

BOARD OF SELECTMEN'S MEETING
March 8, 2012 6:30PM

Quorum noted

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

Roll Call: Mr. Fernald, Mr. Moynahan, and Mr. Murphy.

Absent: Mr. Dunkelberger and Ms. Place.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

There were no minutes to approve tonight.

Public Comment:

6:31 PM There were no public comments tonight.

6:32 PM

Department Head/Committee Reports

Mr. Moynahan introduced Devan Moretti, saying that he was attending a Town meeting as part of a merit badge college that he was attending with the intent to advance to Eagle Scout. He added that his son, Spencer, was in attendance, as well, as part of Troop #340. He let Devan know he could ask questions and clarify anything he did not understand.

Mr. Cielezsko, Chair of the Board of Appeals (BOA), said that from the last time he was here he understood from one of his members that there may be a mixed message about the cameras in the BOA proceedings. He added that he hoped he did not tell the Board, and if he did he was mistaken, that they had a vote on whether to ask for, or decline (if asked), for cameras in the room and one member has made it clear that he would like cameras at their hearings. He said that there was only a consensus and that it might change. Mr. Cielezsko reiterated that he wanted to make sure the Board understood that it wasn't a BOA vote that made him come to that meeting and he believed it was misrepresented, at least in the paper, and hoped the Board did not get the wrong impression.

Mr. Fernald clarified that anytime a Chair of a Board comes to the Board of Selectmen (BOS), the BOS expects that it would be in support of the that Board, itself.

Mr. Cielezsko said that, at that moment, he hopefully made it clear, and maybe not, but he was speaking on his own behalf on his reasons for not wanting the camera.

Mr. Fernald said that the BOS have not taken up that issue, as of yet, and up the road, they may ask the boards actually have a vote to see if they would like to or not, along with other input prior to that.

Mr. Cielezsko thanked the Board for their time.

Mr. Fernald asked if any Board members had any questions.

Mr. Moynahan said that he took what Mr. Cielezsko said as just a personal opinion when he was here last time, that he was speaking as a private citizen.

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6:36 PM Mr. Moulton discussed the sewer inspection noticed sent out. He said that 16 were sent out, that five had had inspections done, five more were scheduled to be done tomorrow, which left six who have not signed, yet, for their certified letter. He added that he was requesting direction on how they wanted to proceed once the seven-day compliance date was reached regarding implementation of fines.

Mr. Moynahan said that, if the people were not paying the fines that the Town was levying on them, what would be the chance of including that or increasing their tax bill. He added that this has been a year in the making, with inspections and notices and that sort of thing.

Mr. Fernald asked Mr. Blanchette what kind of problems that would incur.

Mr. Blanchette said that he was not sure and would have to talk with legal to find out what could be done, as some things could be put onto taxes and some things could not.

Mr. Moynahan asked Mr. Moulton if he was asking for permission to send out fines.

Mr. Moulton said that, essentially after seven days, it was supposed to be automatic, according to Town ordinance.

Mr. Moynahan asked how they would generate those bills.

Mr. Moulton said that was the question and they were working with the Clerk's Office trying to sort that out and get some guidance, adding that they would speak to legal if they needed to.

Mr. Murphy said that it was his understanding that fines must go through a court procedure, adding that, if they were not paying their regular assessments, then a lien could be placed on their property, as a State statute exists for that, but this is a special kind of thing. He added that this is more of a civil issue, digging in their heels against what was good for the Town as a whole. He said that he believed that had to go through a civil procedure.

Mr. Fernald, addressing Mr. Blanchette, said that the Board needed to get legal information on that to know the next step.

New Business (Correspondence List):

6:41 PM

#1

TO : Board of Selectmen
FROM : CEO Jim Marchese
REF : Contract proposal dated 1/18/12 GIS Mapping & Analysis

Mr. Blanchette clarified that the Board had authorized #1 and #3 and, under Aerial Flight, the current price was less than quoted originally and most likely will be even less with County involvement.

Mr. Moynahan clarified that Mr. Marchese was looking for #2, All Other Departments approval, which would benefit his department. He said that he did not vote to approve any of them at either of the meetings based on lack of information. He added that he had spoken with Mr. Marchese and found there was a direct benefit to the people, especially in the Shoreland Zone, but it was a cost versus benefit again.

