

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM**

**Quorum noted**

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

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

**Pledge of Allegiance recited**

**Moment of Silence observed**

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

**5:31 PM** Motion by Mr. Dunkelberger, seconded by Mr. Hirst, to approve the minutes of February 28, 2013, as amended.

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

Motion by Mr. Dunkelberger, seconded by Mr. Hirst, to approve the minutes of March 7, 2013, as amended.

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

Motion by Mr. Dunkelberger, seconded by Mr. Murphy, to approve the minutes of March 14, 2013, as amended.

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

**Public Comment:**

**5:40 PM** Ms. Fournier discussed that none of the warrant articles had gone to a public hearing and that she thought that the Board had to have a public hearing on the warrant articles before they went to Town Meeting.

Mr. Murphy said that that was a requirement only when there were referendum items and these warrant articles were all Open Floor items.

Ms. Fournier discussed Warrant Article the Sixth requesting a \$26,000 appropriation to roof the Town Garage, which was in preparation for the solar panel project. She asked if anyone knew when the Town Garage roof was last done.

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Mr. Moulton said that it has never been done; that it was the original roof.  
Ms. Fournier asked when it was built.

Mr. Moulton said 1991.

Ms. Fournier said that she had a copy of the Power Purchase Agreement, which was a 34-page contract, that, as she understood from Mr. Blanchette, the Board hadn't signed yet.

Mr. Moynahan said that they would be talking about that later on the agenda; that they had a response back from the attorney on that.

She asked if the letter changed what was on the warrant article.

Mr. Moynahan said no.

**5:45 PM**

Ms. Fournier said that in the warrant article the Note said that "The Solar Project costs no additional tax money and will reduce the energy costs at the Highway and Transfer Station buildings." and when she read the contract she saw costs to the Town. She said that she saw insurance costs; a provision for easements if there were trees interfering with the solar project, or a future solar project, land needed adjacent to the Town...

Mr. Moynahan clarified that this would just be specific for the panels that would be on the roof of that building; that they were not talking about any future solar farms or anything of that nature at this point in time. He said that the only item they were considering were the solar panels on the DPW Garage roof.

Ms. Fournier reiterated that there were costs involved; that there were provisions in this agreement that the Town was planning to sign that involves any future solar projects but there were insurances required for the current solar project. She added that there was also a clause about net metering, which the Town didn't have, and she wasn't sure that municipalities could enter into net metering.

Mr. Moynahan said that the Eliot Energy Committee (EEC) has done all the research for the Town.

Ms. Fournier said that she had spoken with Mr. Brickett. Discussing the Power Purchase Agreement, she said that there was a provision in it for any necessary easements to clear trees or buy easements on adjacent land and the Town would have to pay for it if the provider felt it was necessary. She added that the Town had to make somebody available if there was something happening down there and be responsible to notify them. She said that the Town got a 2-cent discount on the solar energy produced that the Town could use; that the Town had to buy all

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the energy that was produced for 20 years; that for the first six years the Town got a 2-cent per kilowatt hour discount on what the Town could use. She said that solar panels produced energy when the sun was shining but, if the Town couldn't use that energy, then they had to buy it anyway. As an example, she said to suppose the sun shone long enough for the Town to take advantage of, say, 500 kilowatt hours and, then, there was more produced than the Town couldn't use but they would have to buy it anyway.

Mr. Moynahan said that the information provided to the Board by the EEC on this project the Board supported to put in front of the voters. He added that if this was something that she was not in favor of, the Board was bringing it to the larger venue, which was the Town Meeting and she could vote for the project or not. He said that the department head has assured that any of those things she mentioned earlier could be taken care of during his normal daily operations. He added that these things have already been considered and discussed by this Board before they put it in front of the voters. Mr. Moynahan said that that (Town Meeting) would be the time to ask these questions.

Mr. Murphy said that they didn't have to use all that energy right here; that they got the credit for it and the credit was applied to various accounts.

Ms. Fournier said only if the Town had net metering, which they didn't; that that was only if the statute allowed it and only if the utility company was in agreement with that because of the policy. She said that, if they didn't approve the garage work at Town Meeting, then they wouldn't do the solar project.

Mr. Moynahan said that that was correct.

Ms. Fournier asked if that Town Meeting was an opportunity for people to learn more about this and decide if they want to have the solar project, adding that it sounded like they wanted the solar project to start sometime in the spring.

Mr. Moynahan said that the roof needed to be reroofed, regardless, and the timing worked in that aspect; that they have had these discussions. He added that the structural work was something added, in addition, in preparation for solar, so that would be the only added expense. He reiterated that the roof needed to be reroofed, regardless, and the Board thought this would be a good time to do it if they were going to entertain doing the solar project at all.

Ms. Fournier said that she thought that it was going to cost the company around \$160,000 to do this project and what they got was the Town's space; they got this, they got that, they got all these guarantees from the Town, and there were costs involved; that it shouldn't say that there were not costs involved because the contract said that there were. She asked, if there was such a thing as quality solar

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panels that could produce a lot of good energy for the Town to use, then why weren't they simply buying the project. She said that if the Town could make better use of the energy produced to save money and have it pay off in the long run, why weren't they doing that. She added that, for \$160,000, that made more sense; that to her this project didn't make sense [as currently presented]. She said just a 2-cent discount on the Town electric bills and it didn't matter if the Town used it all because they had to pay for anything they didn't use to this company. She said that that was not, to her, a good deal.

Mr. Moynahan said that the Board appreciated her input...

Ms. Fournier said that if somebody came along and knocked on her door...but the point was...

Mr. Moynahan said that they could bring this up on Saturday and, again, thanked her for her input. He asked her if she had anything else outside the solar project this evening.

Ms. Fournier said that she thought it would be nice if the Board would, in instances like this where it did affect the taxpayers, to hold a public hearing.

Mr. Moynahan said that the Board has had two public [discussions]; that the EEC came in on two different occasions to present the information to the Board, so, to say that they weren't doing that would be wrong. He asked if there was anything else that she had tonight besides the solar project.

Ms. Fournier said that she did not.

Mr. Moynahan asked if there were any other members of the public who wished to speak.

**5:53 PM**

Mr. Brandon said that he was really curious about the purchase of the deed for the lot, clearing that. He asked what was the purpose of the Town obtaining that deed and, eventually, although that was not clear to him, the lot; what was the intent.

Mr. Moynahan said that looking at the tax map it looked like some potential for some future use with land-swapping with adjacent landowners that could, potentially, create a second egress to the Boat Basin, adding that because of that it looked like a good asset for the Town to have. He added that the property wasn't up-to-date with taxes; that the timing and the cost of that seemed, at least to those of them that had the discussion, to be a potential future benefit.

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Mr. Brandon said that, in discussions with his wife and people in the community, it was not clear who they would exchange it with or where another egress would be put to the Boat Basin.

Mr. Moynahan said to Mr. Blanchette that, perhaps, they could bring a map for Saturday showing where that property was located and what their thoughts were so that people could have a better understanding.

Mr. Brandon said that that would be advantageous to the Board's position.

Mr. Moynahan said that they would do that. He asked if there was anyone else from the public who wished to speak on anything not on this evening's agenda.

There was no one.

**Department Head/Committee Reports**

**5:55 PM** Ms. Davis said that they made changes to preliminary budgets last night and she was wondering what state those were in and if the BC could have some preliminary revised budgets by tomorrow so that she could get them out.

Mr. Moynahan asked Mr. Blanchette if they had forwarded on any changes that were made to departments.

Mr. Blanchette said that he could certainly forward on anything that he had; that he did not have everything, yet.

Mr. Moynahan said that they forwarded to the department heads any changes that were requested so, if Mr. Blanchette could follow up and see that they got those in a timely fashion so the BOS could get the drafts for the BC, then that would be great.

Mr. Blanchette agreed.

Ms. Davis said that she was following up on a request for information on the gas compressor station; that she had requested any data or communication that the Assessor had; that she received some copies of printouts from Vision and she couldn't believe that there wasn't more information on the compressor station.

Mr. Moynahan asked if she and Mr. Blanchette and Ms. Painchaud and Mr. Dunkelberger supposed to meet.

