

BOARD OF SELECTMEN'S MEETING
May 13, 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)

6:33 PM Motion by Mr. Fernald, seconded by Mr. McPherson, to approve the minutes of April 22, 2010, as amended.

VOTE

4-0

Chair concurs

Public Comment:

Ms. Jacques commented on an article she had recently seen concerning bedbug issues in Eliot and asked if the health officer was aware.

The Chair said that the health officer was aware of and working on the problem.

Department Head/Committee Reports

6:34 PM The Chair invited Mr. Marchese to speak.

Mr. Marchese apologized for the lateness of their memo and hoped they Sewer Committee could get some feedback from the Board on a few issues. He said that, based on what has been done to-date, the odor issue has been resolved for now. He added that he has personally interviewed two people who live in the neighborhood and both have indicated that they have not noticed a problem with odor for a period of time. He said that they would continue to monitor the H2O level to make sure it does not creep up on them again.

The Chair commented that the time between readings this time was about 15 months and asked if there was any way readings could be done 12 months apart.

Mr. Marchese said that he wasn't sure what agreement was made by the owner of the private sewer system with the Board. He said that the sewer system has been completed but the Sewer Committee has not had time to review the mapping for completeness. He added that it is available and is being used in the TIF study. Mr. Marchese discussed the last issue, which is the inflow infiltration problem with the sewer system. He said that there have been three mailings to the users requesting they voluntarily allow the CEO to inspect their homes. He said that the program has been somewhat successful in that 240 homes of 535 have been inspected and, in those homes that had incorrect connections, those have been corrected. He added that, according to Don Sylvester, that has made a difference. He said that the Sewer Committee made two recommendations in the Memo to get the other 300 homes inspected. He said the first was to utilize the recent mapping effort to go visually look at the sewer system during major storm events to try to pinpoint neighborhoods or areas where there is excessive inflow. He said that then they would review completed home inspections and mail the remaining people that their billing will go up if they do not allow home inspections. Mr. Marchese said that the other option is to simply raise the existing sewer rates to offset the cost of the inflow to the 300 users that have not allowed inspections.

Ms. Place asked what the reason was for the people not allowing inspections.

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The CEO said that they just have not responded to the three mailings and, of all those mailings, only 240 users responded.

Ms. Place asked what problems were found.

The CEO said that some people had their sump pump hooked up to the sewer system, sometimes there was a floor drain that was still hooked into the sewer system. He added that the majority of those have not been corrected but there were only 12 or so that had that problem.

Mr. Fernald recommended sending another letter indicating that, if they do not respond within a particular time-frame, then their rates would possibly be raised.

The CEO clarified that all three mailings did say that there was a possibility of a rate increase if they did not comply.

6:43 PM

Mr. Moynahan commented that they did have this discussion two years ago and it seems to have taken a long time to get responses. He said that the homeowners were notified properly and they have had plenty of time to respond. He added that the Board has the authority to raise rates, this is costing the Town money and people are not complying. Mr. Moynahan said that he believes the letter should be specific that the Board will raise the rates.

The CEO said that he believed they would get a lot of people responding to that.

The Chair agreed and added that the mailings and additional time spent by the CEO on this is also costing the Town money.

Ms. Place asked if it would be effective if, when the mailings went out, a specific date/time appointment was included for inspection.

The CEO said that that would be pretty hard to do because people work. He added that it works pretty well if people call him and between them they work out a time.

Mr. Fernald discussed a particular instance where he knows of one person who works two jobs and can only be available on the weekends.

The CEO said that he would certainly work something out and might get someone like Don Sylvester to do the inspection. He added that he has worked things out where people have had that situation and met them in-between their jobs.

The Chair clarified that she was hearing from the Board that the letter should say that rates would be raised if people did not comply.

Mr. Moynahan said that he believed they should say that sewer rates will be raised if compliance doesn't occur within a specific timeframe.

The CEO voiced his concern with a timeframe because, with 300 homes, inspecting them would take some time.

The Chair suggested the words could be "respond within a certain time".

Mr. Marchese asked if the Board wanted to know what kind of fees would have to be charged to offset the cost of infiltration as the rate increase would have to be justified.

The Chair agreed that would be good information if the Board found they needed it.

