

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM**

**Quorum noted**

**5:30 PM:** Meeting called to order by Chairman Moynahan.

**Roll Call:** Mr. Moynahan, Mr. Murphy, Mr. Beckert and Mr. Hirst.

**Absent:** Mr. Dunkelberger.

**Pledge of Allegiance recited**

**Moment of Silence observed**

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

**5:32 PM** Motion by Mr. Beckert, seconded by Mr. Murphy, to approve the minutes of November 15, 2012, as amended.

**VOTE**

**3-0**

**Chair concurs**

**6:05 PM** Before a motion to approve the December 13 minutes was made, Mr. Fisher said that he had a question. He said that he had heard Mr. Murphy make all kinds of things but what he had done was add in things to make it sound like it was better but, actually, what he said was what she put down. He said that he couldn't tell him, exactly, because there had been so many changes...it made it sound better but that wasn't what he said. He added that Mr. Murphy said it just as exactly what, as his memory served him pretty well, that she wrote down exactly what he said but it made it better if he put in what he thought it ought to say to clarify it. He said that he thought that some of these minutes weren't being done right.

Mr. Murphy asked Mr. Moynahan if he could ask their recording secretary how accurate, verbatim, her minutes were compared with the words that were uttered out on the floor.

Ms. Lemire said that it was pretty verbatim; that she didn't assume anything unless she really knew the speaker and, if there was a new subject, she didn't assume anything.

Mr. Murphy said that he wanted the minutes to make sense because, two or three years from now, people would want to go back and know what happened and who did what and, if one read some of these things, then one couldn't figure it out unless one had been here and lived through it. He added that, if anything he suggested for changes wasn't agreed to by the other members of this Board, he would be happy to not make those changes.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Fisher said that he was not trying to put anything that he did, as it made it sound a lot better but, actually, the minutes were supposed to reflect what the Board members talked about and that was the way that it should be written. He added that it was wonderful that Mr. Murphy put his little extra parts in that made it sound better 50 years from now, but 50 years from now, they would probably be doing something different – thank you, anyways.

Mr. Murphy said that he wasn't reading the things which he didn't change because they weren't ambiguous, they weren't confusing. He added that anywhere he saw something that was confusing, or could be interpreted in another way, he tried to make it clear.

Mr. Fisher said that he agreed with Mr. Murphy.

**6:09 PM** At this point, the Chair ended the discussion and asked for a motion.

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of December 13, 2012, as corrected and amended.

**VOTE**  
**3-0**  
**Chair concurs**

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of December 20, 2012, as corrected and amended.

**VOTE**  
**3-0**  
**Chair concurs**

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of January 3, 2013, as corrected and amended.

**VOTE**  
**3-0**  
**Chair concurs**

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of January 10, 2013, as corrected and amended.

**VOTE**  
**3-0**  
**Chair concurs**

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of January 23, 2013, as written.

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

The minutes of January 24, 2013 will be approved at the next Board meeting.

**Public Comment:**

**6:31 PM**      There was no public comment.

**Department Head/Committee Reports**

**6:32PM**      Ms. Davis discussed several items. She said that the first was that some questions were submitted to department heads regarding budget review and she just wondered if the Board had a target date for when those would be answered.

Mr. Moynahan said that, next Thursday, the Board had department heads scheduled for their meeting; that they were just putting that agenda together.

Ms. Davis said that as part of the request from the Budget Committee (BC) there were a couple of items that referenced electronic format as the form the BC would prefer the answers to come in and she just included an article from The Weekly Sentinel that showed that the Governor was launching his 'Open Checkbook' Transparency Website and provided, according to the article, "*Unprecedented access to State budget information*"; that she included it in the Board's packet because it was the direction that, on some of these financial reports, that the BC would like to head in; that there were various formats that could be provided in either pdf or excel format. She added that she just wanted to throw that in there as part of the request. Ms. Davis said that the second item was the timing of BC recommendations for the annual report. She said that she received an email today stating that the drop-dead date, she believed, was April 15<sup>th</sup> for BC recommendations.

Mr. Moynahan said that the Board had set up dates for, he believed, March 17<sup>th</sup> for the Board of Selectmen to be completed and the 24<sup>th</sup> for the BC, asking Mr. Blanchette if that was correct.

Mr. Blanchette said that that sounded familiar but he would have to check.

Mr. Moynahan said that he proposed some dates to give them a little bit of wiggle room at the end for everything to be done.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Ms. Davis said that her area of concern was that the presentation by Eaton Peabody didn't occur until April 11<sup>th</sup> so, even if the very drop-dead date was April 15<sup>th</sup>, the presentation by Eaton Peabody on the sewer expansion didn't occur until just four days before that and she was wondering if the Board had any suggestions on how to resolve that.

Mr. Moynahan said that the Board has had Mr. Blanchette reach out to Eaton Peabody and they had given the Board a date when they would have their final report done.

Mr. Blanchette said that that would be at the end of this (February) month.

Mr. Moynahan confirmed it was the end of this month that was their due date for that; that they had been following up with them and pushing them to get that report to the Board.

Ms. Davis asked if the BC would have that report, in-hand, prior to the presentation, or could the presentation be moved up, because she thought that it was going to be a critical element in the deliberations.

Mr. Moynahan said that the school gym times had to be organized in a manner in which they could accommodate all these public hearings, so, with all those public hearings scheduled, he didn't know if it would be possible; that they had confirmed all these dates with all the folks involved – Eaton Peabody, Underwood Engineers, etc.

Ms. Davis said that it would be difficult to give a recommendation without the information.

Mr. Moynahan said that Eaton Peabody had done a presentation and he didn't know how much more would be offered; that there should have been a draft presentation available on what they had reported on their report to the Board of Selectmen; that they had been asked to provide two other pieces of information.

**6:35 PM** Mr. Beckert said to Mr. Blanchette that, if the report was due at the end of the month and the Board received it, then there should be no reason the BC couldn't have it and do their deliberations well before the public hearing.

Mr. Blanchette said that that was correct.

Mr. Beckert said that the April 15<sup>th</sup> drop-dead date was the date certain that everything had to be in so that the recommendations of everybody were printed in the Town Report; that he thought that the BC should be able to hit that date.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Moynahan said that they had targeted, earlier at one of their meetings, for some March timelines - at least goals, to have their work done so they weren't, like last year, giving very little time to finish the work

Ms. Davis said that she didn't realize they would be getting some information ahead of the presentation date and it just occurred after the BC needed to make their recommendation – okay, great. She said that the other item in the package was a couple of pages from the Board of Selectmen minutes on November 29<sup>th</sup> that addressed a question on the existing sewer in South Eliot. She added that it was a question that was directed from the Route 236 Sewer Expansion Committee.

Mr. Moynahan said that the Board had an answer from the engineers that has been forwarded on to Ms. Fortin and asked Mr. Blanchette if they had received an answer from the attorney.

Mr. Blanchette said not yet.

Mr. Moynahan said that Ms. Davis had asked him via email for those, which he did send those follow-up questions to both Underwood and Underwood's answers to the attorney.

Ms. Davis asked if they could follow up and maybe get a target date of when they might expect an answer to that.

Mr. Moynahan said yes.

Mr. Blanchette agreed.

Ms. Davis said that the final item stapled in their package was some questions from the BC. She said that, as deliberations proceeded with regard to a recommendation on the warrant article for a bond to construct a sewer expansion on Route 236, the BC would be developing questions on critical issues and that the handout included questions regarding the gas compressor station and incorporated some history and relevant attachments, which would explain the rationale behind the questions that were being asked. She added that this was one of the very critical questions that residents needed to have a clear and written answer to.

Mr. Moynahan said that some of this was actually put off to the Assessor, already. He added that he didn't believe that they could update the scheduled projected depreciation because depreciation has not occurred in the same manner, adding that what they provided, at first, was a guess – what was in the chart, he believed,

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

was what Ms. Painchaud had reported to the Board and that Mr. Blanchette had also worked on that with Ms. Painchaud to provide something in that report.

**6:38 PM**

Mr. Blanchette said that the original chart that went – that he didn't know if the term was 'approval' and probably wasn't the term – of the TIF district, the attorneys wanted what one might say was the worst-case scenario for income, what if, because they wanted to present the material to DECD (Department of Economic and Community Development) to show that, if the worst-case scenario happened, then this was still a viable TIF district. He added that they put in depreciations that they knew, to begin with, were probably not to that degree and, as they were finding out, it wasn't. He said that they were replacing equipment as the plant started, they started replacing, so, that was why there was hardly, if any, depreciation whatsoever in the compressor station; that they were continually replacing parts and would continue to do so. He added that, at the present, they did not see that it would depreciate.