Ms. Davis said that they were; that she wanted as much preliminary data as she could get prior to making that appointment so that she could prepare before

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discussing the issue with Ms. Painchaud. She added that, if there was more information, then she would like to have it.

Mr. Moynahan asked Mr. Blanchette if there was additional information that was available with this.

Mr. Blanchette said that he would check with Ms. Painchaud but he believed that they forwarded everything that they had.

Ms. Davis said that, then, the Town had had no communication with MNP and they had no folder on the gas compressor station and they had no other information that they could copy and give to the BC.

Mr. Blanchette said no, that wasn't what he said.

Ms. Davis said that what she was saying, then, if they had other information, then could the BC have a copy.

Mr. Blanchette said any more written communication.

Ms. Davis said yes.

Mr. Blanchette said that Ms. Painchaud has talked with them by phone.

Ms. Davis asked, if he had any emails or a folder, could he copy that to her.

Mr. Blanchette said that he would copy her everything but he believed she already did.

**5:57 PM**

Mr. Moynahan said that it would be nice if Ms. Davis had the ability to sit with the Assessor, too, because it may help answer some of her questions because the BOS did not have the direct knowledge that Ms. Painchaud had regarding that. He added that he thought it would be a benefit to have the group of three...that he thought that was going to be a great solution to getting some of that in asking her directly rather than this back and forth.

Ms. Davis said that, with this folder on the compressor station, she would like to see the emails and the folder prior to arranging a meeting.

Mr. Moynahan suggested that, perhaps, she could have two meetings: one a meet-and-greet to ask specific questions and have Ms. Painchaud show what she had, then review that and set up another meeting, also. He added that he thought the sooner the better for Ms. Davis.

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Ms. Davis said that it just didn't seem like a difficult proposition to give her what they had in writing on this.

Mr. Moynahan said that that was what he was trying to say; that Ms. Painchaud was directly involved in this and could be more beneficial; that it was right at point-of-service and copies could be made right there and then; that Ms. Davis may be better served that way.

Ms. Davis said that she felt she would be better served to receive the information so that she could review it prior to a meeting but she would schedule a preliminary meeting. She said that statements of account she requested at least a week ago – Contingency Fund, Route 236 TIF, Eliot Commons TIF; that she had not received anything on those, yet. She added that, in particular, she would like to see a statement of account for the Contingency Fund for a minimum of the last four years prior to the BC meeting on Tuesday. She added that it has been at least a week and this was just a printout of the accounts and she would like to have this information as soon as possible.

**6 PM**

Mr. Murphy said that he had been looking into that, himself, and there was no immediate printout. He added that he has asked the Treasurer, already, because many of the accounts were not in the computer at the present time because they were too old. He added that he could speak at some length, and he expected to speak at some length, at the meeting on Saturday. He said that the Contingency Fund went back to 1988 and he wanted to accumulate all the expenditures from that; that he had some of that going back to 2006 and he would make those available when he made the presentation to all the citizens in Town, not just to the BC.

Ms. Davis said that the BC requested this a week ago and it was public information and she would like to see a copy before the meeting.

Mr. Murphy said that she might have to dig for it; that he was digging for it, himself, using his time in going through the Town records.

Mr. Moynahan said that they would all be civil, here. He added that anything they could provide in regard to the Contingency account...

Mr. Blanchette said that Contingency account expenses for the last four years and what else.

Mr. Moynahan said that Ms. Davis said something about a statement of accounts.

Ms. Davis said for the Route 236 TIF, money in and money out, and the Eliot Commons TIF; that she requested these at least a week ago.

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Mr. Moynahan said that he did not believe there was an account with the TIF; that it was just money in but they could certainly provide that.

Ms. Davis said that they paid money out of the TIF account for Route 236.

Mr. Moynahan clarified not out of the separate credit enhancement TIF, in reference to the Eliot Commons. He said that the Town was just kind of a money holder until there was some type of economic development that occurred there.

Ms. Davis said that, regarding the compensation study, she requested a copy of the final report for the compensation study that was done previously; that she received one that had a date of 1998/1999 but the warrant article said 2005/2006 and she was wondering why there was a discrepancy and, if there was a newer study, why didn't she have a copy of that.

Mr. Moynahan said that he got that from Ms. Thain and was pretty sure that 2005/2006 was the last time the study was done and that was why he referenced it.

Mr. Blanchette said that he thought what Mr. Moynahan referenced was an update; that the study was done back in the '90's. He added that the update was only two or three pages and only on the pay; that the study was what he received.

Mr. Moynahan said that he didn't dig deep; that he looked at the cover page and used that date, so, apparently he was incorrect and that was an update to the study done in 1998/1999.

Ms. Davis asked if the BC could have a copy of the update.

Mr. Blanchette said that she could.

Ms. Davis asked if they had received the Eaton Peabody final report.

Mr. Moynahan said that they had a draft that would be on next week's agenda; that they just got that and there was something the Board sent back to them for clarification on but they would have that on next week's agenda.

Ms. Davis asked if the BC could have a copy of the draft.

Mr. Moynahan asked Mr. Blanchette if they could have a copy before the meeting or did the Board have to wait for...

Mr. Blanchette said that Eaton Peabody did not want the draft let out; that it was only a draft and they wanted the Board to wait until it was final so he would

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honor their wishes; that, once it has all been corrected and so forth, then it would be released.

Mr. Moynahan said that that would be at a Board of Selectmen meeting so they would make sure they had additional copies at that point.

**6:05 PM** Ms. Davis said that she asked for a breakdown of how the fringe benefit warrant article number was derived and, if possible, by department and if they were adding in extra for insurance - thinking that people might go from single to family – and a breakdown of what that number was; what they were covering for fringe benefits and why. She added that if they have come up with a number then there must be some rationale for why that number was used.

Mr. Moynahan said that he was sure that Mr. Blanchette and Ms. Spinney created these numbers so whatever that rationale was he asked Mr. Blanchette to provide that.

Mr. Blanchette said that he would.

**6:06 PM** Mr. Pomerleau asked, discussing the Peabody draft, what legal authority did Peabody have a right to withhold any public information or public document that the Town has paid for; under what statutory authority did Peabody have a right to withhold public information.

Mr. Moynahan said that it was not public information until the Board officially received it and it has not been received by the entire Board.

Mr. Pomerleau said that it has been received in this Town and, if it has been received in this Town, then it was a public document.

Mr. Blanchette clarified that it was a working document owned by Eaton Peabody and the Town purchased the final draft.

Mr. Pomerleau said that he would pursue this in another avenue; that he thought they (Eaton) was violating 'right-to-know' laws by refusing it to the BC.

Mr. Moynahan said that as soon as the Board had that corrected version they would have it on the Board's meeting; that he was hoping it would be next week's agenda.

**6:07 PM** Mr. Moulton said that he had two things he had submitted to the Board for their consideration. He said that one was that he was looking to see if the Board would be interested in allowing him to do an upgrade on a compacting unit at the Transfer Station to a 4-yard unit versus a 3-yard unit. He added that the reason

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was that he could increase the tonnage, per container, and reduce the amount of trips being hauled; that the currently owned 3-yard container would be reused on-site to help with the consolidation and compacting of the 3 through 7 plastics, which they now recycled, and that would reduce the amount of trucking they would have to do there, as well. He added that this was not from a RFP but came from a vendor that they already utilized who asked if Eliot was interested; that it was brought up the last time he had put a 4-yard container in service and they increased the tonnage. He said that, essentially, he was getting another half container out of upgrading to one size.

Mr. Moynahan said \$13,230 expense and Mr. Moulton indicated his dump haul budget line could support that and payback would be how long.

Mr. Moulton said within a year.

Mr. Dunkelberger asked, as far as the payback, how they would get the payback.

Mr. Moulton said that they would save on trucking, diesel fuel, and the number of trips. He added that, basically, the number of trips would be where the payback would come because they would have fewer trips going out and getting another half container, essentially.

Mr. Dunkelberger asked if they were charged by trip.

Mr. Moulton said that the Town owned the truck but his diesel fuel line maintenance of the truck, of course; that they were charged per ton at disposal so more tonnage to go was fewer trips.