6:47 PM

The Board agreed by consensus to the wording and having the Sewer Committee research offset costs.

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Mr. Blanchette discussed a letter from Heather Muzeroll that was informing the Board that Gary Parmley was resigning effective two weeks from Monday May 10. He said that the letter discussed that this is a critical time of the year and would like to have someone in that position by Memorial Day weekend. He explained that she would like to be authorized to hire Brian Holt, who is currently an Eliot firefighter and plows for the Highway Department. He commented that Mr. Holt is already on the Town payroll and that Ms. Muzeroll would like him to be ready to work in two weeks and be paid a starting rate of \$13/hour.

The Chair asked how that hourly rate matched up with normal scales.

Mr. Blanchette said that he wasn't sure how this matches up with the regular scale and he doesn't know what Mr. Holt is currently getting for pay.

Mr. Fernald clarified that this is a part-time position.

Mr. Blanchette said that he believed it was.

Mr. Moynahan said that, as long as it doesn't cost more than it currently does, he does not have any problem.

6:49 PM Mr. Fernald moved, second by Mr. McPherson, to authorize Heather Muzeroll to hire Brian Holt at \$13/hour.

VOTE

4-0

Chair concurs

Mr. Blanchette said that he had the warrant for the school budget vote for the Board to vote on and sign for authorization/notice of election for the Town Meeting.

Mr. Moynahan moved, second by Mr. Fernald, to sign the Warrant calling for Budget Validation Referendum Vote for SAD 35.

VOTE

4-0

Chair concurs

At this time, The Board signed the warrant.

Old Business (Action List):

6:52 PM A. Business Registration Ordinance – Paul White

The Chair commented that the CEO had gotten some good research on what other towns are doing and how they are doing it. She added that the State uses a form that she thought might be appropriate for Eliot to use.

Mr. McPherson said that, on reading the proposed ordinance, he does not see any exceptions or exemptions. He also said that he was troubled with the words "This shall extend to grandfathered or current businesses", as he believes this would wipe out some of small contractors in Eliot, such as Grover Construction and Shapleigh Construction, who would have to go before the Planning Board (PB) to renew their licenses, as stated in the proposed ordinance. Mr. McPherson said that he doesn't believe this is any time to be putting in fees and licenses.

Mr. McPherson moved, second by Mr. Fernald, to indefinitely postpone consideration of the proposed Business Registration Ordinance.

The Chair pointed out that the State form is currently being used by the Eliot Clerk's Office.

Ms. Place confirmed that this was so.

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The CEO confirmed and is done on a more-or-less voluntary basis and, in most cases, it is because the State requires it, such as with daycares, but the Town doesn't get them all.

Mr. McPherson commented that that seemed to be working and asked why a need for an ordinance.

The Chair clarified that they were not getting every business.

Mr. McPherson said that this would end up with hiring someone just to do this and would cost the Town money. He added that he did not feel, in the economic times everyone is going through, that the Town or State or anybody should be adding fees.

6:58 PM

Ms. Place said that, after seeing the current registration form, she did not see any reason for not leaving it the way it is. She added that even the Chief said last time he was more worried about what people have in their homes rather than businesses.

VOTE
3 for-1 opposed
Chair stated that this is tabled indefinitely

B. Job Review Form - ongoing

C. Sewer Contract with Kittery - ongoing

D. Combining Town positions/outsourcing with surrounding towns - ongoing

E. Firearms Ordinance – Mr. Fernald - lead

Mr. Fernald said that he has talked with several people who are interested in this and he would like to put out a request on the website for interested people who would like to become committee members, as well as be at the polls to talk to people about this.

Through the Chair, the Board agreed.

F. Harbor Master – Mr. Moynahan lead

Mr. Moynahan commented that he believed that, at the last meeting, the Board agreed with Mr. Hirst's recommendation to follow up with MMA.

Mr. Hirst said that he had heard from MMA and that they said that the Town insurance would cover both Worker's Compensation and Public Liability for the operation of non-owned boats, so the Town policy will cover the Town for the exposure. He clarified that he raised this issue, initially, and said that they should contact MMA to ask them about it and the Board asked him to hold off because it might open a kettle of worms. He added that, when they discovered the Police Chief was not happy about having the Harbor Master out from under his control, the Board authorized him (Mr. Hirst) to go to the MMA, so he did and the MMA said the Town should not have any problems. He commented that he may have raised the panic alarm unnecessarily but at least it was a conservative approach and he believes this issue is resolved.