Mr. Moynahan asked for confirmation that the assessor has had communication with them with regard to any types of depreciation for this specific question.

Mr. Blanchette said yes.

Ms. Davis said that these were pivotal questions; that she did visit the compressor station and they were very cooperative; that they did have a property tax manager who specialized in compressor stations for Spectra Energy. She added that there was information and, if there was information already in hand, then the BC would like to see, in writing, what was received from Spectra Energy, adding that she believed a new schedule could be developed for this. She said that if they were able to project this, initially, then they would also be able to update their projections and she thought that the people of the Town had a right to know where this was headed. Ms. Davis said that the assessment has already changed, and one could read it in the documentation, from the original and it has changed twice, so, some communication has been happening here. She added that the impression she had from a visit to the compressor station was that they hadn't replaced any parts, so, if the assessment has changed, then they would like to know why.

Mr. Moynahan asked Mr. Blanchette how assessments were done.

Mr. Blanchette said that he would get the information to Ms. Davis as far as what Spectra was reporting to the Town, which was where it started.

Mr. Moynahan asked if that would be on the basis of how she did assessments on the property.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Blanchette said yes; that they reported yearly what they felt the value was.

Mr. Moynahan said that if he could get that done that would be great.

Ms. Davis said that, if the Board could respond to these questions, in writing, that would be greatly appreciated.

Mr. Moynahan said that they would get the information that was available and that should answer any questions that related to those; that the Board didn't create the assessed values; that they relied on the Town to do that; that when Mr. Blanchette had all that information the Board would forward that on to the BC.

**6:43 PM**

Mr. Fisher discussed some concerns that came out of the BC meeting last Tuesday. He said that there was some concern about the executive session the Board had last week with the retirement of one of the clerks in the Town Office...that they didn't have a chance to respond because it was an executive session and he questioned that, himself, but that wasn't the question tonight. He said that it was his opinion and that of the BC that what they ought to be doing was to be looking for somebody with some credentials in the financial end. He added that he didn't know what the young lady had that was retiring and he didn't know what her job description was, but he thought that what they should be looking for, if they hired at all before the union contract – that he thought Mr. Donhauser said that there was some down time for some of the clerks and the only time the clerks were full-time workers was during tax time – that he thought it would be good if they rewrote the job description of the person they were going to hire with an emphasis on the financial side so that they could do the financial work, which was what they were looking for.

Mr. Moynahan said that the job description was being reviewed and being redefined. He added that both the Administrative Assistant and Town Clerk with a member of this Board would be collectively doing that; that the Board has tasked them to prepare that and put some recommendations and the Board would have a subcommittee that reviewed all that, including pay requirements, etc. He added that it was comprehensive and no different than when the DPW position was up or the CEO; that they reviewed the job descriptions, review the salary requirements, and update them every time an opening occurred.

Mr. Fisher said that the only other thing the BC was concerned with was that the contract was coming up, eventually, for the clerks and the BC thought that any new hire should be at a different plateau in the job evaluation and how they got to the point of step increases, how many days they had to have before going into a vacation mode and not put themselves in a position with the old contract with new employees; that they should reduce some of the fringes that they would get, reevaluate the step increases for the new employees – nothing to do with the old

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

employees as they were already managed. He said that that was what their concerns were and thanked the Board for their time.

Mr. Moynahan said that, just so they were aware, one of the items he put on next week's agenda was 'new hire policy' and would be discussed by the Board, which would encompass any benefit packages.

Ms. Davis said that she just wanted to clarify that it looked like two new employees were being requested for the Administrative Department - a CFO and an assistant to the Treasurer. She added that the BC was thinking that if they could incorporate some of those tasks into this new position that they could eliminate the request for a new employee and utilize an existing employee for that position with additional qualifications.

Mr. Moynahan clarified that that was a budget request and the Board has not finalized, adding that budget recommendations for the Board were also on next week's agenda and he had several that touched upon that, also. He added that there was no guarantee that positions would be funded.

Ms. Davis commented that they could kill two birds with this one stone so the BC just wanted to bring that the Board's attention.

Mr. Moynahan said that that was certainly going to be a discussion, as far as that went, because that was a large dollar figure shown in the Administrative budget, for sure.

**6:47 PM** Ms. Rawski said that she just wanted to state that they were merely just trying to replace the position that has already been in place in the Clerk's office; that there was no additional request from the Clerk – that it was just to replace the existing position that was being vacated by retirement.

Ms. Davis said that the impression the BC had from Mr. Donhauser in a report that he made to the BC was that there were occasionally times when some of the clerks had downtime; that the BC realized what the Administrative Department was asking for, but the BC just thought that they could fill in some of those additional requests with the person that would fill this position so that it would take some of the pressure off Ms. Spinney if they filled the position properly.

Mr. Moynahan said that he thought that a lot of that had been discussed and they were looking at what was available to be done in that office; that that was already ongoing, with them, with that whole part of the Administrative Department.

**6:49 PM** Mr. Blanchette said that he didn't know if the Board wanted to take up the proposed articles, now, or wait until a little later on.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Moynahan said that they could. He said that they had some proposed articles for Special Town Meeting that was scheduled for March 2<sup>nd</sup>. He said that the first one was for the TIF program to allow them to spend \$15,000 for engineering, \$15,000 for legal and implementation that went hand-in-hand with what Underwood Engineers was proposing to get them to the June Town Meeting. He added that they had talked about utilizing unreserved fund balance to fund the contingency account; that he didn't know if that would be something for a Special Town Meeting. He said that the next one he didn't think worked here – that they had voted for the Eliot Elementary School and ECSD space for June, already, and they didn't have cost estimates, yet, so he thought Mr. Blanchette was a little premature with that. Mr. Moynahan said that the next was \$10,000 for the CFO and, again, that was a budget request for this year's budget; that they had not approved any new positions and thought that they might be premature on that, also, but he would certainly welcome input from Board members. He said that, if the Board remembered the lot by the Boat Basin; that they had spoken with some folks in regard to the parcel and whether they wanted to put that to the voters using the unreserved fund balance to obtain that parcel. He added that there was some discussion about a compensation study utilizing unreserved fund balance, asking if that was something that the Board would still like to see done and would that be the venue to do this – at Special Town Meeting and the use of funds for that.

Mr. Hirst asked if they might also add to that a study of the job description, along with compensation, because the two went together. He asked if \$10,000 was enough to do a compensation study; that it may cost more to review the job descriptions.

Mr. Moynahan asked if they had even received any estimates for this work.

Mr. Blanchette said that the estimate they received was basically to do the one that they did last time and that it would cost them \$10,000 or less. He added that last time was a complete compensation, which included the job descriptions.

Mr. Moynahan said that they could reword that to say comprehensive compensation and job descriptions so that the voters would be a little bit more informed of what those funds would be used for.

Mr. Hirst asked if that was a bid Mr. Blanchette had from a company.

Mr. Blanchette said no; that it was just an estimate and just verbal.

Mr. Moynahan clarified that the original company no longer did that so they reached out to another. He said that the next proposed item was for the IMA that

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

they had been working on for quite some time, adding that they did have some changes that were made recently.

Mr. Murphy said those changes were a result of the Town's attorney's advice; that they were making some modifications.

Mr. Moynahan said that he had that update scheduled for next week's meeting.

Mr. Murphy said that they had actually received that back from the lawyer today and he had begun reviewing the lawyer's suggestions.

Mr. Moynahan said that they would bring that up next week and, if it was ready, they had talked about having this on the Special Town Meeting, as well. He asked the Board members if that was still an acceptable item to put for the voters.

The Board agreed that it was.

Mr. Moynahan said that the next was for the Town to appropriate and transfer \$10,000 from unreserved funds for reroofing the Town garage, adding that this went hand-in-hand with the solar project that was proposed.

Mr. Blanchette said that that was really \$16,000; that he had the wrong figure and Mr. Moulton corrected him.

Mr. Moynahan asked Mr. Blanchette if that covered everything for labor for reroofing and any costs associated with the solar project because there was a question mark as far as what all that was.

Mr. Blanchette said that he was told by Mr. Case that there were no costs associated with the solar project.

Mr. Moulton confirmed that that covered the cost of the labor to do the re-roofing.

Mr. Hirst asked if that also covered the costs to do any reinforcement that they would need to do to the roof to accommodate the additional weight.