Mr. Dunkelberger said that it was primarily in vehicle operations wear and tear.

Mr. Moulton agreed.

Mr. Moulton asked, with that paying for itself in a year, would that result in a budget reduction in that line for this upcoming fiscal year, if this purchase was approved.

Mr. Moulton said that he could definitely look at it; that he hadn't considered that but he could look at that and make an adjustment.

Mr. Hirst asked if this was something that should trigger their multiple bid situation.

Mr. Moynahan said that Mr. Moulton had touched on that and asked him to touch on that, again.

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Mr. Moulton said that the vendor that he utilized to help with the maintenance - that there were only a few vendors in the area that did that - had a used 4-yard container that had been refurbished. He added that this was something they approached him on because he had done it once before; that he had considered and talked with the Board a couple of years ago about possibly doing this in the future. He said that it just came up and that it was in-line with the costs they paid for the one two years ago. He added that refurbished units were few and far between at times.

Mr. Moynahan asked for the Board's thoughts.

**6:10 PM** Mr. Beckert moved, second by Mr. Dunkelberger, that the Public Works Director be authorized to expend \$13,230 to purchase the 4-yard stationary compactor from Atlantic Recycling Equipment, LLC.

Mr. Moynahan said that that would come out of the Dump/Haul 20-25/05-50 budget line.

The Board agreed.

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

Mr. Moynahan asked Mr. Moulton to review his budget and get that back to either Mr. Blanchette or himself.

**6:11 PM** Mr. Moulton said that he had another resident who was interested in being a fill-in at the Transfer Station. He said this gentleman was Richard Philbrick of 11 Clark Road, adding that this allowed him some versatility as far as summer vacations and things with the existing employees. He said that it was an on-call, as-needed type of things and not a permanent, full-time position.

Mr. Moynahan said that Mr. Moulton provided an application and all that. He asked the Board for their thoughts on allowing Mr. Moulton to have an on-call, as-needed fill-in position.

Mr. Hirst said subject to satisfactory motor vehicle record check, sure.

Mr. Murphy asked if Mr. Moulton had worked with this person before.

Mr. Moulton said that he did not personally know him; that he was recommended by another employee of the Town.

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The Board agreed by consensus to allow Mr. Moulton to put Mr. Philbrick on his list as an on-call as-needed basis.

**6:13 PM**

Mr. Muzeroll apologized for not coming last night; that he misunderstood that they would be talking about this year's upcoming budget; that he thought they would be talking about Saturday's finalization of the Saturday stuff. Discussing budget completion, he said that he had some numbers that he changed that would reduce some of his projected CIP costs that he would like to discuss with the Board.

Mr. Moynahan asked if the Board wanted to take that up now while Mr. Muzeroll was here as the budget completion was coming up next on the agenda, anyway.

The Board said to take it up now.

Mr. Muzeroll said that, in his ongoing CIP, was the roof replacement at the Fire Station. He said that the CIP figures he has presented to the Board over the last couple of years were based on a cost that he got from a local contractor that he thought was reasonable at the time. He added that, in good faith, he sent out, not RFP's, but a generic request to reroof the Station and the EFD would haul the shingles away; that he sent that out to three area contractors. He said that one didn't want to get involved, another did not get back to him but Hall Brothers did get back to him and was the one who originally did the roof at the Fire Station when the Town did the addition. He said that their proposal for complete work was \$36,800, which was about \$30,000 less than what he expected. He added that that included everything he asked the contractor to do; that the EFD would provide a dumpster and the disposal of materials so that the contractor didn't have to; that that may have been part of the reduction in costs. He said that they have been in the area forever; that he wasn't looking for approval for them to do this right now. He added that he was talking about 30-year warranted shingles, replacing some decking if needed. Mr. Muzeroll said that based on that, where between the \$25,000 his department received last year and the \$40,000 he was going to request this year that would put it at \$65,000; that he liked to add 10% to that \$38,000 because of cost variables and time so round it up to \$40,000; that they were looking at about \$25,000 less than what they had initially anticipated. He added that he didn't want to infer that this would be the company that got the RFP but he wouldn't be a bit surprised if that was who would end up with the work. Mr. Muzeroll said that, based on that alone, he looked to make the total cost of the roof \$40,000 rather than the \$65,000 so that would be an adjustment in that CIP request for this coming year, which would be only a \$15,000 request for CIP for roof replacement for this year.

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**6:15 PM** Because there was some confusion with people having more than one draft version, Mr. Muzeroll clarified that he had a \$25,000 balance and was requesting \$15,000 for this CIP budget line for FY 2013/2014.

Mr. Moynahan said that the Board would make that change to the EFD CIP. Mr. Muzeroll said that one of the issues he has been trying to conquer the last several years and presented to the Board in a budget for 2011/2012 was the replacement of structural fire-fighting gear. He added that they had a plan in place to replace that gear between last year, this year, and next year; that they were replacing 66 units and that a unit was either a coat or a pair of pants; that he could just as easily say 33 sets of gear. He said that he was trying to make sure they were doing things right, if he would be able to stretch things out and spread this a little bit, so, he hired a company well known in the fire service to come in and do a complete gear inspection independent of him (Mr. Muzeroll) or anyone in the Town. He said that they had been here the last three days and left yesterday afternoon; that the fire gear was in worse shape than they thought it was – mostly the pants. He added that they had kind of recognized that the pants were deteriorating; not the outside of the pants but the inside – the thermal liner and the vapor barrier. He explained that, as it turned out with that inspection, he now had 16 firefighters that either didn't have a coat or didn't have a pair of pants. Mr. Muzeroll said that he made some arrangements to borrow gear and, with what money he had, to start purchasing some stuff. He added that, if they were looking forward for the next couple of years, budget-wise, he was going to request more money in the CIP this year and next year to cover those 66 pieces of gear. He added that the \$10,000 he had now would get about four full sets of gear. He said that they were looking at replacing 62 pieces or 31 full sets of gear at about \$1,200 a set and that was about the least expensive compliant gear he could find that was safe for people to use. He said that they were probably going to have to get away from the brand recognition that they have had longer than he had been around and go to a different manufacturer that was obviously producing at a lesser cost. He said that the Globe, which was the company they currently dealt with, prices were about \$2,200 a set and the company he was looking at right now, which met all the NFPA requirements and would fit for this style of department, was between the \$1,200 - \$1,300 range; that \$900 - \$1,000 difference, per man, was a lot of money, especially when they were looking at factoring this out. He added that the downside to that was that, if he bought Globe gear, then he might be able to get 8 – 10 years out of it; that if he bought another company's gear, then he may get 7 – 9 years out of it. He said that the company he was currently looking at had a long history of producing fire gear and they were relatively new in the past 4 or 5 years pushing in to New England. He added that he thought that, in the long run in and talking to other chiefs, they were stretching this out too far when they said 10-year replacement like he reported to the Board before; that the NFPA (National Fire Protection Association) requirement or suggestion was that, if it was over 10 years old, then get rid of it but he thought that they would see in

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another year or two that that was probably going to be changed back to 8 years. Mr. Muzeroll said that what he would like to do in order to meet those requirements for this 2013/2014 budget was to increase the gear request to \$15,000, which was a \$10,000 increase over what he was going to ask for and that, in turn, would drive the 2014/2015 figure to either \$15,000 or \$20,000, depending on any deals that they could get. He said that, then, there would be no more gear replacement until at least the 8-year mark but would recommend putting some money aside in that CIP line. Mr. Muzeroll said that some of this stuff he couldn't predict; that the guys that came in and tested the gear do other things that he couldn't do; that he apologized for the changes; that he knew it could change some costs, tax-wise, but there was not much he could do about it. Mr. Muzeroll said that it would be comical, if he had a structure fire tonight, to see who would fit in whose gear and who would and would not be able to go; that he had a meeting tomorrow with a couple of chiefs to see who had extra gear; that the sad thing was that it probably wouldn't fit many of the guys that he had.

**6:24 PM** Mr. Hirst asked Mr. Muzeroll what he would propose to put in for the future years up to around year eight.

Mr. Muzeroll said that, if they were going to change 45 fire sets of gear, which was the number of people he could have, at today's price of \$1,200/person...