The Chair thanked Mr. Hirst and requested Mr. Blanchette to take this item off the Board Action List.

G. Consent Agreement – Subcommittee: Mr. Moynahan, Ms. Place and Mr. Murphy - ongoing

H. Solid Waste Alternatives – Solid Waste Committee

The Chair said that they have not met but did get the memo from Mr. Tessier.

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7:02 PM I. Consent Agreement – MB Tractor

The CEO gave two copies to the Board members for their signature and said that MB Tractor has given the Town a check that he has held onto until the Board signs the agreement. He added that this would be recorded in the Registry.

Ms. Jacques asked if there was a figure on that check in relation to the C.A.

The CEO said that the check was for \$2,325 and was for attorney fees.

New Business (Correspondence List):

7:04 PM

#1

TO : Board of Selectmen
FROM : Piscataqua Homes
REF : Sawgrass Lane

The Chair discussed that this was a request to accept a private road as a Town road. She said that the construction of this road was a bit different from the plan in that a portion of it was super-elevated instead of crowned. She asked Mr. Blanchette what the first step was in this process.

Mr. Blanchette said that one of the first steps was to send it back to the Planning Board (PB) for their review and report their findings back to the Selectmen. He added that, in the meantime, they would gather letters from Mr. Shapleigh, Mr. Short and Mr. Muzeroll stating that it does or does not meet with their particular approval. Mr. Blanchette said that the Board also needs a written description from the owner that would be used to transfer the deed to the Town. He said that, at that point, the Board would review all the paperwork to check for any problems. He added that he has included the letter from the engineer because some members of the Board have a problem with the letter and the owner and a representative from the engineering firm is here tonight and could answer questions the Board might have.

Mr. Muzeroll said that, as the Fire Chief, he went down and looked at this road but he has no criteria to go by in making a decision about the adequacy of this road.

The Chair said that, when she was on the PB, the criteria was whether the fire truck could go in there, turn around, and come back out again.

Mr. Muzeroll commented that he did go down and inspected the road with a fire truck but he isn't sure what that means, as they can drive down his driveway and turn around even though it doesn't meet Town requirements. He clarified that if there are criteria to be met from the department heads and emergency services in inspecting roads for this purpose then he would ask that those criteria be provided.

The CEO said that he could give Mr. Muzeroll a copy of the PB decision and the plan.

Edward Brake, with Attar Engineering, said that he believes this road meets the Town standard for a Minor Road, based on the trips per day.

Mr. Moynahan said that the question he would have is, if the PB approved the road to be a crowned road and now a portion of it is super-elevated, did that get PB approval to have that change done. He added that there are certain standards for a certain design and, if a change is made, it would require someone to approve that change and asked if the CEO approved those types of changes during construction.

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The CEO said no and added that he did hear Mr. Blanchette say that it would go back to the PB and they would probably address that. He said that as long as the engineering firm could give the PB an as-built drawing and the PB thought that met the requirements of the ordinance, then that would be the place to do that.

Mr. Fernald asked if Mr. Muzeroll had been involved with inspecting private roads for Town approval before.

7:12 PM

Mr. Muzeroll said that he had. He said that he has raised this issue before. He clarified that he can drive by and, in this case, he measured the road at what he perceived to be the narrowest point, which was 18 feet. He said that a fire truck can pass at 18 feet but they can pass at 8 feet if there is traffic control. Mr. Muzeroll said that his comments were not a reflection on this particular project. He said that they took two trucks down there the other day and they passed each other and didn't clip each other's mirrors, nobody got hurt and nobody went off the side of the road, so he assumes it is adequate but when he is tasked to inspect something he would like to know what he is inspecting for. He said that, if the Board wants the departments to do things, tell them what it is the Board wants them to do, then there will be no question at a future date as to what criteria it was inspected to.

Mr. Fernald said that he thought they should start the process and the process would take care of itself.

The Chair agreed.

Mr. Fernald clarified that this is not something that the owner expects will be at the coming Town Meeting.

