

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**December 29, 2009 6:30PM**

**Quorum noted**

**6:35 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)**

No minutes were approved at tonight's meeting.

**New Business:**

**6:40 PM**

**#1 Senior Citizen Concerns – Doris Grover**

The Chair recognized Doris Grover.

Doris Grover said that they were present tonight because they wanted a better understanding of why Julie Taylor is apparently going to be removed from the Rec. Department due to lack of funds. She added that she understands the department needs \$10,000 more and they have written for grants, but she has not heard anything more about that. She said that they were here to discuss finding a way to keep Julie Taylor. Doris Grover said, to her and the other seniors, Julie is a good person and she does not believe they could find anyone any better to take as good care of us, accept us as she does and we accept her, too. She reiterated that she would like to know if there is any way that the Town can find to keep Julie with them.

Mr. Moynahan said that Heather Roy was on her way.

The Chair said that they are trying their hardest to keep these programs going and, as she understood it, it was a question of cutting hours and not the whole program, but that Heather could clarify this when she arrived.

Nancy Shapleigh commented that she thought it was unconscionable to even consider cutting spending money for senior citizens. These people have earned what little they get from this community. She said that the Town spends a huge percentage of our tax dollars on the school budget and the children. She added that she wasn't looking to take anything away from the children. However, the Town just voted to spend over \$3,000,000 on air quality in the schools and she believes the Selectmen should be fighting tooth and nail for the senior citizens to, at least, keep the programming they now have. She added that she knows two of the people here tonight never had children and never put any kids through our school system but paid into that system and other areas with their tax dollars. She commented that she believed it was time for the Town to take a hard look at something else but not the senior citizens.

Mr. Moynahan clarified that this is not cutting a budget or taking any money. He said that the Enterprise Account is a self-funded system and the money generated through that fund staffs for the programs that are utilized. He added that we are in a current budget year, we have voted to appropriate x amount of dollars and we cannot take money out of one category to pay for another category that is going to have a shortfall. He said that we are coming into the new budget season and if there is going to be an ongoing concern regarding programs and funding, etc., then that is something the department would have to work out and bring up a request for full funding for staff.

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Nancy Shapleigh asked Dan Blanchette, through the Chair, if there wasn't some way to find the money, whether through an emergency fund or some other way. She said that she believes the law allows the Town to spend more than the budget on different things.

Dan Blanchette commented that he wasn't sure where they might find the money. He clarified that the set-up for the enterprise fund is as a self-generating income and applying that income to expenses. He said that there are only two items or warrant articles that are allowed under state law to overspend and that is streets and roads (such as snow) and general assistance. He added that the enterprise fund is not even a warrant article but a whole separate thing. He said that, whether or not there are any funds somewhere that could be moved to rejuvenate the enterprise fund, then that would be something they would have to look at and the Board would have to see if it was viable. He added that the only thing that comes to mind is the contingency fund.

One audience question was how come the departments, in this case the Eliot Community Services (ECSD) Department for the seniors, haven't been proactive or why aren't we proactive as a body to look at issues before they arise and get to the current situation. He said that he has lived in Town for six years and he believes the ECSD operates now as it did six years ago. He also asked how we can continue, as a community, to give free activities (annual Halloween party, annual Easter egg hunt, etc.) through the enterprise account and get to a point where a whole group of individuals that pay into that account are going to be lost.

The Board agreed that would be a good question to address to Heather Roy when she arrived.

Another member of the audience said that she and her sister have taken part in the senior program for the past five years and that it has been a joy to them. She added that they have gone places and done things they would never have been able to do without Julie's help. She said that she does believe they pay their way as they contribute money towards the trips. She said that Julie knows how to treat senior citizens and have had a wonderful time with her.

Mr. Moynahan said that he does not believe there has been any talk about senior programs disappearing.

Doris Grover asked who would go with them.

Mr. Moynahan said that we would ask Heather Roy that question. He added that, currently, the available funds are limiting the program and she will have to make choices and manage her department accordingly.