Mr. Hirst said that that would be \$54,000 divided by eight.

Mr. Dunkelberger asked Mr. Muzeroll if it made sense to, particularly as he started to turn over firemen, maybe buy three sets every year.

Mr. Muzeroll said that he had spoken with some area chiefs and that was how they did that. He added that he knew the Board might find this odd but he had a very low attrition rate; that they were actually trying to build numbers, right now, and should have 40 people fully qualified soon. He added that he had thought about buying just 3 or 4 sets a year but...

Mr. Dunkelberger said that Mr. Muzeroll was buying new sets now for the guys who needed them but he also had a bunch of guys who were working in older sets.

Mr. Muzeroll said that that was what the next two purchase years would be all about. He added that, surprisingly, the State of Maine was a OSHA state, not a NFPA state; that the Maine Bureau of Labor Standards said that they would allow fire departments to stretch that to 12 years, provided it passed inspection. He said that they had some wiggle room but, then again, history was showing that nothing was making it to 12 years unless it was sitting in a closet. He said that he thought that, right now, if they could get through this and, then, evaluate where

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they were going to be, what they were actually going to need for pieces, what the manpower was going to be; that they might be able to adjust that down because they were a volunteer service and may never be at full complement, but, he had to plan on people coming through the door willing to fight fires or doing whatever they had to do.

Mr. Moynahan said that the request from Mr. Muzeroll was to increase the capital line for this year and next, adding that there was a reduction in a portion of that and he didn't know if they off-set each other. He asked for thoughts from the Board – did they want to make another adjustment in the FD CIP, as proposed.

Mr. Muzeroll said that the Board could put whatever figure they wanted for 2014/2015 as a budget projection; that things may change; that they may get a grant; that he couldn't promise anything but that was what he kept pushing for every year.

It was consensus of the Board to adjust the Fire Department CIP, as requested.

**New Business (Correspondence List):**

**6:30 PM**  
**#1**

TO : Board of Selectmen  
FROM : No correspondence  
REF : Budget Completion

Mr. Moynahan said that they made good strides last evening. He said that, actually, #1 and #2 went together – budget completion and proposed warrant articles. He added that he and Mr. Blanchette had not had the time to put the warrant articles together. He said that they would be doing that tomorrow and would have something for everyone's review next week. He said that, as far as budget completion, he thought that they had finished everything as far as the main departments, outside agencies, boards and committees, etc. He added that he contacted the ECSD Director earlier today indicating that the Board wanted to have her come in to have some discussion and she was here tonight.

Mr. Murphy said that he went home last night and tried to rethink what they had done in a rather speedy business-like meeting. He said that he realized, from his point of view, that they had left something out. He said that, looking at the Administrative budget salaries line, the Board voted not to approve a full-time CFO and he thought that that was all they were not approving, adding that words were fast and he was slow in catching up so it was probably his fault. He added that they did not approve, have not approved, any assistance for the Treasurer at the present time; that this was a need that the Town auditor has mentioned the last three or four years and it was still there. He said that he thought that that was dreadfully wrong for the Board not to do that and, so, he was suggesting that they

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should approve the hiring of a Treasurer's assistant at the level of half time who would be a Treasurer's assistant, not a general secretary for everyone else, and would be there to learn as much as possible about the Treasurer's position and to assist Ms. Spinney in all the areas that Ms. Spinney felt she needed help in. He added that he would suggest that a half time rate would be about \$30,000; that it might be a little bit less than that in practice. He added that he would be willing to make a motion to that effect but maybe they would like to discuss it first.

Mr. Moynahan said that they just had discussion about the Administrative budget last evening, including the salary lines; that it was an approved consensus to leave that salary request as it was, which did not include any part-time or full-time positions. He asked if the Board wanted to reconsider based on Mr. Murphy's comments this evening.

Mr. Hirst said that he would absolutely like to bring an increase in the salary line up for discussion. He said that they needed an understudy because, at some point, Ms. Spinney was going to retire, after 26 years, and no one but Ms. Spinney knows how to do her job.

Mr. Murphy said that they had to start preparing for that.

Mr. Beckert said that he thought that they had a discussion a meeting or two ago about a bookkeeper-type position and that, to him, would be dedicated. He added that he agreed with the dedication to the Treasurer's office to learn that job. He said that they were also talking about cross-training within the employees that they currently had. He said that they have lost one clerk and he didn't know where they stood with the one that they made the offer to, whether she was coming on board or not, as they hadn't heard. He added that he was kind of reluctant to put all their eggs in that basket at this point.

**6:35 PM**

Mr. Murphy agreed and said that that was his feeling, also. He added that this potential hire looked very good and would be good for this but, actually, she was slated to be with Ms. Rawski to fill a definite slot in the front office right now. He said that things were shifting around there and the Board couldn't disrupt that planning part of it. He said that, to him, this was a continuing issue that was not solved, at all, by that offer to hire; that the Board had sort of just neglected to do this and he was trying to say that they needed to do that. He said that maybe it should be full-time but he thought that they could probably get along with half-time, at least, at the start and see how well an applicant worked; that maybe when they saw that it was working and that more could be done, then this person might become full-time, or something like that, working into the future need and to do the other things which that person wouldn't be doing right at the start; to fulfill the other jobs that their auditor has told them they needed to find an answer for, also.

**BOARD OF SELECTMEN'S MEETING**  
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Mr. Moynahan asked for the pleasure of the Board; did they want to increase that labor line for this specific reason.

Mr. Dunkelberger said that they had been talking about looking at distribution of workload within the Town Hall and they hadn't had that, yet. He added that he thought that once they had the new person on board that he thought those discussions would probably proceed at a rapid pace. He said that he didn't know that it was needed right now; that he didn't think that it was; that he thought that they could tackle this without hiring someone new until they further defined what they really needed.

Mr. Murphy said that he thought that their auditor had already done that, to a great extent, and he has been telling the Board this for four or five years. He asked who was going to tell them anything different and, even with their new auditor, were they going to wait for that. He added that he didn't think they should wait because they were setting up the budget now.

Mr. Moynahan said that, with that train of thought, the auditor has been telling them for four years and they haven't failed in their duties anywhere.

Mr. Murphy said that that was because the auditor did it, himself.

Mr. Hirst said that they had been spoiled because Richard Donhauser has been doing the preparatory work for the audit for years pretty much non gratis.

Mr. Moynahan said that they talked about that at one of the last meetings, too, that he came in for a two-week period and did that and the Board was talking about potential full-time or part-time staffing, whereas, he has accomplished this in a two-week period. He added that his budget recommendations, with the initial one that Mr. Blanchette had, was not \$111,000 but to staff something, whether it was consultants or a part-time staff. He added that he was just saying that he thought that they were jumping the gun, whether they got a full-time or part-time person, if that work was accomplished by an auditor in a two-week period.

Mr. Hirst asked supposing Ms. Spinney was to retire or be sick.

Mr. Moynahan said that it was going to be a chore no matter who that key person was across the Town and the Board, as managers of these departments, would have to see the Town through that.

Mr. Dunkelberger said that the other piece of this, and he was assuming that Ms. Spinney used standard accounting practices, was that anyone with skills should be able to walk in and take a look at the books and hit the ground running.

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Mr. Murphy said if they were, as Mr. Donhauser said, familiar with fund-based accounting for a small town; that they may not be and the Board would have to find someone with that particular experience.

Mr. Hirst said that it would be a fairly long learning curve and it would be very helpful if Ms. Spinney were there to guide this new person through the process so he was going to support Mr. Murphy's suggestion

**6:40 PM** Mr. Beckert said that he could see where Mr. Murphy was coming from. He asked if they knew if this new person has accepted the offer.

Mr. Blanchette said yes; that she accepted it this afternoon.

Mr. Beckert said that he would have a tendency, at that point, to agree with Mr. Dunkelberger to see, once this person was on board, what they could realign within staff that they already had. He agreed that Ms. Spinney had the potential to retire and there would be a lot of institutional knowledge go out the door when she did. He added that he knew this new person had treasurer experience from where she came from so there may be some workability there to try to make some adjustments now and, then, down the road they could plan.