Mr. Blanchette said that they could have that expectation but it would not happen.

Mr. Blake said that it was his understanding that they could have it on the warrant for November.

The Chair said that that might be possible. She assured Mr. Blake that they would start the process.

7:14 PM

#2

TO : Board of Selectmen
FROM : Paul White
REF : Norton Garage

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.

The CEO discussed that, with anyone he has worked with for several months and, in this case, more than a year, he comes before this Board because he just can't get any resolution. He said that he had asked the Board to allow him to call the Town attorney to start proceedings, which usually gets people to listen to him more. He added that they tried to get them to amend the plan, maybe get more parking spaces and, since that meeting, he has noticed a lot more activity in the opposite direction at the Norton Garage, working more hours and parking more cars than they did before. The CEO said that he was asking the Board to allow the process to take its path and go to the Town attorney to start legal proceedings and see whether that makes a difference because the ultimate goal is to get compliance with the ordinance and PB approval.

The Chair agreed that she believed they had given Mr. Norton as much leeway as they could. She added that it was not fair to let him do something that they come down on for someone else doing the same thing.

Mr. Moynahan agreed and said that they gave Mr. Norton time to correct the issues and he has not so the Board has no choice but to do their job.

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The CEO discussed that another business in Town has come in recently to ask what he needed to do to put in another lift but that Mr. Norton did not do that before he put in a second lift. He said that, if Mr. Norton had come in before he put the second lift in, he believes the PB, during their review process, probably would have said no because it would make Mr. Norton have more cars. He added that, by doing that on his own, it created more of a hardship for him because now he has another mechanic and more customers. He clarified that that is the sort of thing he can help people with, preventing them from getting to that point of having that much impact on the neighborhood.

The Chair said that she would entertain a motion.

7:18 PM Mr. Moynahan moved, second by Mr. Fernald, to go forward with legal action against Norton's Garage.

VOTE
4-0
Chair concurs

#3 TO : Board of Selectmen
FROM : Baran Place Subcommittee
REF : Sewer Charges at Baran Place

Mr. Blanchette said that the subcommittee met with Dr. Higgins to look at this issue and ultimately decided that the 41 units equal 41 bedrooms using three bedrooms as an average house. He added that this would transfer in to 13 2/3 units and would change the fixed cost from \$2,050 to \$683.30. He explained that there are a couple of reasons to look at this situation differently and that is that Baran Place is a non-profit elderly housing unit that is federally subsidized and there is only one meter for the whole complex. He added that their water usage doesn't quite come up to 13 units. Mr. Blanchette said that it was the recommendation of the committee to form a separate classification and the Board has the authority to do that under the ordinance.

Mr. Fernald moved, second by Mr. McPherson, to add this separate classification of non-profit elderly housing unit that is federally subsidized for fixed costs using the three-bedroom average and applying a three-to-one unit usage.

VOTE
4-0
Chair concurs

Mr. Moynahan asked if it was time, considering the decrease in rates for Baran Place, to look at sewer rates for the Town, as a whole.

Mr. Marchese said that that was something the Sewer Committee planned to bring to the Board in the near future.

Mr. Fernald asked if the Board would mind if he attended the next Baran Place Board meeting to explain the fixed cost change.

The Board agreed.

Mr. Fernald asked if this was effective as of their vote.

Mr. Blanchette said it would be effective as of the next quarterly billing, which would go out in July.

#4 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Checking MV records

Mr. Blanchette said that the Town now has an account and can do the motor vehicles record check. He clarified that the Board needs to decide whether they want each department to do their own or authorize one person to do the check. He

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explained that this process would necessitate a copy of the driver's license and whoever has the authority to do the check would be able to go in a get a copy of the motor vehicle record for that individual. He added that the only glitch is if that individual is not a resident of Maine, then they would not be able to access that record.

The Chair asked if this would be appropriate for the police department to handle.

Mr. Blanchette clarified that the police department uses a different system and they are not allowed to use that system for this type of record search, which is why the Town would have to go through the InfoMaine System. He added that the other issue was who would review the information and what criteria would be used to evaluate the information once it has been received.

Mr. McPherson asked who would be checked.