The Chair welcomed Heather Roy and commented that she wanted to clarify that the senior program was not going to be eliminated.

Mr. Moynahan clarified that these folks shared that there is a \$10,000 shortfall for funding that staff member for the balance of this fiscal year.

Heather Roy said that she isn't sure where that figure for that issue came from. She clarified that, currently, her enterprise account is just below \$10,000 and the account is not supposed to go below \$10,000. She added that she absolutely does not have any plans to stop any senior programs.

Mr. Moynahan clarified that her enterprise account is diminishing and would need to retool her department as she sees fit.

Heather Roy said yes to both.

Mr. Moynahan clarified that there would be someone to handle senior events just as there is someone to handle youth events.

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Heather Roy said yes. She clarified that, before they had Julie on board, there were three people in the office doing the senior program. She said that that is not to say that she wants to eliminate any positions but the senior programming will not end, the same things will be continuing.

A senior member of the audience asked who would organize the trips. She added that this is something they never had before Julie came aboard and it is very enjoyable to all the seniors. She said that, if they lose Julie, then they would lose a lot.

The Chair asked Heather Roy if it was true the seniors did not have the trips before Julie.

Heather Roy said yes, that Julie implemented the overnight trips, etc. and those things would probably be altered. She clarified that, as she discussed at their meeting together, the programs would go on but they would not be the same.

The Chair asked if Heather Roy anticipated continuing to run those programs.

Heather Roy said yes, she does. She clarified that two positions work in the office – our youth coordinator position is run through revenue, as well as Julie's position. She said that Julie's position had a shortfall of \$13,000 last year because she runs both the special events and the senior programming and neither of those brings in any revenue. She added that half of the salary for the youth coordinator position is supported by York Hospital. She said that the key is to find funding from such as York Hospital or a bank that would help support senior programs.

A member of the audience said that it was his understanding that the fees the seniors pay for their activities support that part of the program but that there is no support for the part of the program Julie does for the Town community events. He asked, if the Town isn't supporting the community events, what generates those programs to continue.

Heather Roy explained that, for the past three years, they have had Kennebunk Savings Bank paying for all the special events, which helped with the salary. She said that, in 2009, ECSD did not get any money from Kennebunk Savings.

Ms. Place asked if this was something that they should go out and solicit funds from organizations, etc.

Heather Roy said yes and that she has been doing that since August, writing many letters and that grant opportunities for the next fiscal year are just starting to come in that she is working on. She added that they have a couple of little solutions to get them through a couple of months but nothing sustainable.

Doris Grover clarified that, if she heard right, there is no money coming in for the senior programs but there are for some of the others, such as the kids paying for their soccer, as an example, but we don't pay anything towards our senior citizen programs.

The Chair clarified that the seniors do help support their programs but it is not enough, apparently.

Doris Grover clarified that it didn't sound like that but that we didn't support our program and we may not except in our taxes but we pay for whatever we do. She commented that she thinks it's almost nasty to expect senior citizens to pay for their senior citizen projects that are run by the Town. In talking to Heather the \$10,000 that we needed which would probably excluded Julie from working with the senior citizens, would lose her her job and she feels strongly, as she thinks the others do, that she doesn't want to lose Julie because of the \$10,000. Doris Grover said that she feels strongly that the Town should, in one way or another, find the \$10,000 to keep the senior citizen programs so we can keep Julie. She added that she knows it isn't easy but she believes the Town should really try to find the \$10,000. She commented that she thought it was great that Heather was writing

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for grants but they want somebody that will go on trips, get out of the little jalopy that we use, go with us wherever we're going and Julie is very accommodating.

A senior member of the audience commented that, before Julie came, the seniors ran their monthly meetings, themselves, and it is very hard to run the meetings if you are a senior, yourself. She added that Julie was the one that fit in great and has taken care of our needs.