Mr. Murphy asked if Ms. Rawski had her fully staffed, already, to fill in the slots which were needed out there now.

Mr. Beckert said that he didn't think that this Board had sat down with the staff in this building and talked about the possible realignment of duties and learning one position to another – cross-training; that he thought they needed to do that. He said that he agreed with Mr. Murphy that they did need to prepare for Ms. Spinney's departure but, personally, he would like to see what they could do internally; that he thought that they both went together but he thought they needed to do the internal move, first. He added that, then, possibly bring someone on-line, which may end up just being a simple bookkeeper position and bookkeepers could not only help treasurers do work but could also be an independent set of eyes to keep a sort of running audit as they went along. He reiterated that he would like to get this new person on board and then sit down with the staff; that he thought that this whole Board needed to sit down with the staff and talk about cross-training and interchangeability of duties within this building. He added that this new girl has quite an extensive resume and he thought that she could help them.

Mr. Murphy said that he agreed but he believed the Town Clerk, right now, felt that this new position was already filled; that she would have more to do than she could do and this left Ms. Spinney, once again, with no one to help her or as a back-up for her in case she wanted to go on vacation or something; that they were also looking to pull ECSD back into working closer with the Treasurer, which would mean additional work for the Treasurer.

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM (continued)**

Mr. Moynahan said that he thought that it would actually be less work because it would be less repetition and not have multiple people doing that once it was in one account. He added that he thought that would actually benefit the Town in the long run; maybe not the short run.

Mr. Murphy agreed with Mr. Moynahan, adding that it hadn't been done yet.

Mr. Moynahan said that, at this point, the question was whether the Board wanted to revisit the Administrative labor line and, if so, they have had several conversations and he would entertain motions in that manner, if they wanted to increase that, or not.

**6:42 PM** Mr. Murphy moved, second by Mr. Hirst, that the Board of Selectmen reconsider the Administration budget recommendation in order to provide funds to support the hiring of a treasurer's assistant at the level of one half time, 20 hours per week, whose primary responsibilities will be to support the Treasurer and become familiar with all the Treasurer's responsibilities in an amount not to exceed \$30,000.

**DISCUSSION:**

**6:43 PM** Ms. Davis said that the auditor, at the same time he recommended some assistance for the Treasurer, also stated unequivocally that there was some available time in the Clerk's office. She added that the BC, when this first came up, recommended that whoever was hired for the Clerk's office have some accounting experience so that she could assist with those duties. She said that they were told, she thought just last week, that Ms. Rawski said that arrangements were being made.

Mr. Moynahan said that the woman that was hired did have that background and the Town Clerk was still working on who, potentially, could do what, what was the best way to do that and that was just not complete yet. He added that he thought that was the basis of this conversation and rationalization; that it was just not in a completed state, at this point; that the Town Clerk has been tasked to review her needs in that area and what person could be available for what assistance in the Treasurer's office.

Mr. Pomerleau said that it could well be that the Treasurer needed assistance and everyone could accept that possibility, as stated by the Town Auditor, and she would probably affirm that. He added that what they would all want from the Town was to make sure that the internal resources that they had available would be the first resources utilized to provide that assistance, as Mr. Beckert said. He said that he didn't think that the Board had come anywhere near examining what shuffling could be done in-house. He added that he was somewhat disappointed

**BOARD OF SELECTMEN'S MEETING**  
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that this new position wasn't targeted for that particular assistance because that was the only shortcoming that has actually been targeted – the Treasurer's assistance – and why the new position specifically wasn't targeted to help her, he was disappointed. He said that there didn't seem to be any justification, now that they had her here, that she couldn't be utilized there if she had the skills; that as the budget director said here with the identified idle time amongst the staff and backfilling behind this position in whatever number of hours that Ms. Rawski had planned on using her there; that he didn't think they had a complete package, at all, to be sitting there and making a motion to hire another person.

Mr. Murphy said that there have been frequent references to the auditor's observation that there was playtime or unused time on the part of the front office personnel. He added that it was explained to him, that because he was there at a time of year when, in fact, they were not working at full speed; that there were a few hours each day in which they were not so busy but most of the rest of the year they were very busy, and there wasn't that much time, and they were all busy when one took the year, as a whole; that that was what he had heard.

Mr. Fisher asked if the Board could share with the audience what this new person's qualifications were so that they could get a better understanding of what her job really could accomplish.

Mr. Blanchette said that her name was Melissa Albert and was, presently, the Town Clerk in Berwick; that she has worked for Kittery in their town office; she has worked for a couple of different municipalities and worked in different positions within the different town offices, adding that without her application in front of him he couldn't answer more specifically but she was very well qualified.

Mr. Hirst suggested that the Board pass the motion and then do the due diligence study of the capabilities of the current Town Clerk's office and, if it seemed that they couldn't accomplish what they needed to with that staffing, then they would have the money appropriated for after June 30<sup>th</sup>.

Mr. Moynahan said that there was a motion and a second on the floor to increase the Administrative budget line and called for a vote.

**6:47 PM**

**VOTE**

**2-2**

**Chair votes against the motion and the motion fails.**

Mr. Moynahan, discussing budget discussions, said that the one budget that was not completed last evening was ECSD; that he did contact the Director today and

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she was here this evening. He asked Ms. Muzeroll-Roy if she was prepared for any budget questions that may be asked.

Ms. Muzeroll-Roy said that she guessed it depended on what those questions were.

Mr. Moynahan said that there were questions that arose last evening regarding budgets and that Mr. Hirst had a question in regard to a reduction.

Mr. Hirst said that what he had suggested was that the ECSD budget be reduced by \$50,000. He added that he still didn't have a complete understanding of all the programs, the cost per program, the revenue per program, the staffing per program, and whether or not all programs were charging enough on their user fees to, at least, partially offset some of the losses. He said that, as he pointed out last night, they had five departments in the Town; that four of them were critical and one was awfully nice to have but they had a sequestration situation coming up very shortly that was going to impact a great many people in this Town and he really didn't think they could afford the luxury of a \$250,000 recreation department when South Berwick had a \$68,000 budget for theirs.

Ms. Muzeroll-Roy said that she wasn't sure where the \$250,000 figure was coming from and South Berwick had a nice senior center but do not do anything with youth; that all their youth stuff was, unfortunately, volunteer stuff and, so, that budget was specifically for seniors. She added that she could be wrong but the last time she talked with that director it was specifically for seniors and a few other things but most of their stuff, when it came to youth needs, was all run through volunteers. Addressing the \$50,000, she said that her budget was \$171,000, she believed, so \$50,000 was essentially cutting out a position, she supposed; that she wasn't sure where that position would come from. She added that she has done some research and confirmed that she could support the Youth Program Coordinator through KidsPlay's account; that that was something they could change over from Town and Enterprise right over to KidsPlay; that she knew that had been some discussion with Mr. Dunkelberger moving some salaries over to there. She reiterated that she could move the Youth Program Coordinator to the KidsPlay account; that he presently did some work over there every once in a while and, after looking at it the past couple of months, that move was something they could do fairly easily. She said that she was not comfortable, for this fiscal year, to offer anything else. She said that she was doing research on raising fees, as she knew that was something that was always being brought up, so she was doing some research on that but, to do that for this fiscal year, she was certainly not prepared to do. She said that \$50,000 was a lot of money; that she would essentially be losing a whole other position.

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Mr. Moynahan asked what kind of reduction the Youth Program Coordinator would be to the operating budget.

Ms. Muzeroll-Roy said that that position is currently about \$25,000, she believed, and he got half of that through York Hospital; that that was another reason why she was not totally comfortable taking any more out of KidsPlay because, at any time, with York Hospital, even though they have been very lucky to have that partnership since 2005, it was always pins and needles come April and July as to whether that partnership was going to come through. She added that she did get \$11,500 from York Hospital, now, to support that position. She said to ask any more out of KidsPlay right now; that she would certainly like to look next year, maybe, a percentage to support something, but to come up with a figure off the top of her head, right now, any more from KidsPlay she just couldn't suggest.

Mr. Moynahan said that Ms. Muzeroll-Roy said that she was in the midst of reviewing the rate structures.