Mr. Moulton said that he had not received those recommendations back, yet, but it was under review. He added that he was supposed to receive a recommendation this week and he would follow up tomorrow to see if he couldn't get that information so to be able to update next week.

Mr. Moynahan said that the last item was the change in York County's fiscal year; that they had discussed using the unreserved fund to make a one-time payment of \$220,000 for that and they would need voter approval for that.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Beckert said that the estimate has gone up from the County.

Mr. Moynahan said that they would change that accordingly and tweak these up to the 11<sup>th</sup> hour with dollar figures before they posted them. He asked if there were any comments or questions; that he made some comments on a couple of items that he thought were premature, a change to include 'comprehensive' to the compensation study – 'job description' study; were there any changes they wanted to see.

Mr. Beckert said that he agreed with holding off until June; that they had already agreed to June for the ECSD because they needed the estimates, adding that he wanted to know where this \$20,000 figure came from.

Mr. Blanchette said that he picked it out of the air just so that they would have the article there.

Mr. Beckert said that the other thing was on hiring the CFO for \$10,000, what was that about.

Mr. Blanchette said that that was going to begin it this year; that that was just to get them through June.

Mr. Moynahan said that that would be \$3,000/month with that thinking, which would be a \$36,000/year budgetary item for this year and they had \$110,000 from the Administrative Department. He said that he didn't think they were at a position to discuss that type of position, as of yet.

Mr. Beckert agreed.

Mr. Moynahan said that they would tweak these, accordingly.

**New Business (Correspondence List):**

**6:55 PM**

**#1**

TO : Board of Selectmen  
FROM : Jim Marchese, CEO  
REF : Great Hill Gravel Pit

Mr. Moynahan said that this was a memo from Mr. Marchese on Great Hill Gravel Pit and asked if Mr. Marchese would like to speak.

Mr. Marchese said that his letter of February 4<sup>th</sup> basically said, for the audience, that they had received the information from the government that was doing the investigation. He added that he was going through the information, trying to get

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

the history of the applications and so forth. He said that his plan was to formulate, in a brief letter, an outline of what exactly happened with the PB and ask the PB to contact the owners so that they could come in and re-evaluate what was going on out there, timeframes, and so forth, and to take another look at the project. He said that the project was initially approved in 1987 and, according to the notes, it was revisited by the PB in 1997, although he had not been able to put his hands on any PB minutes or Notices of Decision (NOD). He added that the other thing he had when he was in a conversation with the agent was what was going on and what could they do to resolve these questions in regard to their concerns. He said that their response was that they had limited funding and limited resources in getting answers to some of these questions. He said that his suggestion was, should the Town investigate taking brook samples to see if they could find any evidence of issues in the area, and the agent was very much in favor of that; that the agent indicated to him that he would talk to the chemist that he had contact with to try to narrow down a range of chemicals that the Town should be looking for so that it would be less expensive; that the agent thought that was a great idea. Mr. Marchese said that, at this point, what he would like to ask the Board was whether they would allow him the time...that, first of all, if they thought it was a good idea and, second, if they would allow him the time to get three proposals to carry out obtaining samples and testing in the spring.

Mr. Moynahan said that he thought that it was a legitimate concern with the water quality up there; that they had not been very forthcoming; that he thought it would be pro-active, in his opinion, to at least get some information on what could happen for testing and what those costs would be, and what they would be looking for, too, which would be helpful, with that chemist. He said that, at this point, the Town still didn't know.

Mr. Beckert said that he didn't know if they would have a leg to stand on to go to the DEP for any possible funding from the DEP. He added that these licensing agencies of the State had some, in his opinion, responsibility because they were the ones that licensed some of that stuff that went on.

Mr. Moynahan added that they monitored, too.

Mr. Beckert agreed. He said that, in his opinion, the Town needed to be pro-active to make sure contaminants were not getting into Shorey's Brook and wells in that area but his opinion was also that it was the responsibility of some of the State and federal agencies to belly up to the table with the financial aspect of it; that it wasn't the Town's responsibility to do all the monitoring; that they (State/fed) did a lot of the permitting.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Moynahan agreed, especially the enforcement piece, the monitoring, all of that, and there were question marks; that it wasn't like the Town had staff up there all the time; that the Town CEO was not up there, weekly, monitoring the project.

Ms. Lemire asked Mr. Marchese if he was going to be testing any of the wells downstream.

Mr. Marchese said no.

Mr. Murphy said that it sounded like a good idea. He added that he didn't know how much it was going to cost but Mr. Marchese was proposing to find out by getting estimates. He said that he would like to see a map; that where he was precisely going to take samples would probably have to be decided by whoever was coming forward.

Mr. Moynahan said that he thought that anything that they would have in writing they could forward on to the DEP, also; to maybe even ask the DEP to walk with the Town on that endeavor.

**7:00 PM**

Mr. Fisher said that he had been concerned with Great Hill since the late '80's. He added that he noticed that they were still extracting dirt from the gravel pit, which just gave them more room to put more garbage in, and he was wondering if there was any way of preventing them from expanding that pit or making it deeper. He reiterated that they were taking lots and lots of dirt out; that it would be ideal if they wanted to take it out and cover something up there, but he didn't believe they should be taking it out of the Town.

Mr. Moynahan said that they had specific requirements with their permitting but he believed Mr. Marchese had been up there recently to just see, visually, what their slopes were and what percent he estimated that they might have completed, to date, and that sort of thing just for the Town's own information.

Mr. Marchese said that he tried as best was possible to document the situation prior to the snowstorm and not knowing how long the snow would be here.

Mr. Fisher said that the only other concern he had with Great Hill and with the crushing operation up on the Eliot line...there was a new law that Irving had passed for mining and he was wondering if there was any way that the Town could incorporate that - the taking of the gravel out and the crushing area with the parts they were taking out - and putting some type of fee on that. He said that he tried that here back 10-15 years ago and he was told that they couldn't do that but added that he thought that they should pursue any monies that they could get out of those mining operations.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Murphy asked Mr. Fisher if he knew what that new law was.

Mr. Fisher said that it was probably not more than 9-10 months old.

Mr. Murphy suggested sometime last spring, maybe in June.

Mr. Fisher agreed, adding that he couldn't remember, exactly, but it was the guy that represented Eagle Lake and Irving got it so that they could mine some mountain up there; that he thought copper was involved.

Mr. Moynahan asked Mr. Fisher if he could find the reference to that State law.

Mr. Fisher said that he would.

**7:03 PM**

Mr. Dudek said that he understood that there may be some testing of water on the lots that were adjacent to that area. He added that he was on Goodwin Road, downstream, and he tested his water every year, saying that he would like to know what was going to be tested for because he would like to test for that; that he didn't want to see it be secretive.

The Board assured him that that would not be the case.

Mr. Dudek said that he supported Mr. Beckert with what he said about the DEP. He added that they were talking about the same thing that has been going on with all the dumping over there for X number of years. He said that, when he talked with the DEP and the people involved with licensing, they said that they were testing air and his concern was about the water. He said that they were not testing the water and he thought that they should pick up a big percentage for this Town. He commented that he could not believe they tested the air and not the water.

Mr. Moynahan said that a big concern raised at the time was asbestos – friable and non-friable – so that was why he thought they indicated they were testing at that point.

Mr. Moynahan said that Mr. Marchese had the Board's blessing to move forward to get some more of this information and, then, they could work collectively on how to go forward with that. He added that the other part of that was, during Mr. Marchese's reviews, if he could get closure dates and requests for extensions, then that would be helpful, also.

Mr. Murphy said that these pit closure dates went all the way back to 1986, when he was Chairman of the PB, when the PB made the first closure plan and it was going to be closed in three years, at that time. He added that he didn't know quite what happened but DEP took it over and there have been continued, repeated

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

extensions of this closure date because the agreement they had with the closing people was that the costs of that was going to be paid, somehow, by the tipping fees of materials used to fill the great gap, or whatever it was, and in the meantime, there were two operations going on there. He added that one was the filling of the gash and the other was a gravel operation on a part separate from that, and both were grandfathered and permitted and under the control of the DEP, as he understood it.

Mr. Moynahan said that at some point, with the concerns that they have had in that area, they should be able to say "enough", opposed to just waiting for answers to questions asked time and time again.