The Chair asked if there was anyone else that has been on the staff for a while that could do the same thing for you.

The senior audience member said, if they would, but whoever it is would have to understand that we are seniors. She added that Julie gives her all to us and explained that, if we forget our sweaters she goes back to bus for them and she doesn't plan anything for us that she knows we cannot handle.

A member of the audience asked, if Julie loses her job and her job is split among the other three that are left, are they going to work for the same salary they get now with the additional workload.

Mr. Moynahan asked Heather Roy if they were talking about terminating or letting Julie go.

Heather Roy said no and she was confused about the discussion around losing Julie. She clarified that the conversation has been that we are looking for funding, there was a discussion of a layoff with this Board and that has been communicated to Julie, but there is no timeline, no termination discussion and we are looking for grants as we speak. She added that this is not something she wants to do by any means.

Mr. Moynahan clarified that Heather Roy indicated at their last meeting that the solution that may work after your department gets through this hurdle is to get that position back to a part-time position like it was when she was first hired.

Heather Roy said that the option that was suggested when we spoke before was that to cut the position from 30 to 15 hours per week, which was the original position.

Mr. Moynahan agreed that the original position Julie was hired for was 15 hours and that the program grew and now that funding has decreased that position may have to be altered to what her hours were.

Heather Roy agreed.

Ms. Place clarified that, as of now, that position is 30 hours a week and her hours have not been cut.

Heather Roy agreed.

Doris Grover, speaking through the Chair, said that she was under the impression that when she was in talking with Heather that she had until January 31<sup>st</sup> and, if the funding didn't come in, then that would be the...

Heather Roy explained that most of the grant cycles begin at the end of January, so she and Julie gave themselves a deadline of the end of January to get some sustainable grants underway because most of them take four months turnaround to have any sort of answers, so there are no intentions of letting her go at the end of January.

**6:55 PM** Nancy Shapleigh said that she still thinks, yet she doesn't want to shortchange the children around here, that when you consider the percentage of our budget that goes to the school system, then maybe we need to put something in a warrant article that supports a driver and/or an organizer for the senior citizens. She commented that Heather has said that Julie has initiated other programs and you

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have heard all these other people say how much she seems to be caring, has time for them and are people who are already busy going to have the time to babysit them as she does, and she included herself in this, too. She said that she believes these people deserve enough money that they don't have to raise through the enterprise account or whatever it is. She added that they deserve enough in the budget from the Town's tax, from the general revenue, so that they can continue with this. She said that our senior citizens have earned this and it is time we paid up.

Mr. Moynahan said that, addressing Heather Roy, he thought that was a great idea and she could certainly support that with a warrant article for her budget for this coming year but they were still looking at right now. He reiterated that, looking at the new fiscal cycle, he thought it was a phenomenal idea and it could be separated so that people know the reality of it all – that this money is for senior programs and nothing else and that is what that money would be used for.

Heather Roy said that, presently, there is an amount allotted, while not knowing whose budget it is allotted out of, of \$1,500 or \$1,200 set aside for senior something in the Town.

Dan Blanchette said that he thinks it is under the general article for, possibly, outside agencies, maybe, or Town agencies.

A member of the audience asked why our Town wasn't looking at other opportunities to better fund not only programs we have done in the past but other departments, such as working with other communities to do things bigger and better. He cited several examples: subcontracting to South Berwick or Kittery to use them for whatever a slow police time would be to cover our area instead of having to use overtime; work with Kittery or South Berwick to do better activities for the community that we have done in the past like the Christmas Tree Lighting; consider doing something with our town dump and the Kittery town dump since they are a mile and a half apart. He clarified that he was asking why, as a board, as a community, are we not looking to consolidate our costs so we don't have these issues.

The Chair clarified that they have been looking at those very things for about a year.

A senior member of the audience commented on her frustration that it did not seem as though the Town was looking ahead to see where their money was going, citing irrigation work to be done at Frost Tuft's Park as an example.