Ms. Muzeroll-Roy said that she was; that she had been doing it for a couple of months but the classroom thing has taken up quite a bit of time. She added that, by next fiscal year, they would look to do that; that all of their programs have been established and all of their fees have been established, already, for this fiscal year so it would have had to happen last July.

Mr. Moynahan said that that one position was a sizeable reduction to her budget.

Mr. Dunkelberger asked her what her current balance was in KidsPlay.

Ms. Muzeroll-Roy said that as of today, not reconciled, it was just under \$90,000.

Mr. Dunkelberger asked her if she knew the low balance over the past 12 months.

Ms. Muzeroll-Roy said that she did not but she could certainly find out.

Mr. Dunkelberger said that, with the operations reduction, and they said it was \$25,000 in salary, but really only about \$13,000 of that would come out of her budget.

Ms. Muzeroll-Roy said that, if York Hospital came through, he was correct and she didn't know that until May. She added that that was funky, too, because it was paid on two different fiscal years, so, she got \$5,500 in April or May and \$5,500 in July.

**6:53 PM** Ms. (Nancy) Shapleigh said that it seemed to her that they were going backwards with Community Service, certainly; that they had a building and it got torn down

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and now they were not going to have a building. She asked Mr. Hirst where he figured that \$50,000; was any of that going to affect the seniors in this Town. She added that they did very little for the seniors and she thought that at one of these recent meetings she heard that the Town was paying a payment to the school budget of some \$660,000 + and they (school) increased their budget by the \$35,000 that the Town beat out of last year's budget. She said that she didn't want to see anything taken away from the seniors who have paid their taxes all these years; that many of them never had children; that she was not looking to take anything from the children but she was definitely not looking to see it taken away from the seniors. She said that she would like Mr. Hirst to answer where he thinks that \$50,000 has been wasted, so far.

Mr. Hirst asked her to clarify 'wasted'.

Ms. Shapleigh said that he wanted to take it out and didn't need it, so, he must feel that they wasted it.

Mr. Hirst said that he did not think that, at all.

Ms. Shapleigh asked where it could come from.

Mr. Hirst said that last night he admitted that his recommendation was very arbitrary because he really didn't know where it could come from. He added that he thought that that would have to be up to the Director; that unless he was to specify certain line items to be cut, then he thought it was up to the Director to find it if that recommendation were to prevail.

Ms. Shapleigh said that she thought it was a little irresponsible to be cutting out when he had no idea where it could come from; that if he thought it could come out then say where it could come out.

Mr. Hirst said that the answer to her question about the senior program was contained in the answer he just gave her, that it would be up to the department head to decide where those cuts would come and, if she determined that they should come from the senior program, then he supposed that would be cut but he did not favor that.

Ms. Shapleigh said that that would hurt the seniors.

Mr. Hirst said that, if the cut came from that program, yes it would.

Ms. Shapleigh said that, so, he should then not want it to come from that program.

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Mr. Hirst said that he had to think about the people that were impacted by the sequestration that was coming up and he felt very badly for them, too.

Ms. Fournier asked, when the ECSD had a building, what was the difference, then, in her budget and now.

**6:55 PM**

Ms. Muzeroll-Roy said that it was about the same; that it was still in her line item because she needed heat and electricity that she shared with the Fire Department. She added that the parks were the biggest line item; that the parks, alone, was about \$49,000; that to operate the department, meaning certain computer stuff and office things, was about \$26,000.

Ms. Fournier asked her if she had any idea what kind of increases she might have to charge in user fees in order to make up \$50,000. As far as tax money was concerned, she said that she hated to see things cut that benefit people but she could see the need for cuts in the different departments, as much as possible. She said that they were also looking at a State budget, which probably won't get passed until the end of May, and they were planning to take money away from the towns; that they were looking at really huge jumps in taxes so what she would suggest was if Ms. Muzeroll-Roy could come up with some details on what there were for user fee items, perhaps, in the budget and do some math and see what would have to be added to those user fees for amounts to try to come up with the \$50,000.

Mr. Moynahan said that the Director just indicated that she was working on her rates study right now, so, the Board appreciated Ms. Fournier's input...

Ms. Fournier said that that should be given to the Board in the line items the Board requested so that things could be decided in a reasonable fashion.

Mr. Moynahan thanked Ms. Fournier for her input. He said that there were other questions last night as it related to ECSD.

Mr. Dunkelberger said that his question was regarding the KidsPlay and taking, possible, at least a portion of the Director's salary but she addressed that using the Youth Program Coordinator.

Mr. Moynahan said that they would make that adjustment to the budget and asked if there were additional questions as it related to her budget.

There were none.

**#2**

TO : Board of Selectmen  
FROM : No correspondence

**BOARD OF SELECTMEN'S MEETING**  
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REF : Proposed Warrant Articles

Mr. Moynahan said that he and Mr. Blanchette would be preparing those and try to expedite those so they could have full conversations about finalizing those if that was okay with the Board.

The Board agreed.

#3

TO : Board of Selectmen  
FROM : Jim Marchese, Code Enforcement Officer  
REF : Great Hill Gravel Pit

Mr. Moynahan said that they had been dealing with Great Hill for quite some time; that they have gotten their files back; that the CEO has given the Board a memo and part of it was a response from Mr. Hamlin of DEP indicating the percentage that was complete. He added that the CEO had some facts on where they were in 2011, 2012, and currently; that at the bottom he had some conditions of approval that he (CEO) would recommend, one would be to *“Provide sufficient monitoring and repair of the construction stabilization entrance.”*, and the second was to *“Provide the Town of Eliot Planning Board with an update on anticipated closure date, final estimation of cubic yards of materials to be accepted to complete the project, final slope grades and erosion control measures that will be maintained until site re-vegetation efforts are complete.”* He said that it has been a couple of years, now, that they have been around 90% complete but based on some of the cubic yards that have been delivered in there it did not make sense that they weren't further along; that the Code Office said that they have actually done 25 loads per day, 25 days of hauling material would be needed to get the additional 35,000 tons of material. He added that he knew that this has been problematic for the Town and asked if they wanted to formally forward something to DEP requesting conditions of approval for any additional approvals given to this operation.

Mr. Dunkelberger said that he would say so; that looking at the pictures, here, from 2007 and 2012, he was hard-pressed to say what exactly has been done in five years there; that part of it was these were looking straight down and didn't give a good view, overall, and the other pictures didn't give him a good comparison of that. He added that based on what little information they had here he thought pursuing Mr. Moynahan's action made a lot of sense.

Mr. Moynahan said that that was part of the conditions of approval that he indicated, which was providing the Town of Eliot Planning Board with an update or anticipated closure date. He added that he didn't know how it worked with the PB but asked if they were at a point where they would need to review the permits they had in front of them with the PB.

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**March 21, 2013 5:30PM (continued)**

Mr. Beckert said no.

Mr. Moynahan asked the Board if they should draft a letter to the DEP requesting those conditions of approval be placed on that.

The Board agreed by consensus to request the conditions of approval be added to the DEP. The CEO will draft the letter and will be reviewed by Board members.

**7:05 PM**

**#4**

TO : Board of Selectmen  
FROM : Lincoln Press  
REF : Quotes for printing

Mr. Moynahan said that this had to do with the Town Report Books and the cost to print them. He asked if they wanted to mail these books, or not. He added that, currently, the Town books were offered at the school during elections, at the Town Hall, at Town Meeting, they were online and the cost to mail them was pretty sizeable. He added that they have had reports from the Transfer Station that the amount of books that ended up there was large.

Mr. Murphy said that they could also be offered there, it seemed to him.

Mr. Moynahan agreed, as opposed to mailing to each and every resident. He said that he thought that the recommendation was that they could limit this to 1,000 books and provide them to anyone that wanted one at the places that were just mentioned as opposed to mailing to all 3,300 copies.

The Board agreed by consensus to not mail them and to print 1,000 Town Report books.

**#5**

TO : Board of Selectmen  
FROM : John Chagnon, Business Development Committee  
REF : Proposed Letter re: Sewer Project

Mr. Moynahan said that this item has been removed and would be added to the next meeting's agenda on March 28<sup>th</sup>; that he misread their request for the date they wanted to come in front of the Board.