**7:07 PM**

Mr. Fisher said that the Town had had an ordinance that was written and approved by the voters in the Town of Eliot and, for some reason, at the very end the Town sent it to the Town attorney and the attorney said that, if they knew what the intent was, then it would give the Town of Eliot an answer to what they tried to accomplish at Town Meeting but it was never enacted; that they had that on the books today; that they also got the same thing from Thornhill – Duncan McEachern was, at the time, the Town attorney; that they got another one exactly how he (Mr. Fisher) wrote and they accepted his and didn't take Duncan McEachern's; that they (Town) had a another problem started because the crushing area up there was another one the DEP would say that they could fill it; that if they didn't put that thing that they wrote, back here, probably 15 – 20 years ago, enact it and put it back in, then they were going to have another problem someplace else in Town. He added that he would like the Board to look that up and, if they couldn't find it, then he had it and would be glad to give that to the Board.

Mr. Moynahan said that he thought Mr. Fisher had mentioned that before and he still hadn't seen anything. He asked Mr. Blanchette if he was familiar with this.

Mr. Blanchette said that he would have to go through the records to see exactly what happened. He added that he recalled it differently than what Mr. Fisher was saying.

Mr. Moynahan said that, if they found that, then it might be helpful as a tool for the PB in some of these approvals and could certainly utilize that as part of the conditions of approval, and that sort of thing.

Mr. Beckert asked Mr. Fisher if it was a Town ordinance or a change to the zoning.

Mr. Fisher said that it was a separate ordinance at Special Town Meeting. He added that he had it all, even to the vote, the whole thing.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Moynahan said that if they could, collectively, get something that would be great.

Mr. Hirst asked Mr. Marchese if he had reason to know that he had gotten back all of the Town records that were taken away by the federal investigator.

Mr. Marchese said that he believed so, yes.

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

TO : Board of Selectmen  
FROM : Jim Marchese, CEO  
REF : Site visit

Mr. Moynahan said that this memo from the CEO that related to the move of the ECSD to the Eliot Elementary School (EES) and asked the CEO to speak on what he provided her on this.

Mr. Marchese said that he had a site visit at the school; that he looked to see what improvements would need to be made in order to make the facility ADA accessible; that he submitted a sketch of what he believed needed to be revised to the State's Fire Marshall's office, hoping that he would get some assistance from them but, unfortunately, he did not; that all he received as a reply was that they needed to have a full application provided to them, which meant that they wanted to see a site plan, floor plans, a typical application presented to them. He added that his next step was to see about what would be needed to be entailed to do that; that Kevin Moore from the school department has been in contact with him and has tried to organize a meeting there last Friday and, unfortunately, the meeting was postponed due to the storm event. He said that they were trying to reschedule that; that he had called him this morning and he had not heard from him, yet, this week.

Mr. Moynahan asked if this had been provided to Ms. Muzeroll-Roy and Mr. Hirst.

Mr. Hirst said that he had it.

Mr. Moynahan said that the Board had folks who were trying to put cost estimates together for that, too.

Mr. Marchese said that that would work out perfectly because everyone would have the same information to go by and provide the Town with a cost estimate based on what was required to be done.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Fisher said that he had done a little research on this before and, if it was an existing building, then it didn't have to be handicapped-accessible. He added that he had read the report from the Fire Marshall and he said basically the same thing; that that was why they never pursued it any.

Mr. Moynahan asked Mr. Marchese to respond.

Mr. Marchese said that the State Fire Marshall indicated to him that because of the change of use that it would need their approval.

Mr. Fisher said that that was because there were not going to be any changes; that they didn't have to get an approval if there were no changes.

Mr. Moynahan said that there would be a change in use; that it was going from a classroom to an office, asking the CEO if that was correct.

Mr. Marchese said yes, from a classroom to a community services department.

Mr. Moynahan said that the change of the use of that space was going to be...

Mr. Fisher said that he just got involved with a restaurant here in Town and they thought that they had to have a handicap-accessible bathroom; that there had been two or three things in that building and they were informed that they didn't have to.

Mr. Moynahan said that whatever clarification they could get on that was good because that was going to be important for anyone who would be pricing that space.

Mr. Marchese agreed.

Ms. Adams said that she didn't understand quite what was going on in the process but she questioned a barrier-free construction permit. She asked if that was what the Fire Marshall said that they needed.

Mr. Marchese said that was correct - barrier-free and he believed it was a construction permit.

**7:13 PM**

Ms. Adams said that, on their website (fire marshal), it says one only needs a barrier-free construction permit for new construction projects; that with renovation projects one could ask for a permit on a voluntary basis but one didn't need one. She added that it says that "*A renovation project is to be considered new construction by the Maine Human Rights Act if the alteration affects at least 80% of the area of the building.*" She said that this did not come anywhere near

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

80% of that school building. She added that she didn't believe they needed a barrier-free construction permit, which required a design professional and licensed with the State of Maine, if he was doing a project over \$50,000, to certify compliance. She added that she thought that they needed more clarification; that she thought that the Fire Marshall didn't necessarily understand what was going on here, perhaps, because this was not new construction but a renovation; that they were renovating a classroom into a work area; that she couldn't believe that, if the Selectmen wanted to change their office from one place to another place in the building, that they would have to get this kind of a permit.

Mr. Moynahan said that he thought the questions may be because it would be servicing the public versus school...but he didn't know. He asked Mr. Marchese to follow up and get some clarification. He said that they had people who could get these answers for them but they had to find this stuff out before someone went in and, if the State came in after and said they couldn't do that, then that was not the right course of action. He reiterated that they would get some answers and make sure whoever priced the work had proper information.

Mr. Pomerleau said that he researched this, as well, and found exactly the same thing as Ms. Adams; that it was strictly voluntary if they did that and he didn't know why they would do that if it was going to put them through this kind of administrative process.

Mr. Moynahan again asked Mr. Marchese to follow up and get clarification on that; that maybe they were misinterpreting what was asked. He added that they would certainly follow up so that they had the right answers; that that was what they were trying to do – to do the process right.

Mr. Hirst said that Mr. Fisher indicated that the Town owned the building; that he thought that was not correct and that MSAD #35 now owned the building.

Mr. Fisher said that Mr. Beckert had said that the Town owned the building at one of the meetings.

Mr. Beckert said that, technically, Mr. Hirst was right; that MSAD #35 owned the building. He added that they, as tax payers, were paying those bills so, in essence, the people owned the building. He said that they had to go through the school department, though, to make the changes.

Mr. Hirst said that they (school) had been very cooperative.

Mr. Beckert asked Mr. Marchese who actually contacted the Fire Marshall's office, was it him or the school's agent.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Marchese said that he did.

Mr. Moynahan said that, if they could get that information and get it to the folks working on this, then that would be very helpful.

**7:17 PM**  
**#3**

TO : Board of Selectmen  
FROM : Joel Moulton, Public Works Director  
REF : Sewer billing

Mr. Moynahan said that Mr. Moulton spoke with the Board, briefly, at the last meeting, at which he provided the information, and now they have had conversations with Ms. Rawski, as well. He added that they had talked about three potential choices – talk to Kittery to see if there was anything possible there, if TRIO was capable of handling this, or to change the software completely.

Mr. Moulton said that he had reached the contact in Kittery and it was being looked into as far as what was needed on their end for software, and such; that there would be questions around who did what, costs, etc., but that was forthcoming and they were looking into it on Eliot's behalf.

Ms. Rawski said that TRIO had supplied her with a resolve for the situation with the meter change-outs that she was testing right now. She explained that she had a test database in place that she was playing with; that she actually ran a scenario billing today and it appeared to be working. She said that she thought that, until they figured out where they were going in the future with what the needs were of the Public Works Department with the software, she was okay, she believed. She added that she would report back, reiterating that she had run a billing today and it appeared to be working okay, so she thought that she was good to go; that it wasn't a rush to fix something. She said that it would give time to sit to determine where they were going in the future with this.

Mr. Moynahan said that anything that was done would be borne by the sewer users because this was sewer-based.

Mr. Moulton said that that was correct.

**7:19 PM**  
**#4**

TO : Board of Selectmen  
FROM : AMR – ambulance service  
REF : Management changes in the Northeast

Mr. Moynahan said that this was a courtesy letter from AMR; that they wanted to reach out, personally, to address any questions the Town might have had with

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

potential changes. He added that they were concerned that people were thinking they were going out of business or changing and that sort of thing and their letter was trying to assure that their services were not changing and the service they provided to the Eliot area was not changing. He asked Mr. Hirst to forward a copy to Mr. Dunkelberger and that the Board should probably forward a copy of this to Police and Fire, also.

