Transfer Station better, to cut the costs, to make it more user-friendly for the citizens. He said that his suggestion was to train the part-time employees in all job areas, which would do a couple of things: get everyone trained to know the same job to avoid things not being done consistently and help the overall operation. He added that he has had a couple of complaints about people in areas not doing what they should be doing and he believes that goes to being there for a while and overlooking some things. He said that he has brought this up with the guys but still sees people not complying with what they should be. Mr. Lytle said that he was asking the Board to look at what he has written up and agree that he go with it or leave it alone. He said that going with this might help reduce labor by next year, by getting everyone trained in all areas.

Mr. Fernald asked if the positions that were out there, as far as the pay scale, are they designated positions – when people were hired were they hired for particular positions.

Mr. Lytle said that he did not know.

Mr. Fernald recommended that, once the new supervisor is hired, that person and Mr. Lytle should sit down and discuss this before this Board makes any decisions. He asked Mr. Blanchette if the people working at the Transfer Station were hired for particular positions.

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Mr. Blanchette said he was not aware either way.

Mr. McPherson agreed with Mr. Fernald but he wanted to make sure that everyone understands that this Board asked Mr. Lytle to come up with these recommendations because things had to change out there.

The Chair agreed and said that they were very good recommendations.

Mr. Lytle discussed the potential for a freebie barn that the Board had asked about. He said that he did get a quote, which would be between \$18,000 and \$20,000 and would be a 20' x 30' building coming off the north side of the transfer station. He said that he would find a way to man it. He added that it would have one 8-foot garage door, cement floor, two lines of racks of shelves where people could drop things off and pick things up and what went in it would be monitored. Mr. Lytle said that a lot of people may not know it but a lot of stuff that comes in, especially yard sale items at the end of the day, some of that gets set aside and, usually, before the end of the day it is gone. He said that they did not have money in the budget this year to add on and left it open to the Board as to what direction they wanted to go with this.

**8:13 PM**

The Chair suggested that Mr. Lytle could bring this up for next year's budget cycle. She added that the Board has had a lot of requests for a freebie barn and thanked Mr. Lytle for his efforts.

Mr. Fernald asked what kind of building Mr. Lytle had priced.

Mr. Lytle said it was the same as what is out there now.

Ms. Shapleigh commented that the building that now exists was built with volunteer people and, she presumed, materials, too, which might be a possibility now. She said that she sees no reason why they couldn't have a locked box for donations and who knows how much money they might get from people giving donations to something they might like to have. She also discussed that there is now no place for rags and that they used to sell rags. She added that, with all the recycling of plastics, there must be some need for other existing fabrics that something could be done with them and, if fabrics were not good enough to donate to thrift shops, they might certainly be good enough for a market for rags.

Mr. Lytle said that one of the things they do look for is rags, usually discarded towels. He added that he hasn't seen that much of a volume being thrown away.

Ms. Shapleigh said that if they had a bin for that, then there might be.

Mr. Lytle agreed and said he would check into that.

Ms. Lewin discussed the subject of the recycling building. She said that, years ago, there was a recycling committee and one of the best committees the Town ever had. She added that Peter Billipp headed that up and brought before the Town a request for \$75,000 to build it and staff it. She said that the Town, in their infinite wisdom or lack thereof, said no, that they could have \$25,000. Ms. Lewin said that the recycling committee was all set to disband and she went to their meeting and told them they shouldn't but, instead, beg borrow or whatever they needed to do and build a building and, built, they would have to staff it. She added that that is exactly what they did. She said that all but one member of the Board, at that time, came up to help build that building – she remembered bringing them breakfast, lunch and afternoon coffee – and it was very much a volunteer effort. She added that they took things from people who had an extra door, an extra window and they did it for a little less than \$25,000. Ms. Lewin said that if someone were to sweet talk a nice guy like Peter Billipp, they might ask him to head up a group of people to see if the Town could do the very same thing to get a freebie barn. She commented that the boys at the Highway Department did a ton of groundwork and someone else kind enough to draw up the professional building plans, engineers, and these were all volunteer people. She added that maybe in this very difficult economic climate they could talk

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someone like Mr. Billipp, since he's been through the exercise, into doing it again. She also added that they did get a lot of stuff from stores.