Mr. Blanchette said that anyone who has authorization to drive a Town vehicle would be checked, which would be approximately 70-80 people in the various departments.

The Chair asked if this would have any influence on the Town insurance rates.

Mr. Hirst said it would only as an overall protocol on safety and just doing what's right as an employer to avoid any assertion under the legal theory of "negligent entrustment".

7:27 PM

Mr. Muzeroll said that he was confused as to what the driving factor is for this and asked what would be gained. He added that, as long as one of his employees is not being convicted of a felony, then that employee can drive a vehicle, as stated in the by-laws, and all traffic incidents are already public information, except those being investigated. He asked what they were going to do with this information, how would it be housed, would it be part of the Privacy Act information, who would store it and for how long and the big question would be what would be the controlling factor around what would be gained.

The Chair said that one thing would be that it would be a condition of employment.

Mr. Muzeroll asked why having a driver's license would be a condition of employment, as that person could be assigned to something else.

The Chair said that could be a condition if that hire were going to drive a Town vehicle.

Mr. Muzeroll agreed and said that a condition of employment would then be a valid driver's license and, as long as the license is valid, he asked what else matters as long as it hasn't been suspended, revoked, etc.

The Chair said that this check would find out that sort of information.

Mr. McPherson said that that would only be good at the time it was found and could change tomorrow.

Ms. Place asked, if a Town employee had an accident while driving a Town vehicle and it was found that they had a questionable driving record, would that have something to do with the Town.

Mr. Hirst agreed it would and that that is what "negligent entrustment" was all about. He added that all employers have a duty to the general public to ensure the people they entrust to drive their vehicles are good drivers.

Mr. Muzeroll commented that someone getting one speeding ticket does not mean that person is not a good driver.

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Ms. Place clarified that she meant that, if someone were driving a Town vehicle and had a bad accident and, then, it was disclosed that that person's driving record was really bad, then the Town would be open to liability.

Mr. Muzeroll said that, for the sake of argument, who was going to determine who was a bad driver.

The Chair said that there are criteria that can be used, such as driving under the influence.

7:31 PM

Mr. Moynahan said that that goes directly to Mr. Muzeroll's point that the individual would not have a valid license, especially with the new laws today. He added that, if that individual has a valid license, then that person should be able to operate a motor vehicle. He said that he has had tickets and he can still drive a car and now the Town was going to say he couldn't go to work because he had two speeding tickets in the last six months. He said that that would potentially limit the declining population in that department specifically and in general.

Mr. Muzeroll suggested the possibility of requiring an employee to inform them if they should lose their license. He clarified that there was nothing he knew of that requires anyone by law to tell him that they've lost their license. He added that, if an employee is asked to drive a vehicle and that person doesn't have a license and doesn't inform the employer and gets in an accident, then there is a certain amount of neglect but whose shoulders does that neglect fall on. He added that he could not control everyone on a day-to-day basis and could not know 365 days a year of someone has a valid license or not. Mr. Muzeroll said that it would be a logistical nightmare for someone to track.

Mr. Hirst said that what all insurance companies, and MMA in particular, want their clients to do is to do the check annually and apply a set of reasonable standards. He added that doing that would help the Town with their insurance as part of an overall package to help provide safe drivers. He agreed that one couldn't check it every week and a person could lose their license tomorrow and the Town wouldn't know for a year. He said that what the attorneys would say is that the Town knew or should have known of the driving record for this driver and because of that, Maine tort law might not cover the Town.

The Chair said that the Board has some questions administering this and asked what the Board wanted to do.

Mr. Moynahan said that he believed it would be an administrative nightmare from the get-go keeping track of it and the part-time department heads have the most people. He added that, if they were going to do this then it should stay with full-time staffing, perhaps in the Clerk's Office. He also added that he did not like some of the criteria in the list.

The Chair clarified that they could have their own criteria.

Mr. Moynahan commented that, as long as the insurance company would only require this to be done annually, then maybe it would not be as problematic but he wasn't convinced.

Mr. Marchese asked, if an annual review were to take place, would the Town see a benefit in the reduction of their insurance rate.

Mr. Hirst reiterated that this would be part of an overall safety program and it is all judgmental how much of reduction they would allow.

7:36 PM

Mr. Fernald asked why this seemed to come up suddenly, as they have never had this issue before.