Mr. Hirst said that he believed Police and Fire already had this letter; that he got his copy from Mr. Short.

#5           TO     : Board of Selectmen  
              FROM : Selectman Dunkelberger  
              REF  : First Reading of Electronic Recording/Communication Policy

Mr. Moynahan said that he believed the red markings were the minor changes that they had all agreed to and forwarded to the First Reading. He asked if Board members had any additional changes.

The Board members had no changes and it was moved on to the Second Reading.

#6           TO     : Board of Selectmen  
              FROM : Selectman Dunkelberger  
              REF  : First Reading of Debit Card Policy

Mr. Moynahan said that, again, the red indicated changes that the Board had agreed to at their last meeting. He asked if there were any additional changes.

Mr. Murphy said that at the subparagraph – 2.1.1 – it should read: “*Department heads will ensure funds to be loaded on the card are drawn from ~~of~~ the...*”, that that was his only correction.

Mr. Moynahan said that he did not believe that was a substantive-enough change to prevent this from moving forward.

The Board agreed.

Mr. Moynahan said that that change would be made and the Board would bring this forward to a Second Reading.

The Board agreed.

**7:21 PM**  
**#7**

TO     : Board of Selectmen  
FROM :

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

REF : Route 236 Sewer Improvement Project

Mr. Moynahan said that this was a proposed informational fact sheet from the BOS; that he started working on this based on some of the folks they had had in here. He added that he typed up something very quickly for this Board to review and comment, alter, to see if it was a direction to be explored, or not. He added that this indicated some type of timeline for the folks that have been involved with this. He said that he really thought that Eaton Peabody was going to be completed with their spreadsheets so he had indicated that they validated that this Board had provided them but, to-date, they have not validated any of the information that this Board had requested of them. He said that the Board kept saying that they were going to put a sewer improvement project in front of voters but was that something that the Board endorsed and, if so, then they should probably make sure that it was a factual endorsement, or be based on something. He added that he was hoping that everyone would take a look at this, review, comment, and bring up at another meeting or see if it was an avenue they even wanted to go. He added that, with that, they have also talked about, with the potential bond of \$6.5 million, reducing it; that the Town had money in a TIF account, currently, and did they want to consider that changed, for the June timeframe, for less than that. He said that there were discussions about \$5.5 million but they were taking some money out and would they consider \$5.8 million for voters. He said that he thought that the 6.5 was more than what was needed, as had been discussed before, so, what would be needed, based on the balance in the TIF account.

Mr. Hirst asked Mr. Moynahan if he could find out from Mr. Blanchette what the current balance was in the TIF account.

Mr. Blanchette said that the current balance in the TIF was about one million dollars, however, by the end of the year it would be closer to \$1.5 million; that they were putting in just under \$500,000, as he recalled, so they would be right around \$1.5 million at the end of the year. He added that the transfer actually occurred after the second payment; that they have paid the first payment of \$200,000 and whatever thousand dollars; that the transfer from the General Fund to the TIF account actually occurred after the second payment towards, probably, the end of May so that was why, in the actual TIF account, there was only a million dollars and not any more, at the moment, even though there would be more at the end of the year.

Mr. Moynahan said that for purposes of the proposed draft language for this they would have in excess of \$1 million, at that point, so he didn't think a \$6.5 million bond was necessary and he thought that they should consider reducing that, in his opinion. He added that he would certainly look for some thoughts from Board members of what that should be reduced to.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Hirst agreed, saying to never borrow more than one needed.

Mr. Murphy said that he didn't think they needed to decide that tonight, he should think.

Mr. Moynahan said that they needed to give it some thought, for sure, but he wanted to get some things planned. He added that they had public hearings coming and they had to be prepared with a lot of this stuff.

Mr. Moulton said that he would think he would suggest having Underwood, as that was an engineer's estimate, relook at it because, as people were saying, the economy was rebounding and that might affect construction costs.

Mr. Moynahan said that that was asked of them when they were in at the public hearing at the BOS meeting. He added that it may not be right down to the dollar figure; that he knew there were contingencies in that estimate for price increases, and that sort of thing, but it was a 'not to exceed'.

Mr. Hirst asked if they had a drop-dead date, by which they had to have a warrant article constructed for the June Town Meeting, for this.

Mr. Blanchette said April 15<sup>th</sup> was when they had to have everything ready for the Town Report.

Mr. Moynahan said that, if public hearings were scheduled before that, then they should be thinking about this and have an accurate assessment of how they were going to be doing this with those folks.

Mr. Murphy asked Mr. Blanchette if, technically, it was legally possible to add sort of last-minute warrant changes to the June meeting; that they may not be published in the Town Report but at the actual meeting, if there was a last-minute need.

Mr. Blanchette said to understand that he didn't have the law in his hand, but there were two different synopses, if he wasn't mistaken. He said that one was if the warrant was already posted and another was if the warrant was not posted, adding that the warrant not being posted was the easier one because the BOS could, then, just change it and draft a new warrant. He explained that posting the warrant was not the warrant in the Town Report Book; that posting the warrant for the Town Meeting was when the BOS physically signed the warrant and, then, Ms. Rawski, as the Town Clerk, assigned it to the resident named to post; that the resident named actually went out and posted the warrant in the public posting locations, which was at Town Hall, Library, Meet Market, Transfer Station.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Moynahan said that he would think that, with this being written as a plain referendum for this, that they should have their T's crossed and their I's dotted well before that and shouldn't even be a conversation; that this should be done like every other warrant article by that timeline.

Mr. Blanchette said that the other synopsis was that it was already posted and the BOS could do an addendum to the warrant so long as they had seven days, he believed, to post the addendum.

Mr. Murphy said that he thought that they actually did this, maybe, three years ago.

Mr. Blanchette said that they did something but he couldn't remember exactly.

Mr. Moynahan reiterated that they should give that some thought; that budgets were coming up, again, next week, that their timelines were getting thinner, and he would like some decisions made by this Board sooner rather than later.

Mr. Pomerleau said that it seemed like a good spot to comment on this whole TIF endorsement thing and where the Board was going with it. He said that he knew that everyone on the Board tonight was in favor of supporting this whole bond and this thing going through. He added that he could only urge then that, if they wanted to see broad support for it, there were a couple of critical questions that had to be clear before it went to the voters – was there going to be enough revenue generated from this district to pay for the costs so that it wouldn't be an out-of-the-taxpayer-pocket kind of thing. He said that the obvious critical side of it was the cost of the bond and how much they were going to borrow; that dropping that by \$1 million, ballpark, would reduce the annual payment by \$100,000, so it was really critical to know exactly the cost side of what they were proposing to borrow. He added that he agreed with Mr. Moulton that they wanted to be certain that the new estimates to build it haven't escalated. Mr. Pomerleau said that, on the other side of it based on what Mr. Blanchette commented on earlier on this depreciation issue, this was a real sticking point, here, as far as anyone out there that wanted to have a solid base of financial information to vote on. He said that, with the original TIF document, he called it a best-case scenario/worst-case scenario and he (Mr. Pomerleau) would call it a best-case scenario but the people from that gas (compressor) station sat down there and provided the Town with a depreciation schedule that dropped that \$16 million over 30 years. He added that that was not an insignificant amount of money and that was the essence of the revenue that would come in over 30 years; that that was the money in the bank and the sure thing; that it wasn't speculation on businesses coming in or who was not and that was important.

Mr. Moynahan agreed that that was important.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Pomerleau said that he thought that the disconnect here was that they were sitting here and being told by an assessor that they didn't know any answers to where this depreciation was going over the next 25 years – they needed to know that; that that was a must know. He added that that was the essence of the revenue; that they didn't go down... a \$16 million in depreciation over 30 years to nothing; that it made no sense. He said that anyone who owned any business and owned any equipment knew that equipment depreciated. He said that there had to be an explanation as to what happened in the first four years; that he went over there and talked with the General Manager, saying that they hadn't added one new piece of equipment since the day they bought it. He added that he would only speculate that the reason it hadn't depreciated because, according to him, it has only been online twice since 2009; that it wasn't actually in use but a backup, a redundancy at this point. Mr. Pomerleau said that the only sense that made to him, in that it hadn't depreciated, was because equipment didn't necessarily depreciate by age but by hours of use - in a pump, especially – and there hasn't been any and that may be the reason why the value of it has stayed there for the last four years. He added that, still, their people said that that would depreciate by 2% a year after the first four years because they thought that they would be adding new equipment, which would keep that 5% level to the first four years and narrow it down to 2% for the remaining years. He said that he went online, and they could find other compressor stations along the line here in Maine, and the one he looked up (in tax records) did depreciate 6% the first year, 4% the second year, and then it jumped back up to 15% the third year. He said that there were rational explanations for these kinds of things and, before the Board went forward with this TIF, the Board couldn't let that sit there the way this tax assessor has left it today that they had no explanation and couldn't tell anyone what was going to happen over the next 25 years because, barring any other information, they had a formal, legal document that the Town voted on; that they voted on it based on the revenue projections in that TIF document, and that TIF document said that that compressor station was going to depreciate \$16 million over 30 years. He added that, lacking any contradiction to that, that was what he was going to believe and so were a lot of people in this Town, so, he would beg them to scrutinize the information they were going to get on this depreciation issue because it was critical.