Heather Roy clarified that the Frost Tuft's Park irrigation project was going to be funded by donations, as there is no money in the parks budget to do this project.

Mr. Moynahan clarified that Julie is still at the same employment status, no termination or reduction of staff would be done without having approval from the Board and any reduction in hours would be communicated to the groups affected.

Heather Roy agreed.

A senior member of the audience discussed that Julie had set up for the seniors to have a free dinner and tour of Kittery Estates on January 16<sup>th</sup> and Julie will not be able to go as she will not be able to be paid and that is not January 31<sup>st</sup>.

Heather Roy clarified that every program her department runs has to support a salary and, in this case, the trip is generating no revenue as we are not charging the seniors but we still have to pay for the bus and gas and 3 hours of salary for Julie's time. She added that she did not know why the event was cancelled.

A senior member of the audience commented that they could not go to these kinds of events unless Julie picked them up with the bus, as they cannot walk too far. She added that Julie has been very good to them.

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The Chair said Heather Roy and the Board will work hard to keep as much going as possible this next year.

Nancy Shapleigh commented that this is a classic example – these ladies get a chance to have a free meal and they are all on fixed incomes and we can't afford to pay someone to take them down and help them in and out of building and do the things they need to – that's pretty cheap.

The Chair agreed.

Mr. Moynahan asked Heather Roy if there was any chance of adjusting the schedule for that week and have a lengthier day for that position to do this.

Heather Roy said that our staff schedule goes around programming, so that has never been an issue.

Doris Grover clarified with Heather Roy that, if all of the seniors would pay so much to use the little bus, say \$5, then Julie would have been able to take them.

Heather Roy agreed.

The seniors agreed they could do that.

The Chair said that it seemed that there was some lack of communication here, maybe. She asked if the seniors had an actual committee or chair or spokesperson.

Doris Grover said that Julie runs their meetings.

The Chair suggested the seniors have direct communication with Heather Roy to get clarification, express their viewpoints and let her know what they wanted in programming.

Ms. Place asked Heather Roy if there was something in place for volunteers to step in for something like this or is that an insurance issue to drive that bus.

Heather Roy said yes, that right now she doesn't have anyone but staff drive the bus.

The Chair commented that we could look into the insurance aspect of this, that maybe an insured, certified volunteer driver might be found.

Nancy Shapleigh commented that Julie knows these people – she knows who has a bad heart, she knows who has what problem they have, she can take care of them. She added that you can't have someone just willy-nilly doing that. She said that, as a person with limited sight, she finds a lot of people think they know what they can do to make her life a little better and most of them are 100% wrong. She said that you need one person, or two, that know them well to help them so that their trips are enjoyable. She commented that, as you get older, your needs change and she thinks it's wrong to think that you can fill in with volunteers. She did say that volunteers was a great idea but she felt it should be in some other program and raise the money for the senior citizens.

Mr. Moynahan commented that he thinks, moving forward, especially coming into this new budget season, that we will have a separate warrant article that would go to the voters that would be specifically for senior programming. We have heard the concerns and know what limitations that department has as opposed to seeing a declining or increasing enterprise account, which we never put names and faces to. He said that now we know there are more real issues out there for a large group of the population and he believes that will garner a lot of support from the voters in Eliot to fund a program like that.

Doris Grover said that she personally feels that they have had the chance to talk about their ideas and voice their concerns and that they have been heard. She

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added that they certainly didn't mean to offend Heather Roy as she thinks Heather does a good job.

Heather Roy said that she wasn't offended at all.

Doris Grover said that they do like Julie, we don't want her to lose her job, not because we don't want her to lose her job but because we don't want to lose her, as we are all like one big happy family with the care she takes with us. She added that they would like to see \$10,000 put into the department for Heather so that we can have Julie go with us, take care of us like she does. She said that they don't want some young twirp that will drive the bus and sit there while we are out trying to find our way.