Mr. Blanchette explained that MMA has recommended this before and that, through InfoMaine, this is the first time the Town has had the ability, not through the police department, to get this information. He said that, before this became

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available, Towns had to hire out for that and it has only been in the past year or two that InfoMaine is allowing a tag-along for municipalities.

Mr. Fernald commented that he did not understand what good this would be for the Town if it was only done annually.

The Chair said that it would provide a record that the Town had explored it and was not being totally negligent. She added that she does think that protects the Town legally from a potentially disastrous situation.

Mr. Muzeroll clarified that what he thought he heard Mr. Hirst say was that, if someone has a license today and loses it tomorrow and that person fails to notify his/her employer that the legal people would say that he should have known, as an employer. He added that, that being the case, the Town would always be in a libelous state no matter whether they check it or not.

Mr. Hirst clarified that as long as the employer makes a reasonable effort to know what the condition of the drivers are every year, then that should help a great deal.

7:40 PM

Mr. Moynahan said that he feels the department heads should have a say in how this would be administered and what benefit it would have to their departments. He added that the other department heads should be informed about this, come up with criteria, decide how this would be administered, and that the Board should get input from all the department heads. He added that he was concerned with the potential severity certain criteria could cause to department functionality.

Mr. McPherson suggested having the department heads get together for a discussion around this.

Mr. Hirst suggested having Mr. Blanchette run all the checks, review them, and put them into two piles – one he deems to be reasonable and one he deems to be unreasonable, then give them to the Board and the Board could discuss them with the department heads and apply the criteria the Board and department heads want. He said that, then, at least it would have been done and added that he does not believe it should be public information but treated like all personnel records.

Mr. Muzeroll commented that it is all a public record, anyway. He said that, unless he sees something that is more of a driving factor than the discussion tonight, then he would not ___?___ with anything. He did say that he would be willing to MMA's justification for this and, if they are the driving factor behind this, then he wanted to hear their view on this. He added that he thought the Town would be foolish to develop a policy around just doing a check on everyone now without having any criteria.

Mr. Moynahan suggested getting more information from MMA and tabling this for now, better educating themselves as to what they are being tasked to do.

Ms. Place said that she does not think this is unusual and that most businesses have this requirement. She added that this is definitely a suggestion from MMA. She also added that they would have to have their own criteria.

Mr. Muzeroll discussed that he understood the process and the legality of it but there had to be some sort of basis for it.

Ms. Place agreed. She added that she thought they should do this the best and fairest way and what best meets and protects the Town. She suggested, looking over the criteria list from MMA, each Board member could come up with a list of their own for discussion.

Mr. Hirst said that this has been standard operating procedure with businesses for years. He added that what he thought was most likely to happen is that they would end up with maybe four that were questionable and seventy that weren't. He added that, then and working with the department heads, they would have to

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figure out what they thought ought to be done. He commented that he believed they would find it would not be that bad at all.

7:45 PM The Board agreed, by consensus, to table this and bring it up at a future meeting.

#5 TO : Board of Selectmen
FROM: Shannon Darr
REF : Evaluation of Community Center Structure

The Chair said that the Board has a letter talking about the mold in the Community Center and added that it was the Board's responsibility to address that concern.

Mr. Moynahan clarified that testing has already occurred.

Mr. Blanchette agreed and said that they had hired Absolute Air, who had come in to test, and they should have the results within a couple of days. He added that for the immediate future and through the generosity of the Fire Chief, the Community Center is using one of the back conference rooms. He said that the staff has noticed a significant positive difference in their health since moving out of the Community Center building.

The Chair said that Ms. Muzeroll believes the mold is in the walls.

Mr. Moynahan said that he has looked at the building and there is no visible evidence of mold. He added that he believes there is a huge issue in that building and asked Mr. Hirst if, in fact, the insurance would take care of that. He also added that the building is structurally unsound and that is something that needs to be addressed by this Board. He added that it should have been addressed years ago when it was first brought up and the mold is just another issue. He said that something should be done and that building should not be occupied, as it is unsafe.

The Chair agreed and said there is also the question of the need for additional storage space for the Town Hall. She asked if this was the time to discuss some major construction somewhere along the line for the Service Department and additional storage.