Mr. Moynahan said that they had tried to follow up; that the assessor would do that, again, and with Maritimes, also; that they only received answers that they received and they could only ask the questions in so many ways and so many times.

Mr. Beckert asked Mr. Blanchette if that same document that the Town voted on that had that depreciation in it from the compressor station also state that there

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

was enough revenue coming in from that projected revenue from that TIF district to pay for the project, regardless of the depreciation.

**7:35 PM**

Mr. Blanchette said that he thought that it did, however, he didn't believe that depreciation table came from the gas company.

Mr. Beckert agreed that it didn't come from the gas company, but from the attorneys, and that was why he said that they may need Ms. Fortin and Ms. Mueller to come down.

Mr. Blanchette said that they would investigate it.

Mr. Pomerleau said that one could look at the schedule that was in the document and one could look at the amount of revenue generated, and that was with projected increases, and it was insufficient revenue to pay for the bond in the document, itself, although the narrative in there, somewhere, said that there would be enough revenue to pay for it, but, the facts on the depreciation and revenue schedule didn't bear that out; that it fell about \$1 million short of paying for the bond. He said that they could believe what they wanted with their lying eyes or read the document.

Mr. Beckert said that they had read the document.

Mr. Pomerleau said that he didn't read it very accurately.

Mr. Moynahan said that, with Eaton Peabody, that was one of the questions – financial in nature - that went to them and was reviewing all this information to see where they currently were and he thought that the question was what it would support.

Ms. Davis said that the TIF document actually states that the Eliot Assessor and a representative of Maritimes Northeast were consulted on this assumption; that she did speak with them and they did have a property tax expert in Houston that specialized in these schedules so the information was available and should be provided to the residents.

Mr. Moynahan said that they would make sure to follow up with her and see what she could get.

Mr. Blanchette said that they would get whatever they could get.

Mr. Moynahan said absolutely.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Hirst asked if they could get some indication when they would get that report from Eaton Peabody; could they get it faster than the end of the month.

Mr. Blanchette said that he did not know; that he could call them again.

Mr. Hirst said that he thought that it would be worth it.

Mr. Moynahan said that they had been following up with them for a little bit, now; that he did let it slip for a while but, as they got closer, he started trying to follow up with all of these things. He said that, getting back to that, if members could review and consider that, with some potential language; that he knew a report was kind of important for that; that the bond information was critical in how they wanted to approach that and, perhaps, bring their thoughts next week, where it was going to be budget in nature, pretty much, on their meeting agendas.

**7:37 PM**

**#8**

TO : Board of Selectmen  
FROM : Video-streaming  
REF : Report

Mr. Moynahan said that they were including these, as they got them, to show how active the video-streaming was. He added that it looked like 99 total viewers for the month, whether it be live or 'memorex'.

**#9**

TO : Board of Selectmen  
FROM : NO CORRESPONDENCE  
REF : Establish subcommittee to review applications for Town Manager

Mr. Moynahan said that this agenda item was wrong; that his agenda item was to establish a subcommittee to create a job description and salary recommendations for a town manager and, also, to review and create similar for an administrative assistant; that in the event that a town manager did not get voted on they needed to make sure that they had a job description for an administrative assistant that accommodated what the Town felt that their needs were, or a better portion of those. He added that there was an email from a CPIC member, Ms. Vickie Mills, expressing an interest in being on that subcommittee and expressing an interest to have the Comprehensive Plan Implementation Committee (CPIC) be involved with that committee.

Mr. Hirst said that that was Mr. Lemire and him, in addition to Ms. Mills.

Mr. Moynahan said that Ms. Mills had expressed an interest and she was on the CPIC, asking if anyone would be opposed to having her on the subcommittee.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Hirst said no and that she would be fine; that she was in HR (Human Resources) anyway.

The Board was not opposed.

Mr. Moynahan suggested a member from this Board and a member of the community to review some of this, also. He said that they had talked about this briefly; that they had not since created one but they did have public hearings coming up for town manager and should probably have something prepared.

Mr. Hirst said that he thought that they needed to make a case for it.

Mr. Moynahan said that they just needed to explain what it could look like but, if it didn't happen, then they should still be prepared to alter the job description of the administrative assistant to include some of the HR things. He added that this was one of the bigger ones they were trying to have that committee be in charge of – to take that away from a group of five that revolved year-in and year-out, and have a little bit more consistency.

Mr. Murphy said that he was glad Mr. Moynahan brought that up because he hadn't thought of that; that he had assumed that they would have a town manager, but of course, they may not, and it was proper to upgrade the AA functions.

Mr. Moynahan said that they could be two-in-one and just called one thing or another, he didn't know, but they should have a backup plan was what he was getting at, as opposed to chasing their tails.

The Board agreed.

Mr. Moynahan said that Mr. Blanchette was going to be here and would be helpful with that, also. He asked Board members for thoughts of who else they might have on this committee. He asked if a member of this Board would be interested in being on the committee and, after discussion, Mr. Moynahan volunteered.

Mr. Beckert said that he would like to see possibly enlisting Ms. McGill's help.

Mr. Moynahan said that they had a lot of information from her.

Mr. Beckert agreed that she sent them a lot but he thought...

Mr. Blanchette agreed and said that she said that she would be more than willing to.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Moynahan suggested that he, Mr. Blanchette, and Ms. Mills start with something and, when they got to a point, then they would ask the Board if they could contact Ms. McGill, or someone, for some further direction, to at least get something started to present. He asked Mr. Blanchette if he would be willing to do that.

Mr. Blanchette said he would.

Mr. Moynahan said that they would contact Ms. Mills and the three of them would set something up to meet.

**7:41 PM**  
**#10**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Comprehensive Plan

Mr. Moynahan said that he has had the Comprehensive Plan on the AIL for a while, adding that he had been reviewing this and it looked like they had touched on a lot of the BOS' responsibilities. He added that there was one that was somewhat intriguing, which was to *"develop a plan to enhance access and safety for pedestrians and bicyclists between the Eliot commons area and Eliot Village."* He said that he didn't know if that would be reasonable to start exploring and potentially budget for some long-term capital improvement plan for that type of thing for the Town, and see if the Town would support something like that. He said that he knew that he had asked the Police Chief about crosswalks at Route 236 and Beech Road, in the past, but really had not pursued it. He asked if this was something that this Board would be interested in exploring, or not, at this point.

Mr. Hirst said that he thought that it was a lovely idea but he thought that it would cost a fortune to do; that he wasn't sure that this was the time to be looking at something like this.

Mr. Moynahan said that it could be ten years from now and setting up a capital improvement plan for that; that he wasn't looking at next year to have this done but to see what something like this would cost, what the benefits might be, and if it was something that the Town would support and, then, start budgeting, accordingly, and have a 10-year plan.

Mr. Murphy said that it sounded like a good idea.

Mr. Moynahan said that they didn't have to but he was reviewing some of the things that they haven't done.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Beckert asked if this was something the DPW Director could eventually get the Board figures on.

Mr. Moynahan said that he could as long as he was given direction by this Board.

Mr. Beckert said that he was trying to envision what a bicycle path or pedestrian safety...he didn't envision putting a sidewalk all the way from the Commons out through...

Mr. Moulton said that it could be as easy as widening the road, widening the shoulder, and that was the least expensive option.

Mr. Beckert agreed, adding that that was if a sewer line went down Beech Road to come out at the State Road intersection; that that may be the time to look at all that.

Mr. Moulton said that, for maintenance purposes in the wintertime, one plowed to the edge of the pavement so they were already taking care of the maintenance portion of it.

Mr. Moynahan said that, again, it was more for future planning; that he wasn't trying to throw something into this year's budget.