A senior member of the audience said that there are only a few of us seniors here tonight, that there is a good group of us and we all feel the same – we don't want to lose Julie.

The Board thanked the seniors for their time and comments.

**7:10 PM**  
**#2**

TO : Board of Selectmen  
FROM : Letter from Stephen Beckert  
REF : Comp Plan Committee appointment

The Chair said that the Board has a request from Stephen Beckert to join the Implementation Committee, who we all know and love and has been on just about every single board in Town. She said that he is still very involved in the Town and would like to be a part of this committee.

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

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

The Chair said that the Board would inform Mr. Beckert of his appointment.

**7:12 PM**  
**#3**

Update on Eliot Community Television Committee

The Chair said that they are not here and will hopefully be here on the 14<sup>th</sup>.

**7:13 PM**  
**#4**

Standing on Schiller Power Plant, See Correspondence #1

The Chair said that the Board received a response to their letter to the Attorney General in Augusta concerning the problems with the Schiller Power Plant, the noise issue in particular. She clarified that the Town was trying to determine if they have legal standing as an abutter. She said that the response was from Assistant Attorney General Reid saying, basically, he is not in any position to advise the Town as to whether we have standing as an abutter but she said that he writes: *"Very generally, I would note that the concerns you raise in your letter implicate questions about common law public nuisance claims as well as potential private nuisance claims, jurisdictional issues associated with interstate litigation, and potential federal preemption, especially under the Clean Air Act."* She added that he goes on to say how complex they are but they have been addressed around the country. The Chair said that they then sent this information to one of the Town attorneys, Chris Vaniotis, who has come back with a letter saying that the bottom line is that it is a complex area, both legally and technically, and any litigation over the problem would certainly be very expensive. She quoted Mr. Vaniotis by reading: *"However, if the Town should ever choose to pursue a remedy in court, the fact that the plant is across the river*

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*and in another state would not prevent the Town from seeking relief.” She said that this gives us a bit more legal standing than we thought we had, so that’s a good thing.*

**Executive Session**

**7:14 PM** Motion by Mr. Moynahan, seconded by Ms. Place, to enter into Executive Session as allowed by 1 MRSA Section 405.6.A. “Discussion...employment, appointment, assignment, duties...compensation...”

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

**8:19 PM** Out of Executive Session

**8:20 PM** Mr. Moynahan moved, seconded by Ms. Place, to hire Candace Noble as a patrolman at Step 4 at a pay rate of \$21.42 per hour.

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

Mr. Moynahan moved, seconded by Ms. Place, to honor Detective Currans’ request for assignment to the Maine Drug Enforcement Agency with the timeline for departure to be at Chief Short’s discretion. This assignment is 100% reimbursable for Eliot benefits by Maine Drug Enforcement Agency Rider A.

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

Mr. Moynahan moved, seconded by Ms. Place, to allow Chief Short to advertise for a patrol opening and a secretary’s position for his department.

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

**8:25 PM** Motion by Mr. Moynahan, seconded by Ms. Place, to enter into Executive Session as allowed by 1 MRSA Section 405.6.A “Discussion...compensation, evaluation, disciplining...”

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

Ellen Lemire asked to speak before the Board deliberated.

The Chair agreed.

Ellen Lemire asked how long the Board thought they might be in executive session this time, as she and Dan had talked briefly about me leaving now instead of waiting for the end of this session.

Dan Blanchette added that, if the Board is not anticipating a motion, then we could allow her to go home.

Mr. Moynahan said that there would be no motions.

Dan Blanchette said that he would record the time the meeting is adjourned and so forth.

The Board agreed that Ellen Lemire could go home.

**8:54 PM** Out of Executive Session

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**Adjourn**

Motion by Mr. Moynahan, seconded by Ms. Place, to adjourn the meeting at 8:55 PM.

**VOTE  
2-0  
Chair concurs**

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**DATE**

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**Roberta Place, Secretary**

Note to Mike: Your guess adjourn time was for 8:41 PM...