Mr. Moynahan wanted to add that he believed it would be foolish for the Town to invest money into that building. He added that structurally and energy-efficient wise, it would not be worth investing in that building.

Mr. Fernald agreed but believed they need some good, solid facts about the condition of the building before moving forward with determining what to do about the building. He added that, if the Board needs to go to the public and tell them they can no longer use that building, then the Board needs to have good solid information.

7:49 PM The Chair agreed that they would need data on the structural soundness of the building. She added that, when one walks in there, the floors shake.

Mr. Fernald said that they would need to know what the cost would be to repair the building to let the Town know whether it would be worth the cost and what other options might be available.

Mr. McPherson said that, in the meantime, he thought they should be investigating what it would cost to have temporary office space, i.e. trailers. He added that being in the Fire Station was not the best situation with people in and out and with small kids in the event of a fire emergency. He added that one can rent office trailers that would get them safely by.

The Chair said that that was a good point and asked Mr. McPherson if he would look into that possibility.

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Mr. McPherson agreed that he would do that.

Mr. Hirst, responding to Mr. Moynihan's insurance question, said he didn't know the answer but added that most policies contain an exclusion for mold but he would make an inquiry to MMA about that. Mr. Hirst said that, if the Town gets a structural engineer in and says the building is unsafe, then they could lose the insurance on those two buildings.

The Board agreed to have Mr. Moynahan and the CEO inspect the buildings.

Mr. Muzeroll discussed the impact of the Community Service staff in the Fire Station. He said that, in a conference room that is 12' by 16', they have 5 independent people working in there most of the day with one telephone. He added that there would have to be a long-range solution and those take time. He said that the Service Department is in his "house" as a welcome guest but the Town needed to be smart about how long they would be there. He explained that he has had to train that staff how to be in the building and how to deal with any visitors that may be in there when the alarm goes off. He added that there have already been some issues and he was requesting the Board try to find a resolution in a timely manner.

The Chair asked Mr. Blanchette if there was anything left in the facilities Account.

8:00 PM Mr. Blanchette said yes but that the Town also has a Community Service Building Account.

There was discussion around the necessary needs, such as phone, bathroom, internet, handicap access, etc.

#6 TO : Board of Selectmen
FROM : MMA
REF : Nominations to MMA's Legislative Policy Committee

This was informational.

#7 TO : Board of Selectmen
FROM : Comcast
REF : Digital Technology, Channel Lineup changes and price listing updates

This was informational.

Ms. Place apologized for not saying something sooner but let the Board know that they met with Jay Summers (negotiating for Comcast) and he informed them that it would be very expensive to connect the elementary and high school and that he would come back with figures explaining that. She said that it was a very short meeting and added that they would be able to get public access T.V.

There was discussion around the fees charged for the franchise – up to 5% - and that any fee the Town charged would automatically be passed to the rate-payer (user).

8:08 PM
#8 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Bicycle & Pedestrian Study

The Chair discussed that this was a grant that SMRPC was awarded for Sanford and would do one of the Berwicks' and Eliot at no cost to the Town. She added that they have had many requests from Eliot residents and it is in the Town Comp Plan and this study would give the Town some hard information on where and how much.

BOARD OF SELECTMEN'S MEETING
May 13, 2010 6:30PM (continued)

#9 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Highway Simplification Study Conceptual Fix and Swap Proposal

Mr. Blanchette explained that the idea was that MDOT was going to fix any roads that they intend to give back to the Town. He said that, presently, the Town does some of the plowing maintained for summer maintenance by the State, such as Goodwin Road, and that may be part of the confusion. He added that the State is trying to get rid of the confusion around who maintains what by saying if it is the Town's road, then they would maintain it and if it is a State road, then the state will maintain it, year-round. He added that the map the Board has in front of them shows which roads would be swapped. Mr. Blanchette said that it was his understanding that the State would keep Goodwin, Route 236 and State Road, which means that they would be doing the plowing on those roads. He added that he believed the Town would get back Beech Ridge Road for summer maintenance.

8:12 pm Mr. Fernald asked if the Town had any control over how much sand and salt the State would use on those roads.

Mr. Blanchette said no nor when they would plow, such as waiting to plow until after the storm. He discussed his concern over whether the State would have the equipment or manpower to take this on.