Mr. Beckert said that everyone needed to understand that the Comp Plan was a guide and was not etched in stone.

Mr. Moynahan agreed and said that he was just bringing it up for discussion.

Mr. Beckert said that it was a road map that the Town, at the time, voted to head in that direction; that when the Town reviewed it, again, it might change.

Ms. (Donna) Murphy asked, as a person who took her life in her hands as a walker crossing over Route 236, if there were crosswalks in that road and it being a State road, would that be a cost that the State would pick up or was that something the Town would still have to pay for.

Mr. Moulton said that they would be hard-pressed, and maybe they could on this end, but they would be hard-pressed, especially on the Depot Road end because of the speeds, even though there was a light. He added that he has enquired about it; that they were redoing the intersection, next year, at Depot Road and Route 236; that there was no indication that they were putting a sidewalk in because of the speed; that that was what governed it.

Mr. Moynahan said that the criterion was when the speed limit turned to 35 mph.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Moulton agreed, adding that that would be a State cost but getting them to foot the bill...

Mr. Beckert asked if the State put in a walk light at the Depot Road intersection.

Mr. Moulton said yes.

Mr. Beckert asked if that was still active.

Mr. Moulton said yes.

Mr. Moynahan said that the Town paid for that; that they paid Shapleigh Construction to do that, at least at the beginning and end of them.

Mr. Beckert said that there was one at the school.

Mr. Moulton said yes and that there was a partial sidewalk on either side, too.

Mr. Blanchette added that he believed the Town paid for it and the State allowed it.

Mr. Moulton commented that they couldn't even get the State to fix a road that was failing so how was the Town going to get them to put a crosswalk in.

Mr. Moynahan said that, after budget season, the Board could ask Mr. Moulton to put it on the budget list to come up with some type of ballpark figure to see if it was something they would consider pursuing for future years.

The Board agreed.

Mr. Moynahan said that anyone could say no, too; that he was just bringing it up for conversation.

Mr. Hirst said that he was willing to look at it but he didn't know about paying for it.

Mr. Murphy said that this was something that a lot of people would want to look at, including, maybe, the ECSD or the elementary school.

**#11**      TO      : Board of Selectmen  
FROM : Connie Weeks  
REF    : Invitation to meeting

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Moynahan said that this was a note from Ms. Weeks inviting the Selectmen, on March 5<sup>th</sup> at 7PM at the Town Hall, to a joint meeting of the PB and Conservation Commission (CC) on the subject of wetland setbacks, with Steve Walker (MIF&W) as the speaker.

**7:47 PM**  
**#12**

TO : Board of Selectmen  
FROM : Sanborn Development, LLC  
REF : Lot size

Mr. Moynahan said that this was in regard to the Comprehensive Plan, indicating that the 3-acre minimum lot size for the C/I District had changed to 1-acre lots, and Mr. Sanborn was requesting that the Board put this in front of the PB but he thought that the key component was that it required access to public sewer and water before that change could even be explored. He added that he thought that this was a little premature; that if the sewer project were to be voted in, then, perhaps, they could ask the PB to start reviewing that and look at making those changes.

Mr. Hirst asked if the Board should respond to Mr. Sanborn's letter in that vein.

Mr. Moynahan said yes.

Mr. Beckert said that, if he was reading this correctly the way that Mr. Sanborn had written it, he made it sound like that just because the people voted for the Comp Plan that this should be implemented immediately. He added that any of the stuff with the zoning changes still had to go back to the Town for a vote; that he wasn't sure if Mr. Sanborn understood that. He said that there had been discussion with another member of the EBDC that seemed to think that just because the Comp Plan passed something it didn't have to go back to the voters, again, but that was not the case.

Mr. Moynahan said that he and Mr. Blanchette would get together and draft a response to Mr. Sanborn indicating that that was not a zoning thing that they had voted on, with the Comprehensive Plan.

**#13**

TO : Board of Selectmen  
FROM : Elinor Amee  
REF : Wetland Setbacks Planning Board proposed change

Mr. Moynahan said that this was regarding the PB, hoping that they would "rethink their decision to change the setback for wetlands from 200 to 75 ft." He asked her if she was in favor of a 200-foot setback or 75-foot setback.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Ms. Amee said that she was in favor of a 200-foot setback.

Mr. Moynahan invited her to attend the March 5<sup>th</sup> meeting with the PB and Conservation Commission, as they would be the ones to make any recommendations to this Board for any changes that would happen.

**7:50 PM**  
**#14**

TO : Board of Selectmen  
FROM : Wendy Rawski  
REF : Approval & appointment of Fire Department Officers

Mr. Moynahan said that this was in regard to the Fire Chief elections and was from Ms. Rawski; that it was approval and appointment of Fire Department Officers and they were, as listed, the Fire Chief, Assistant Chief, and all the Lieutenants; that all of them would need to be appointed based on their (Fire Department) voting or just the Fire Chief.

Ms. Rawski said that just the Chief was the only one that was required and the others were only informational for the Board.

Mr. Moynahan said that the Board had no choice over that with an election in that department.

Mr. Blanchette said that that was correct by ordinance of the Town.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen appoint Jay Muzeroll as Fire Chief for the Town of Eliot for a one-year term to expire December 31<sup>st</sup>, 2013.

**VOTE**  
**3-0**  
**Chair concurs**

Mr. Fisher said that he thought the Board should inform Mr. Muzeroll that it wasn't State law that mandated the Board elect him as Chief but it was a Town ordinance.

Mr. Moynahan explained that his department elected him as Chief, which was part of the ordinance that the Town had and the Board appointed him by State law; that they gave the Board the election results – that that was what the Fire Department did and provided to this Board – and, by State law, the Board appointed from there.

Ms. Rawski said that that was correct and that Mr. Muzeroll was aware of that.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

**7:52 PM**  
**#15**

TO : Board of Selectmen  
FROM : Grant Hirst  
REF : Action Item for future meeting

Mr. Moynahan said that this was a note from Mr. Hirst on a couple of items. He added that one was spending time on Mr. Donhauser's recommendations and the potential of hiring a CFO.

Mr. Hirst said that, on the first part, in the minutes of December 20<sup>th</sup>, Mr. Donhauser gave them an extensive report as a result of his service to the Town as a Financial Consultant; that lots of these things were very important and the Board needs to make sure that they didn't let these get lost in the dust. He asked how the Chair recommended going about implementing these or, at least, having the Board go through them and implement them.

Mr. Moynahan said that they had on their AIL - Auditor/Financial Consultant – financial statement, management letter, December 20<sup>th</sup> report to Selectmen – so that was something that has been in front of them to schedule and work on; that at one of their next meetings they could schedule that.

Mr. Hirst said okay. He added that the second part sort of went with that because that was largely the thrust of his report; that they just needed a person pretty much in charge of financial accounting for the Town.

Mr. Moynahan said that it may not be a CFO, which was what Mr. Donhauser discussed; that it was a budgetary item and it could simply be giving assistance in the Town Treasurer's Office that allowed her to oversee that work and a town manager overseeing the Town Treasurer's work. He discussed his concern for creating a \$100,000/year position around that.

Mr. Hirst said that he hadn't thought of anything of that magnitude.

Mr. Moynahan said that that was what was recommended by Mr. Donhauser, or suggested, that they would be spending for that position.

Mr. Hirst said that he would like to think that a qualified town manager could serve in the same capacity.

Mr. Moynahan said exactly, as opposed to having a CFO and a town manager, which was a repetition of duties.

Mr. Hirst said that that meant that when they got to the point of looking for a candidate, if that in fact happened, then that should be very high on the list of job descriptions.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Moynahan agreed. He said that he did have prepared budget recommendations from each department and he touched upon that in the first one, a suggestion he had based on all the communications the Board had received from all the folks. He said that next week they had listed budget recommendations so they could bring their thoughts on this very issue, if members would like. He added that it would not be this coming Thursday but the next Thursday, for the AIL, suggesting that Mr. Hirst might put it on their calendar in Ms. Spinney's office, writing him a note, as that is how he has been scheduling things.

**7:55 PM**  
**#16**

TO : Board of Selectmen  
FROM : Glen Brand  
REF : Suggested Town Meeting Warrant language for Schiller question

Mr. Moynahan said that this was from Glen Brand regarding "*suggested language for the Town Meeting warrant question concerning Schiller to all members of the Board of Selectmen...*" and he read the suggested language. He asked if anybody had any thoughts; that he had a couple of comments that he thought that he would put in there. He said that, in the third sentence of the suggested language, he would add "concerning impacts, or not, on the Town's air quality and public health" because this was to either find or not find.