Mr. Fernald said that he was asking for \$3,400 and asked where that money would come from.

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Mr. Murphy commented that he wished Mr. Marchese were present to address this.

It was the consensus of the Board to delay this to another meeting to get more information.

Mr. Moynahan suggested Mr. Marchese could work with Mr. Blanchette to provide a budget request through the department head, which is usually standard fare.

Mr. Fernald asked Mr. Blanchette to get in touch with Mr. Marchese regarding this.

6:45 PM
#2

TO : Board of Selectmen
FROM : CEO Jim Marchese
REF : McClellan ruling by Board of Appeals

Mr. Moynahan said that he was not at the meeting where they started this process so he didn't know if he would be able to work with the two members present on any decision with this, that it may be more beneficial to wait for the balance of the Board to take that up.

Mr. Fernald agreed because this needed to be a full Board decision. He asked Mr. Cielezsko if he had seen this particular item.

Mr. Cielezsko said that he understood that it included the Board of Appeal's (BOA) Notice of Decision and the CEO's Notice of Violation.

Mr. Fernald said that the way the ordinance read was that, if it came from the BOA, then the next step would be to move it to the BOS and then it would go to the court, if there were a reason. He added that it was a very sticky situation because the BOS did not want to overturn a BOA decision, adding that the Town had a reason to have a BOA.

Mr. Cielezsko said that, as they understand as a Board (of Appeals), they understand their responsibility in regard to a case like this, and they were clear that they were acting in an advisory manner to help the BOS to come to a decision on how to deal with the subject. He clarified that the decision they reached tended to drift toward the advisory, anyway. He clarified that he wasn't sure their decision would hold up in court very well, but the majority of the Board spoke, and he was with them in that, if that path was taken (that they had laid out), that there could be justice for everybody.

Mr. Fernald said that he thought this was a very important decision to be made and thought the whole Board needed to be present to make that decision so agreed with Mr. Moynahan that this was something they needed to bring up at the next full Board meeting.

Mr. Murphy concurred.

6:48 PM
#3

TO : Board of Selectmen
FROM : CEO Jim Marchese
REF : Removal of unpermitted boat/deck

Mr. Fernald said that he believed that, if they were to take action on this, then they needed a full Board here. He asked for comments from other Board members.

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Mr. Murphy said that, since it may be punitive, it may be better to have more people expressing an opinion. He asked if the applicant came tonight.

Mr. Fernald said that he was present. He added that the discussion was part of the Board's decision to either postpone this until there was a full Board or take it up tonight. He asked for Mr. Moynahan's input.

Mr. Moynahan said that he was looking at the fact that the Notice of Violation (NOV) was issued on 10/24/2011 and that was a long time ago. He asked if it was something that merited a conversation or why was it just now that they were pursuing this; should it have been done prior to now. He said that he had questions for the CEO in regard to where they were at with this.

Mr. Murphy said that he thought the third paragraph attempted to deal with that.

After more discussion, the Board agreed by consensus to have the CEO and the applicant present together to have consistency with this process.

Mr. Fernald apologized to the applicant but explained that the Board needed more information before they could make a decision and would like to have the full Board present, as the decisions to be made were important.

Mr. Bogannam said that he understood and accepted that but said that he did have some people come from a long distance to support his decision. He added that he wasn't sure why the CEO would not be present.

Mr. Fernald said that, unfortunately, he believed it was because they knew they would not have a full Board, adding that it really was a good idea to have a full Board to get all the information and all the opinions from a full Board instead of just three. He added that he hoped the applicant understood that they did not want to inconvenience him or any other people who came to support him but this was a very important matter and the Board wanted to make sure they made the right decision.

Mr. Bogannam said that he appreciated that.

6:53 PM
#4

TO : Board of Selectmen

FROM : Robert Pomerleau

REF : Video Streaming of various committee meetings

Mr. Fernald said that this was a letter from Mr. Pomerleau supporting video streaming that the Town has going on at the present time. Mr. Fernald acknowledged that some Boards were not in favor of this and also acknowledged the Freedom of Access Act that permits video-taking of any sitting Board. He said that the Board would take Mr. Pomerleau's recommendation into consideration when they made the decision whether they would have the video streaming on some of the other boards, such as the BOA or PB.