**7:07 PM**

**#6**

TO : Board of Selectmen  
FROM : McEachern & Thornhill  
REF : Power Purchase Agreement

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM (continued)**

Mr. Moynahan said that this was a letter from the attorney on the solar agreement, which they reviewed. He added that, on the bottom paragraph, he circled, "*With the above said, I reviewed the proposed Agreement and found no significant legal issues in the Agreement that I would consider objectionable.*" He said that that was something that stood out to him. He added that he was hoping that others had looked at this, if they had questions or concerns but this was the response from their legal team.

The Board had no questions or concerns with the attorney's response.

#7

TO : Board of Selectmen  
FROM : Attar Engineering, Inc.  
REF : TIF

Mr. Moynahan said that this was a letter from Attar Engineering, Inc. regarding the Route 236 Municipal Development & Tax Increment Financing Development Project. He said that Ken Wood from Attar Engineering was present and asked if Mr. Wood would briefly go over his letter.

Mr. Wood agreed and said that Brandon Mazer (Shipyard) was with him. He said that there were some updates to this letter that they learned from going to the public informational meeting last Thursday. He said that they have been trying to negotiate with the Town and with Underwood on the use of their force main, which was along Route 236. He said that they had a 4-inch force main running from the top of Bolt Hill Road all the way up to the Eliot Commons. He added that one thing he heard towards the end of the meeting last Thursday was that their (Underwood) new low-pressure force main that he believed was either a 2- or 3-inch could be installed on the opposite side of the road for \$88,000; that they had been asking that question for a while even though they didn't ask that at that meeting. Mr. Wood said that, if the \$88,000 was a figure, then he guessed that was something for consideration by the Town but asked if that was documented anywhere or did that just come out at the end of the meeting.

Mr. Moynahan said that he did not know if that was documented in part of Underwood's engineering cost rate analysis, or not.

Mr. Murphy said that he had not seen that. He added that part of the reason for them citing it on the other side of the road was that most of the expected users would be on the other side of the road; that if it was placed on the other side of the road where their force main was at the present time, then that would mean that all the users would have to penetrate under Route 236, which was an expensive and troublesome thing to do. He added that there may be other reasons, also.

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM (continued)**

Mr. Moynahan said that there was a negotiating committee; that he believed it was Mr. Moulton, himself, and Mr. Dupuis; that they did have a meeting with the Commons but they hadn't met since.

Mr. Moulton agreed; that they had that one meeting.

Mr. Mazer said that they got correspondence from Underwood that they were the ones to negotiate on the Town's behalf; that they requested how much the Eliot Commons was looking for their sewer line; that they gave Underwood a response and they never got any sort of follow-up. He said that they were under the impression that they were supposed to be dealing with Underwood in terms of negotiating the takeover of their sewer line.

Mr. Moynahan said that the Board actually appointed a negotiating committee for that; that he didn't believe that they had thrown responsibility to the engineers; that he thought that that was still in the Board's hands.

Mr. Wood said that the email from Underwood indicated that they had been appointed the negotiator on behalf of the Town but he also realized that Mr. Moynahan was right, that the Town did have a negotiating committee so they were a little confused on that point.

Mr. Moynahan asked if the Board was acceptable to get the negotiating committee to get some additional information from Underwood in regards to those costs and meet with Seadog, again, and try to complete what was started.

Mr. Murphy said that, if there was any question in Seadog's mind, then he thought that that should be clarified and this committee should probably be the one to clarify why they have not yet finished, or whether they have finished in their eyes, the negotiations.

Mr. Moynahan asked Mr. Moulton if he could be the point person to contact Mr. Dupuis and himself and try to pick a day when they could communicate with Mr. Wood.

Mr. Moulton agreed.

**7:11 PM** Mr. Dunkelberger said that, in looking at this letter and maybe Mr. Moynahan or Mr. Beckert could answer, but he thought the Villages project was dead.

Mr. Moynahan said that he didn't think it was dead; that nothing had happened but that they still had a sewer allocation of a certain amount of gallonage – 30,000 gallons.

**BOARD OF SELECTMEN'S MEETING**  
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Mr. Dunkelberger asked if there wasn't a time limitation on how long they held a project on the books.

Mr. Moynahan said that there was and it had to gain re-approval after a certain period of time if no activity happened.

Mr. Dunkelberger asked if they had been doing that.

Mr. Beckert said that they have not been back before the PB; that they could go to the Board of Appeals (BOA) and ask for an extension but he didn't know if they had done that.

Mr. Moynahan asked if he meant the building or the sewer allotment.

Mr. Dunkelberger said that he assumed that the allotment went with the building.

Mr. Beckert said that it went with the property based on the proposed project.

Mr. Dunkelberger asked, if it didn't proceed forward, then why were they holding it.

Mr. Murphy said that they started this before and were considered sort of grandfathered because they were approved before the Town adopted the new sewer ordinances. He added that, as soon as the ordinances was adopted, the Town should have notified them that things had changed and that they now had to use it within two years or lose it, but they never did that.

Mr. Beckert said that the rewrite of the sewer ordinance, once they went before the Town and, if they passed, addressed the allocations in that, if they weren't using the allocation and they wanted to keep it, then they had to pay to keep the allocation; that that would be anyone who wanted to hang on to an allocation.

Mr. Moynahan said that this was touched on at last week's informational meeting and Underwood indicated that they were accommodating that flow, he thought, up Bolt Hill Road.

**7:20 PM**

Mr. Wood said that that was kind of his question, and he would follow up with Mr. Dunkelberger's item – it was his item, too. He said that regardless of whether the Villages was built, or not, it was still a 50-acre parcel that was owned by the Long family with frontage on Route 236 and both Town zoning ordinances – Section 41-218 or the new sewer ordinance Section 4 – required that property, when developed, to hook up to sewer. He added that he believed that, in past discussions when they have brought that up with Underwood – and maybe they could address this with the negotiating committee – was that because they didn't

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**March 21, 2013 5:30PM (continued)**

feel that project was going to be developed they couldn't really account for its capacity in the low-pressure force main. He added that he believed that they sized the force main not including development on that parcel; that he believed that they were thinking of either a 2-inch or 3-inch force main. Mr. Wood said that he thought that if this parcel was developed, whether it was with The Villages, which was 30,000 gpd or, say, a 50-acre parcel in the Commercial/Industrial (C/I) Zone that had 3-acre zoning, that that sewage had to be accounted for somewhere. He said that he was a little confused as to whether Underwood responded that they would address that with a low-pressure force main going to Bolt Hill Road, adding that when that item came up they had also talked about one or two dwelling units on Bolt Hill Road that were illegally connected to The Commons force main. He added that those units didn't have an agreement with The Commons and they never came to The Commons; that, somehow, there was at least one and maybe two dwellings on Bolt Hill Road that were connected to their force main. He said that he thought that Mr. Pratt responded that at least the dwellings would be connected through a low-pressure force main into that receiving manhole up the road but he was still unclear as to what would happen to the 50-acre parcel. He added that he thought that they either had to service them through Bolt Hill Road, which they all knew had some issues with it with deteriorating manholes and odor, or they had to accommodate them through the Route 236 project. He said that, somehow, he thought that that had to be confirmed – where was that sewage going - when and if the Villages project was built, or whatever project, because it was a large parcel, it had a majority of uplinks, it had frontage on Route 236, it was in the C/I Zone, and someday it was going to get developed. He added that this may be something that could be addressed through the negotiation team.

Mr. Moynahan said that it might be wise to get something in writing from the engineers on how they planned to accommodate that because that was kind of a critical piece that that should be conveyed somewhere; that if with Bolt Hill they had a plan in place, then so be it but he thought that they should probably have something in writing for the Board.

Mr. Murphy said that one of the earlier plans for that development was that they would simply collect all the flow from The Villages and pump it themselves on their own force main up to meet that line and ignore the Eliot Commons force main and ignore anything else; that they wouldn't rely on a gravity feed down to Route 236.