Mr. Murphy said "concerning possible impacts".

Mr. Moynahan said that the other part was that they owed it to the citizens to put in that the potential legal costs were unknown or somehow, in there, they had to inform residents that this could be an unforeseen cost to the Town.

Mr. Blanchette suggested that they send this to the attorney and let him be the person to draft it; that this was just a suggestion that they could forward to the attorney. He said that he did have a question and asked if the coal plant was in Portsmouth or Newington.

Mr. Despina said it was Portsmouth.

Ms. Davis asked if there was going to be a public hearing to inform everybody about this issue, pros and cons.

Mr. Blanchette said that, if the Board was going to put it on a referendum, which was what the Board had discussed, then there had to be a hearing.

Ms. Davis asked when the Board would discuss when a public hearing would occur; would it occur in conjunction with some other hearing that was already scheduled.

Mr. Moynahan said potentially; that he had not looked at that yet.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Ms. Davis asked if there was some kind of agreement that the Sierra Club wanted the Town to sign; was that what all of this was about, and, if there was an agreement, could she have a copy.

Mr. Moynahan said that they didn't sign anything; that, as a Town, they endorsed the Clean Air petition; that that was what this was; that the Town would authorize the Board to do this; that the Board wasn't doing this but was putting the Clean Air petition in front of the voters to either approve or not approve.

Ms. Davis asked if the petition was some kind of a form.

Mr. Moynahan clarified that they just called it a clean air petition. He asked if she had been involved with any of this.

Ms. Davis said that she had heard some of the public hearing but she thought that there must be a contract.

Mr. Moynahan said that they have had multiple, multiple meetings on this. He said that it was petitioning the EPA to investigate the Schiller Plant.

Ms. Davis said that, if they do that, then they were not signing anything, technically, or...

Mr. Moynahan said that it would obligate the Town to pursue that through the EPA so, if there were financial impacts to the Town, then the Town would be responsible for those.

Ms. Davis said that they must be signing something, then.

Mr. Beckert said that they would be signing the letter to the EPA; that they were not entering into any agreement with the Sierra Club on anything.

Mr. Moynahan agreed.

Ms. Davis asked if the letter was something the Sierra Club would provide to the Town.

Mr. Murphy said that the Board had copies of suggested letters.

Ms. Davis said that that was already part of the public record so she could get a copy of those.

Mr. Moynahan said yes.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Fisher suggested that the words "the Selectmen to" be deleted and have it read, "*will vote to direct the ~~Selectmen to~~ Town, on behalf of the Town, to petition".*

Mr. Moynahan said that the Board was going to forward this on to the Town attorneys; that this was a draft that the Sierra Club submitted; that the Board was going to have the attorney draft the language.

**8:01 PM** Mr. Despina, Schiller Station, asked if, in light of this discussion, was it okay for them to provide some suggested wording to the attorney, as well.

Mr. Blanchette said that he could; that Mr. Despina could send it directly to him and he would forward it on to the attorney.

Mr. Moynahan said absolutely.

**#17** TO : Board of Selectmen  
FROM : Eastern Trail Management District  
REF : 2013 Annual Update, Eastern Trail Mgmt. District

Mr. Moynahan said that this was from eastern Trail; that they were scolding the Town for being partners with them and not funding them for quite some time; that they were actually offering to reduce Eliot's dues for this year from \$5,000 to \$3,500. He added that he didn't know if they had received a budget request from them earlier in the season or if this was the first the Board had seen of this.

Mr. Blanchette said that this was it.

Mr. Moynahan said that there was a timeline sent out to each outside agency of when to submit their budgets so, he thought that the question for the Board was if they wanted to include this in their budget.

Mr. Murphy said that he didn't think they sent one to Eastern Trail, probably.

Mr. Blanchette agreed that they probably didn't because they had to remember that the Town voted not to fund this; that it wasn't that the Selectmen removed it from the funding source.

Mr. Murphy agreed, adding that that was repeated over several years.

Mr. Blanchette agreed.

Mr. Moynahan said that the question was whether to include this in the budget for this year, or not.

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Hirst recommended that they continue the practice of not funding it.

Mr. Moynahan said that the Board didn't have that say.

The Board agreed to present this to the people as a separate warrant article for them to vote up or down.

**8:03 PM**  
**#18**

TO : Board of Selectmen  
FROM : Xfinity  
REF : Annual Customer Notice

This was informational.

**Old Business (Action List):**

This was not discussed tonight.

1. Route 236 Sewer Expansion Project reports, updates, and schedules – Questions from Route 236 Ad-Hoc Committee - Mr. Blanchette
2. Sewer Contract/IMA – Schedule IMA/Kittery Meeting for presentation - Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette
3. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short
4. Community Service Space: Relocation to Elementary School – explore school space – fit up costs, service impacts, insurance, MSAD #35 contract, CSD Director – Mr. Dunkelberger, Mr. Hirst, & Mr. Blanchette
5. Town Manager – schedule workshop; include Comp Plan Implementation Committee; job description – sample contracts
6. Dispatch Service/Ambulance Contract – Contract with Kittery, request from same, costs – BOS, Mr. Muzeroll, Mr. Short
7. Policy creation/review – debit card, video-streaming, website management
8. Employees – cross-training, charting earned times, job descriptions - BOS
9. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review - BOS
10. Budget Preparation - BOS

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

11. Auditor/Financial Consultant – financial statement, management letter, finance director, personal property tax, fixed asset management - BOS
12. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
13. Legal issues – pending and Consent Agreements – Eliot Shores, PSNH/Sierra Club, Mr. Bogannam - BOS
14. Sewer User - rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
15. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews - BOS
16. Research grant opportunities – AED's for Town buildings
17. Comp Plan follow-up
18. Pending new unions
19. Special Town Meeting: February – IMA, TIF Funds (ERS #7)
20. York County Transitional Budget – Funding source
21. June Town Meeting preparation – Municipal Fee Schedule

**Selectmen's Report:**

There were no Selectmen's reports tonight.

**Other Business as Needed**

There was no other business tonight.

**8:05 PM**  
**Executive Session**

Mr. Beckert moved, second by Mr. Murphy that the Board of Selectmen enter into executive session as allowed by 1 M.R.S.A § 405.6.A "Discussion or consideration of employment, appointment, assignment, duties..." Personnel issue.

**VOTE**  
**3-0**  
**Chair concurs**

**BOARD OF SELECTMEN'S MEETING**  
**February 14, 2013 5:30PM (continued)**

Mr. Moynahan said that this was reviewed before it was put in the Board's packets and there was a chance that information that would be discussed would pose some concerns.

Mr. Fisher asked only a portion of it or all of it.

Mr. Moynahan said a portion of it and anything else would be taken up out here.

Mr. Pomerleau asked if the Board could tell them the nature of it.

Mr. Moynahan said that it was personnel; that when the Board came out they would discuss the...

Mr. Pomerleau said that that was not the nature but a broad category, asking again what the nature was – was it a hire or a fire.

Mr. Moynahan said that it wasn't a hire or a fire and, other than that, he was not going to say a whole lot...

Mr. Pomerleau said that they were required in the statute to provide...

Mr. Moynahan said that he would say that Mr. Pomerleau was on the agenda for next week so they could have more discussion because he was probably not as up-to-speed as Mr. Pomerleau was with the State laws with that stuff; that he did try to review them to make sure that they were adequately going into executive session.

**8:43 PM** Out of executive session.

Mr. Moynahan asked if there was any action by this Board.

Mr. Murphy moved, second by Mr. Hirst, that the Board of Selectmen agree that they should revise personnel policies to include a better description and procedure for the cases when employees have sudden emergencies or personal absences from work and what to do about that when it interrupts the work, and other issues that may come out of that.

**VOTE**

**3-0**

**Chair concurs**

Mr. Moynahan asked if there were any volunteers to start some draft language with policy.

**BOARD OF SELECTMEN'S MEETING  
February 14, 2013 5:30PM (continued)**

Mr. Murphy said that he would be happy to start it, with the help of Mr. Blanchette and their labor lawyer.

Mr. Hirst said that that was fine with him.

Mr. Moynahan suggested they start with a draft they could review and bring that up in open meeting.

The Board agreed.

**Adjourn**

There was a motion and second to adjourn the meeting at 8:45 PM.

**VOTE**

**3-0**

**Chair concurs**

---

**DATE**

---

**Mr. John J. Murphy, Secretary**