Mr. Moynahan said that that seemed sensible.

Mr. Murphy thanked Mr. Pomerleau for presenting such a detailed letter

6:55 PM
#5

TO : Board of Selectmen

FROM : Planning Board

REF : Proposed Amendments to Municipal Code of Ordinances

Mr. Fernald said that this was a Warrant Article from the PB to amend the Streets and Sidewalks Code regarding various Eliot subdivision street standards. He clarified that the Board had to decide whether they wanted this to go to the open

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floor at Town Meeting or to referendum. He added that, if they decided this would be put to a referendum vote, then they needed to have a Public Hearing.

Mr. Murphy discussed that he had only recently seen this, went through it last night, and detected that the wording was somewhat old-fashioned, adding that he had several changes that he suggested should be made and concerns for understanding of the money requirements (peer review by engineers) included for developers they did not have before.

After further discussion, the Board agreed by consensus to have this go to open floor at the Town Meeting and to hold public hearings prior to that meeting.

7:03 PM

#6

TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : Budget Information: Town Clerk Office Renovation

Ms. Rawski said that she came in case anyone had questions. She added that this was just a rough preliminary estimate, as she was asked to get for the Board to be added into the CIP Budget. She said that the estimate was between \$12,000 and \$15,000 for the renovations.

This has been added to the CIP Budget for 2012/2013.

7:05 PM

#7

TO : Board of Selectmen
FROM : David Emery, ITC Chairperson
REF : Municipality Technology Conference 2012 (cost)

Mr. Fernald discussed that this was a letter from Mr. Emery thanking the Board for prepaying his registration fees to attend the MMA workshop but respectfully declining and included a reimbursement check back to the Town.

The Board thanked Mr. Emery.

#8

TO : Board of Selectmen
FROM : Roberta Jardine
REF : Comcast charges

Mr. Fernald said that this was a letter from Ms. Jardine regarding her concern for Comcast fee increases on her bundle package, wanting to know if there was anything the Board could do.

Mr. Moynahan said this was similar to Central Maine Power, the rates of which the Town has no control over.

Mr. Murphy said that he thought the Board should ask Mr. Blanchette to write her a letter in response to this.

The Board agreed by consensus to have Mr. Blanchette write a response to Ms. Jardine.

7:08 PM

#9

TO : Board of Selectmen
FROM : Jack McDonough
REF : Interest to be on the Sewer Committee as an alternate member

Mr. Moynahan moved, second by Mr. Murphy, to appoint Jack MacDonough as an alternate to the Sewer Committee, with the term to expire in 2014.

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VOTE
2-0
Chair concurs

Mr. Blanchette agreed to notify Mr. MacDonough of his appointment.

7:10 PM
#10

TO : Board of Selectmen
FROM : Eliot Planning Board
REF : Notice of Decision Letter

Mr. Fernald said that this was a notice of the PB approval of the ECSD building that the BC has been working on, clarifying that this was notification that the PB review process has been gone through and approved.

Mr. Moynahan clarified that this was just informational whether that project proceeds or not, but it was comforting to that that part could occur.

7:11 PM
#11

TO : Board of Selectmen
FROM : American Red Cross
REF : Thank You Letter

This was a thank you letter from the Red Cross thanking Eliot for their support in aiding Maine families with disaster relief funds.

#12

TO : Board of Selectmen
FROM : Xfinity
REF : Important Price Adjustment Information

This was informational regarding customer price increases.

Mr. Moynahan suggested including a copy of this in the letter to Ms. Jardine.

The Board agreed by consensus.

7:13 PM
#13

TO : Board of Selectmen
FROM : Maine Coastal Program
REF : Grant Program Statement FY12, round 2

Mr. Moulton said that he was looking at this (trying to put something together) regarding storm water in the Village area, as it related to I&I with the sewer.

Old Business (Action List):

7:15 PM

Mr. Fernald suggested the need to concentrate on the budget process for the next off Thursday meeting.

Mr. Moynahan suggested they focus on the Capital Improvement portion, adding that he thought a lot of the A.I.'s were ongoing or in the works.