**8:18 PM** Mr. Lytle agreed and said that he was the Selectman on the committee at that time and was involved in the building of that building. He added that he did not know if they could get the volunteers they had back then or not but thought this would be something to take up with the new supervisor.

**#4** TO : Board of Selectmen  
FROM : Report from Public Works Director Hiring Committee, no  
correspondence  
REF :

The Chair asked if there was a report from this committee.

Mr. Moynahan said that the hiring committee for the Public Works Director was Donnie Sylvester, Eliot Highway Department Foreman; Bud Moynahan, Eliot resident and former Public Works Director for Rye, NH; and Mr. White, Eliot CEO; Grant Hirst, Eliot resident and insurance guru; Bill Morgridge, Eliot business owner in related fields; Mike Moynahan, Eliot Selectman; Chief Ted Short – Mr. Short, due to a letter of interest in the position, was not included in the process to eliminate any potential proceedings due to potential conflict of interests. He added that the Board had tasked the group to qualify candidates for the Director of Public Works position and 25 applications were received. He said that each received these and was asked to rate and qualify each individual based on the job description that was created and approved by the BOS versus the experience and background each applicant had. He explained that each committee member was asked to bring seven candidates to a workshop and, after several hours or rating and discussing each qualified candidate the committee, by consensus, chose three individuals to bring in for interviews. He said that each interview lasted 40 minutes and each applicant was asked a series of questions related to the position. Mr. Moynahan said that the committee feels all three of these individuals should be interviewed by the BOS for them to choose who best fits this position for the Town of Eliot. He explained that Chief Short has begun background checks on each individual to be prepared for any hire that may be made. He added that he would not share the names at this time based on issues of confidentiality.

The Board agreed.

The Chair suggested that could be scheduled for a future executive session.

Mr. Fernald commented that he thought that should be done as soon as possible as they want to do that before the Town Meeting to hopefully change the article regarding the appropriations for this position.

**8:23 PM** Mr. Blanchette asked the Board if they wanted to do it at the next scheduled meeting on June 10<sup>th</sup> or before that.

Mr. Fernald said that he thought they should do this before that date.

After some discussion of dates, it was decided to have this on Wednesday, June 2<sup>nd</sup> at 5 PM.

It was agreed that Mr. Moynhan would give Mr. Blanchette the three candidate names and discussion around what kinds of questions would be allowed and to write them down ahead of time so that all candidates would be asked the same questions.

Mr. Moynahan discussed a form – Authority to Release Information for new hires – that allows background checks to happen and may be something the Board wants to put in to that whole process. He said that this was given to him by Chief

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Short and that the Board could speak to him for more information about the form, that the Board needed to decide if they wanted this much detail or not.

The Chair asked for Mr. Moynahan's recommendation.

Mr. Moynahan said that he would not sign this form. He clarified that this is a release of information for new hires and he brought it up for the Board to consider.

Mr. Blanchette said that that is typically done with a final candidate after the interview. He clarified that the hire is not usually hired immediately but a selection is made and then a background check, which would be when the Board would have the candidate sign the form, as well as having a physical done for the final candidate, which is in the hiring policy for the Town.

**8:25 PM**  
**#5**

TO : Board of Selectmen  
FROM: Maine Municipal Association  
REF : Volunteer Accident Insurance

The Chair said that volunteer accident insurance is again available this year and there is no change in coverage, that it is \$3.75 per volunteer, annually. She read that, "last year 73 members participated in this MMA sponsored program, providing excess medical coverage to 4,397 volunteers around the State." She suggested that might be something they could look into.

Mr. Moynahan asked if they already offered this to the firefighters.