The Board was in agreement.

The Chair asked what the Town could do about this.

Mr. Blanchette said that the only thing he thought they could do was to talk with the local legislators.

8:15 PM
#10

TO : Board of Selectmen
FROM: Dan Blanchette
REF : Proposed filming at Boat Basin – Heather handling this

The Chair said there is a request to use the Boat Basin for a feature film, which will happen next year, either in the spring or fall. She added that Ms. Muzeroll was discussing with the boat-landing owner whether the film company would need permits, etc. and she is the point of contact with the film company.

8:17 PM
#11

TO : Board of Selectmen
FROM: Northern New England Benefit Trust
REF : Rate change for Health and Welfare Benefits

Mr. Blanchette said this was just for the Board's information and is notification that rates for the insurance for the police would be going up.

#12

TO : Board of Selectmen
FROM: Wendy Rawski
REF : Reappointment of Election Clerks

Mr. Moynahan moved, second by Mr. Fernald, to appoint all members of the Republican Party nominations, as listed, and all members of the Democratic Party nominations, as listed.

VOTE

4-0

Chair concurs

At this time, the Board members signed the Election Clerk nomination papers.

BOARD OF SELECTMEN'S MEETING
May 13, 2010 6:30PM (continued)

Mr. Moynahan said that the Business Development Committee (BDC) let him know that they have room for Bicentennial signs from the Bicentennial Committee if they want to advertise the upcoming events.

Selectmen's Report:

Mr. Moynahan said that he wanted to put out a big thank-you to the Ted Short and Jay Muzeroll and his Fire Department and Heather Muzeroll as they all volunteered their time when his grandfather passed away and took it upon themselves to host this and create a procession line and it was one of the nicest and kindest things he's ever seen a community do. He wanted to make sure they were all truly thanked.

Other Business as Needed

8:18 PM Mr. Blanchette said this was the time of year to go to bid for an auditor, deal with tax anticipation notes and heating oil and diesel. He said that, for diesel, he would like someone to volunteer to go with him out to the Town Garage to see how that could be done, as his understanding is that the tank is covered and he doesn't know how easily it could be moved. He added that the tank does not belong to the Town and, in order to go to bid for the diesel, ownership of the tank would need to be resolved.

Mr. Moynahan said he would look into the diesel tank and what would be involved.

Mr. Blanchette asked if the Board wanted to go to bid for an auditor.

The Chair said she thought Mr. Donhauser suggested that.

Mr. Blanchette agreed.

Mr. Fernald said that if their auditor is recommending it then they should probably go out for bid.

8:20 PM It was the consensus of the Board to go out to bid for an auditor.

Mr. Blanchette asked the Board for a brief executive session.

Executive Session

8:22 PM Mr. Moynahan moved, second by Ms. Place, to enter into Executive Session as allowed by 1 MRSA Section 405.6.A.

"...employment...assignment...appointment...".

VOTE

4-0

Chair concurs

8:25 PM

Out of Executive Session

Mr. Blanchette discussed having an executive session between the Board and Mr. Vaniotis by phone, possibly Wednesday at 5PM.

8:29 PM Mr. Moynahan discussed the applicants for Highway Department and said that they had three solid candidates and would hold the first interviews next Tuesday. He added that the number of applicants was smaller than they had hoped.

There was discussion by the Board around who reviews the applications and interviews the candidates, as some members felt the subcommittee should present the Board with applicants and not have the subcommittee doing all the interviewing and presenting their top pick.

**BOARD OF SELECTMEN'S MEETING
May 13, 2010 6:30PM (continued)**

Mr. Blanchette said that Board members could come in to the Town Hall and look at all the applications. He clarified that the subcommittee generally does the first round of interviews, as sometimes in that first round, the applicants will drop out and they might find they have to go back to other applicants.

The Chair said that she thought preliminary interviews should be done.

Mr. Blanchette said that the committee could come in with three candidates and make suggestions as to their top pick.

Mr. Moynahan said that he would inform the subcommittee of the Board's wishes.

Adjourn

There was a motion and second to adjourn the meeting at 8:35 PM.

VOTE

4-0

Chair concurs

DATE

Roberta Place, Secretary