It was agreed by consensus to discuss the Capital Improvement portion of the budget at the March 15th meeting, to be held at 6:30 PM., as well as to give department heads a heads-up to submit any additional information ahead of that meeting.

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1. Sewer Contract Committee – Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette – IMA Update
Mr. Moynahan said that he had received a letter from the CEO regarding meeting with Kittery and that this was progressing with Eliot's engineer.
2. Monthly Reports from Department Heads
These reports have been pretty consistent.
3. TIFD reports and updates
Mr. Moynahan said that, as they get closer to final engineering and getting prepared for any type of votes to the Town, they should start looking at preparing numbers and financial information for back up to that project.
4. Health Insurance Costs
This has been addressed.
5. Review existing Sewer User Rates and update – Sewer Committee
This is ongoing.

Mr. Hirst asked if the Board had made a decision regarding what level of revenue in that account should be the trigger for them looking at an increase in that capital reserve rate. He reminded the Board about talking about looking at the rates every year but, on the Capital Reserve, they decided that, maybe, they should have a trigger that, when a balance gets below a certain number, they should come to the Board asking for an increase. He asked if the Board had a suggestion on that.

Mr. Murphy said he thought they would be watching that in any case but he was not prepared to set such a level at the present time until they got a little more experience in how much was going to be spent in renewing the manholes that were being worked on now.

Mr. Moulton said that he should have that answer for the Board in a week or two.

Mr. Fernald said that, with additional information, the Board would come up with that information.

6. Regionalization of Town Services
Mr. Moynahan said that York has been invited to those meetings, as well, and that the next meeting is a few weeks out and, as things progress, he would update the Board.
7. Sewer Allotments – fee for reserving such
This is ongoing.
8. Auditor – Management Letter
This is being addressed within the budget process.
9. Consistent Format – Budget, Time Sheets, etc. – Mr. Moynahan and Mr. Dunkelberger
This is ongoing.
10. Monthly Workshops – 3rd Thursday of the month
This is ongoing.
11. Employee Reviews in monthly Department Head Reports
This is ongoing.

There was discussion around how to do department head reviews. It was agreed by consensus to have Mr. Blanchette touch base with other local towns to find out how they handle department head reviews.
12. Mass - email
Ms. Rawski said that this went “live” at about 3:45 PM yesterday and she had somebody sign up for it already. She added that the Comments section was still a work in progress.
13. Legal issues – pending and Consent Agreements
There is one issue pending.

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14. Community Services Building
Mr. Long said that this should be finished on Monday.
15. Police Union Contract
This is ongoing.
16. Finance Director/Comptroller
This is being addressed within the budget process.
17. Personal property tax
No action.
18. Town Forest – Johnson's Lane
Mr. Blanchette said that he thought that was going to go under the "unknown owner" and that they would use that route.
19. Taping of meetings - policy
This is ongoing.

Mr. Moynahan said that he thought this was two separate issues. He explained that one policy is a "how-to" – how to set up and operate the system, with a person able to do that; the second was who and when and he believed that was the one they would struggle with more. He said that he wasn't sure if they were able to require it or should require it, suggesting the Board put some questions out to the specific boards to get some feedback and what their thoughts were on the pros and cons, not requiring any votes on it or anything like that, but getting some thoughts they may not have even considered.

Mr. Murphy suggested starting off the letter why the Board was doing this and why this Board thought they should be doing it, the value they saw in it, so they wouldn't be sitting back waiting to be informed from all the others and then make a final decision. He added that he thought they were all very much involved in the need to encourage public knowledge of what's going on and, so, they should put their mouths right there.

Mr. Moynahan agreed and that they (BOS) all support that.

It was agreed by consensus to write a letter, including Mr. Murphy's suggestion, to the boards asking for their input.

Selectmen's Report:

7:30 PM Mr. Murphy discussed the awards meeting in Portland he attended regarding Ecomaine, in which Eliot Energy Commission was a recipient.

Other Business as Needed

There was no other business tonight.

Executive Session

There were no executive sessions tonight.

Adjourn

There was a motion and second to adjourn the meeting at 7:34 PM.

VOTE

2-0

Chair concurs

DATE

Roberta Place, Secretary