Mr. Blanchette clarified that the firefighters have a different coverage. He said that it was his understanding that they would not be covered under this.

The Chair asked how many volunteers the Town has.

Mr. Blanchette said that that included all the Town committees, which is the bulk of them, and ECSD has some volunteers, also. He clarified that they have a minimum of 60 up to 100 volunteers.

There was discussion around the necessity and who would actually be covered.

Mr. Moynahan asked how they would keep track of an update the list of volunteers.

**8:30 PM**

Mr. Blanchette explained that they would sign up the maximum number they thought they would have, pointing out on the form how that would be done.

After some discussion, the Board decided against this.

**8:32 PM**  
**#6**

TO : Board of Selectmen  
FROM : Grant Hirst  
REF : Office Renovation

The Chair asked about Pat's workstation.

Mr. Blanchette said that that was looked into.

The Chair said that they also had a letter from Heather Muzeroll-Roy and asked the Board what they wanted to do about the ECSD building. She said that they have some floor plans in front of them. She asked when they were done.

Mr. McPherson said that they were done at the time when the police moved out of the Town Hall during the construction of the police station.

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Mr. Fernald said that they had a building committee at that time looking into a community service building or adding onto the Town Hall.

There was some discussion around the creation of a building committee to look into an addition to the Town Hall that would also improve storage at the Town Hall and save money spent for off-site storage, at least to get the information of what it would cost for the future.

**8:37 PM** Mr. Fernald commented that they have a lot of input already that was done to come up with the design on this floor plan. He said that, in the meantime, they need to do something temporarily for five years, or whatever is decided while they look into this project, for the ECSD.

The Chair agreed that a temporary building of some kind is essential.

Mr. Fernald said that he was sure that there was some place in Town that they could situate the ECSD but discussed that the ECSD does their work right here in Town and across the street at the elementary school.

The Chair agreed that they needed to stay at their current site, if possible, and there is land there to put a temporary structure. She asked if the Board wanted to create a committee to look at a future building.

Mr. Moynahan suggested that they needed to get through the immediate problem, first.

Mr. Murphy suggested that the ECSD would be delighted if a committee had been formed quickly. He said that it couldn't do much at first but one of its' first works could be reviewing the plan already developed to get their feet wet.

The Chair said her concern was that, so often, temporary becomes permanent and if they had a committee that was overseeing the whole picture for the future, they could work on the immediate problem of the ECSD and also how it would all fit in the future.

**8:41 PM** Mr. Fernald commented that he understood but reminded the Chair that they were all volunteers and there is a point where they all get "committed" out.

Mr. Hirst asked what square footage they were looking at.

Mr. Moynahan said that the addition in the plan is 85' x 65'.

Mr. Hirst asked if all that space was required by the ECSD.

The Board said no.

There was discussion around a modular structure as a permanent solution and that the costs associated with this option are very good.

Mr. Moynahan said that, while he was getting structural information, he would get a square foot requirement from Ms. Muzeroll-Roy and get a new build cost estimate. He added that Mr. Blanchette would be getting some of the information on a renovation and he would get the balance of it and that would give everyone the information needed, without having to create a committee, quickly, probably within a week or so, then make some decisions.

**8:45 PM** Ms. Lewin suggested that, before creating a committee, they might ask the department and the people who have been there a long time what they need and what's realistic and think of it in the framework of a pre-fab building.

Mr. Moynahan agreed that that was what he had been saying and that Ms. Muzeroll-Roy should be a part of that.

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Mr. Hirst said that, if it comes to pass that ECSD's buildings are deemed unsafe, then they would have to be taken down and suggested it could be turned over to the Fire Department for a training burn. He said that, if they were to do that, then they would not want the temporary office too close to the building. He also said that, before they consider moving the ECSD to a new location, they need to assess the degree of contamination that the current personal property of the department might be subject to, such as the computers, cardboard boxes, etc., that could carry mold spores to the new location. Mr. Hirst said that they might need to find out what level of remediation might be necessary on that property before it is moved somewhere else. He suggested that, if anyone goes into the current building, they might want to use respirators.

**8:46 PM**  
**#7**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Proposed Ordinance for Moratorium

The Chair asked if the Board wanted to introduce an ordinance to establish a Moratorium on Medical Marijuana Dispensaries.

Mr. Moynahan and Mr. Fernald said yes.

The Chair asked why 180 days and couldn't it be 90 days.

Ms. Lewin said that the bill that was passed by the people with 70% of the vote she doesn't think they knew what they were getting into – they didn't hear the whole story. She said that she was very, very concerned about it when it came in front of their committee and they worked very hard to tighten it up and do the best they could do to control it. She added that she was absolutely in favor of an ordinance and thinks it needs controlling. Ms. Lewin said that the woman who is the analyst for the Health and Human Service Committee, who has been there for many years and is very well-regarded all over the capitol, would have the rules and all that are just being made and put into place relative to that law and she could give the Board a tremendous amount of information that would be very helpful in writing an ordinance. She said that she was sure she could ask that woman to send that material along to the Board so that the Board would have the rules and the actual final law was with all of the amendments. She explained that, in the State of Maine, they spend well over \$890,000,000/year in substance abuse treatment, \$224,000,000 in criminal activity and nobody ever talked about that when that bill went before the public. She added that they heard about sick people suffering and were very compassionate and said okay, nobody thought about it. She also said that, having fussed about it a great deal on the floor of the house and being the only one to do it, she told them that when she came home she had a half a dozen messages from district attorneys all over the State calling to thank her for pointing out that stuff and saying the towns should protect themselves now because later is too late. She reiterated that she is very much in favor of doing something and she would be more than happy to ask Jane Orbiten to forward the final passed law with the amendments and to get all of the rules that have been put into place to give to the PB in helping them devise an ordinance.

Mr. McPherson clarified that Ms. Lewin was suggesting they impose a moratorium.

Ms. Lewin said that she would do it in a New York minute.

**8:50 PM**

Ms. Place said that she thinks the potential for abuse is huge.

Ms. Lewin said that she had a long talk with Chief Short because she wanted to make sure that what she was thinking was right, as well as the York Police Chief and a number of other people that she has a lot of regard for who are in law enforcement because no one in committee wanted to talk about the fact that there is a lot of criminal activity and it causes great difficulty in some of the communities. She said that they actually had a guy that had the nerve to walk into our committee room with a big aluminum case full of grass because he wanted to

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show me what it looked like. She added that nobody else was horrified by that but she told him to step back and get away from her desk or she would call a Fed to arrest him since nobody else was interested and that was the end of that particular thing. She added that he followed people out into the parking lot that sit on that committee late at night haranguing them about this bill because he wants to be one of the growers. She said that he would be the last guy in the world to do it. Ms. Lewin said that a moratorium is a very good thing but that they should be well-informed as to exactly what that is and what the rules and policies are the State has put into place. She reiterated that she would ask Jane to send all the information to the Board.

The Chair said that they do have a copy of the law, which they have gone over considerably and there are some safeguards in there.

Ms. Lewin reiterated that there are a load of rules in there.

The Chair again questioned if they needed a 180-day moratorium when a 90-day with Ms. Lewin's information should be ample, she would think.

**8:52 PM**

Mr. Fernald commented that the reason he was looking for 180 days is that this is something that is very complicated coming down and things are going to develop as they go along, as the State develops this and even the Feds may get involved. He added that this 180 days would get them to a point where they would know what the State's rules and regulations would be.

Ms. Lewin said that she would venture to say that, within 180 days, the State would have promulgated all the rules. She added that there is a good part of it that is done now, so, she will ask Jane to get a package together for the Board and then update it until the final rules are made. She said that she thinks it is very important to see that stuff.

Mr. McPherson said that that wouldn't cost them anything.

The Chair said that they would be losing a business.

Ms. Lewin commented that they let someone else have the muggings and murders and everything else that goes with it.

Mr. Moynahan moved, second by Ms. Place, that the Board of Selectmen add the ordinance establishing a moratorium on Medical Marijuana Dispensaries, as written, on the warrant article for this year.

**VOTE**

**4-0**

**Chair concurs**

**8:53 PM**

At this time, the Board signed the warrant for the Town Meeting and the ordinance, itself.

**8:55 PM**

**#8**

TO : Board of Selectmen  
FROM : Truck Fuel Bid, no correspondence  
REF :

Mr. Blanchette said that, in reviewing what they have right now, it is his opinion that they would have to buy the present tank and pump in order to go out to bid. He added that he has asked them for a price on that so that this Board could make a decision as to whether they want to proceed with it or not but he has not received it yet. He added that he would follow up to make sure they have that for the next meeting.

Mr. Moynahan, discussing the physical building, said that the structure is simply bolted to a foundation and is a small structure. He said that they could simply unbolt it, use a frontend loader to lift it with crane straps with no cost to remove

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it. He also added that the structure is completely separate from any other structure.

**8:57 PM**  
**#9**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Warrant Review, June 10<sup>th</sup> meeting to choose articles to move at Town Meeting

The Chair asked if there was anything that needed to be brought up. She said that it was a somewhat awkward meeting because it is in between Election Day and before anyone gets sworn in to the Board. She asked if they even wanted to hold a June 10<sup>th</sup> meeting or do one just for warrant reviews.

Mr. Fernald said that, personally, if they don't need a meeting, then he would be glad not to go.

The Chair agreed and said that if they spend another 15 minutes on the warrants they should be in good shape.

There was consensus that the Board would not meet on June 10.

**#10**

TO : Board of Selectmen  
FROM: Memorial Day, no correspondence  
REF :

The Chair said that the parade starts at 9 AM at the elementary school and the ceremony will be at the library.

**Selectmen's Report:**

**8:58 PM**

The Chair reminded Board members that they need to sign the warrants every Thursday or by 7 AM Friday morning. She emphasized that this has to be done otherwise people don't get paid and bills don't get sent out.

Regarding the warrant process at Town Hall, Mr. Blanchette said that someone needs to say that they would move the article so that the moderator will know ahead of time that there is a person that would stand up and say, "I move the article."

Mr. Blanchette took #'s 3, 20, 24 – 28, 32-35, 40 & 43.

Mr. Moynahan took #'s 4, 6, 11 (Bill), 12-14 (backup), 30, 36 & 42.

Ms. Place took #'s 5 & 8.

Mr. Fernald took #'s 7, 18, 23 & 29 (Steve B.).

Ms. O'Donoghue took #'s 19, 22, 31 & 41.

Mr. Muzeroll took #'s 9 & 10.

Mr. McPherson took #'s 15 & 16.

Ms. Muzeroll-Roy took # 17

The Library will do # 21.

The PB will do #'s 37 -39.

**9:06 PM**

Mr. Blanchette asked if any of the five members would be interested in meeting with the Superintendent's Office on a crash course on State funding.

Mr. Moynahan said that he would be interested but it would depend on when.

Mr. Blanchette said that he would get that information and get back to the Board.

Ms. Place said she would be interested.

**Executive Session**

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**9:08 PM** Mr. Moynahan moved, second by Ms. Place, to enter into executive session as allowed by MRSA 405.6.A ...discussion for consideration...disciplining...resignation of an individual or group...

**VOTE**

**4-0**

**Chair concurs**

**9:25 PM** Out of Executive Session.

**9:27 PM** Mr. Moynahan moved, second by Mr. Fernald, to enter into executive session as allowed by MRSA ?????

**9:44 PM** Out of Executive Session.

**Other Business as Needed**

There was none.

**Adjourn**

There was a motion and second to adjourn the meeting at 9:45 PM.

**VOTE**

**4-0**

**Chair concurs**

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**DATE**

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**Roberta Place, Secretary**