Mr. Wood said that he didn't know if that was correct; that they (Attar) did that project and, when that project was approved, that was before the TIF sewer was considered. He added that Bolt Hill Associates, which was Bill Cullen and Sandi Roberts, the developers of that project had an agreement with Seadog realty to connect to their force main. He added that there were two pump stations on the

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Villages property; that they were going to connect to Seadog's force main and pump to Bolt Hill Road. He said that, of course, all that has changed because, if they went on Route 236 sewer – and he still believed that the TIF sewer was a good thing for the Town – but, if the TIF sewer was installed, then their system was decommissioned so the Bolt Hill Road section owned by Seadog Realty would not be available to the developer of The Villages or developer of that parcel any longer. He said that that was why he thought it had to be accommodated either in low-pressure force mains or it had to go to Route 236. He added that another solution was, and he would like to discuss it with the negotiating committee, that early on they had talked about slip-lining their line; that slip-lining meant that one put the desired force main for the flow one had today, either a 2-inch or 3-inch diameter line, inside The Commons 4-inch line. He said that, then, when and if The Villages project got developed or another project came on, then one removed the smaller slip-line line and one had a force main adequate to support the existing development on Route 236 plus the development of The Villages or whatever went on the 50-acre parcel. He said that The Villages or whatever was built there would not be able to pump up Bolt Hill Road through The Commons force main because their line was going to be decommissioned with the TIF sewer; that that left the Town with either low pressure going to Bolt Hill Road or providing them capacity in Route 236 and he thought that that should be addressed before they went forward with the TIF project.

Mr. Moynahan said that that was important because part of this whole plan was to get rid of having private businesses be involved with the pumping their own sewerage, etc.; that the Town wanted to be in control of the operations of sewer. He added that he thought that Underwood would be the ones to best answer that and the Board could follow up with them to see if the Board could get some more technical answers with regard to that. He said that he knew the final design wasn't done but it should have some plan in place for how that was going to be accommodated.

Mr. Wood agreed. He said that one thing no one wanted was to get to the June Town Meeting, have a bunch of questions, again, and, again, the TIF didn't get approved by the voters because there were too many unanswered questions out there. He added that they would like to work with the Town and they would like to work with Underwood, in at least getting to the answers so that there weren't unanswered issues coming up on the floor of the meeting.

Mr. Moynahan said that Mr. Moulton would get in touch with Mr. Wood and they would get together, again, as a negotiating committee, and he would follow up with Underwood to try to get some more technical answers with regard to how they planned to accommodate flows.

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Mr. Hirst asked Mr. Wood the age of his line.

Mr. Wood said that it was probably 30 years. He added that the age of the line has come up before; that it had a 90-year life, take 30 away at the worst case and they had 60 years left, adding to remember that it was a force main and not a gravity line. He explained that gravity lines tended to erode in the bottom of the invert of the line and force mains were under uniform pressure so the line really didn't wear out, adding that they have offered to test that line to verify its service life. He added that they could talk to Mr. Dupuis and Mr. Morgridge and the connections they made to that line, he thought as he didn't want to speak for them, that they would tell the Board that that line was in very good shape and would last at least another 60 years.

Mr. Mazer said that, to that point, if it were to be slip-lined, then that would basically be a new line inside and would accommodate for growth, which was what they all hoped for; that if the TIF district was successful, then it would need more, rather than putting in a new line that wasn't adequate for growth and having to rip it out if something were developed on The Villages or even bigger than they expected along Route 236. He added that he felt like it locked them (Town) into not allowing for the growth that everyone hoped to see along Route 236 and in Eliot.

**#8**            TO     : Board of Selectmen  
              FROM :  
              REF    : Fact Sheet

Mr. Moynahan said that this was an informational sheet regarding the Route 236 Sewer Improvement Project; that Mr. Murphy and Mr. Dunkelberger were tasked to wordsmith a proposed fact sheet with regard to the sewer project and asked if either would like to speak to what they have done with this.

Mr. Murphy said that he had worked with the copy the Board had in front of them and discussed changes he made on page 2. He said that, if the numbered the paragraphs from top to bottom (8), he reworked paragraphs 6 and 7 and he took the single, red, ending sentence in paragraph 4, reworked it slightly, then put it at the end of paragraph 7. He passed out copies of his revision to the Board. He added that it corrected some of the mistakes in paragraph 6 that talked about the number of parcels.

**7:25 PM**        Mr. Dunkelberger said that he would delete the very last sentence, "This present TIF project thus forms the basis for possible future expansion of sewer and water service using TIF to adjacent areas in the future."

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**March 21, 2013 5:30PM (continued)**

Mr. Murphy said that the current program did not complete the C/I Zone, so, there were additional areas in the C/I Zone that would not be satisfied by the current one and that was why he added that last one. He added that there may be additional TIF's that would finish the job for Eliot's C/I Zone.

Mr. Moynahan said that one thing he thought that they should specify; that they call the project the TIF project and it was TIF development, but, the project was the Route 236 Sewer Expansion Project, not the TIF project; that the TIF was already in place and, in fact, it was the Sewer Expansion Project that they were discussing. Addressing paragraph 4, he said that he thought that they should specify that a portion "*of the Department of Public Works salary and some clerical assistance for the sewer billing...*", as the way that it was currently worded would mislead people to think it was the entire salary. He said that at the bottom of that paragraph, where it said, "The TIF will also take care of \$1.16 million in badly needed maintenance costs..." – the engineer just indicated that he would recommend a 50/50 split on that. He said that, at some point this Board, based on the user rate studies and that sort of thing, or even before that, to guidance for the engineer, should have some type of statement in regard to that – what were they expecting the existing users to pay; that they had to give a rate study that offset that. He reiterated that the engineers had suggested 50/50 so the \$1.16 million would not be an accurate number.

Mr. Dunkelberger said that that was if they went along with the engineer's recommendation; that that was one of three scenarios.

Mr. Moynahan said that that was what he was saying; that he believed the Board was tasked to make that determination, to give better guidance, because that was a big piece of the puzzle of how that was going to be funded, whether it was utilizing the currently sheltered money or increasing the user rates appropriately to accommodate that.

Mr. Murphy agreed that those were good points.

Mr. Moynahan said that there were questions on Mr. Murphy's edits. He said that on that bottom sentence Mr. Dunkelberger had suggested removing it. He asked if there were any other thoughts on that sentence.

Mr. Murphy asked if he could know why.

Mr. Dunkelberger said that there were some concerns that this sentence could be construed that they were potentially using TIF funding to expand the sewer system outside the TIF.

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM (continued)**

Mr. Murphy said yes, and, of course, they couldn't do that; that it had to be for economic development only.

Mr. Moynahan suggested, "This present sewer improvement project forms the basis for possible future expansion of sewer."

Mr. Dunkelberger agreed that that would work.

Mr. Moynahan said that he thought it was imperative to go through and make sure that anything that talked about that project be renamed as the Route 236 Sewer Expansion Project; that on one portion later on it was not. He added that he did make sure it was all consistent; that there was nothing that indicated TIF anywhere. Going back to the improvement percentage shared for the pumping stations, he said that he thought that they should have a real discussion about this; that that was a pretty big piece to this puzzle.

Mr. Dunkelberger agreed and said the sooner, the better.

Mr. Moynahan said that if they were going to have dollar figures in this, then they should have a basis for that, whether it was 100% or 50%.

Mr. Murphy said that he thought they would have to involve the SC and Mr. Moulton and Underwood Engineering in that talk.

Mr. Moynahan asked Mr. Moulton if he could follow up with the SC and Underwood Engineers on just that question that the Board was discussing on potential cost-sharing.

Mr. Moulton said yes.

Mr. Moynahan said that the Board could keep this as a working document, make some minor changes, and wait for some input.

The Board agreed.

Mr. Dunkelberger will make the editing changes.

**#9**

TO : Board of Selectmen  
FROM : Robert Pomerleau  
REF : Route 236 Sewer Project

Mr. Moynahan said that this was a letter from Mr. Pomerleau and asked Mr. Pomerleau if he wanted to speak to this.

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM (continued)**

Mr. Pomerleau said that all he was trying to do with this letter was to kind of give the Board a shot across the bow. He said that the majority of voters rejected this funding project last year and he was concerned that, with the avenue the Board was going down, the voters were going to end up voting it down, again. He added that, if some of the fundamental questions in this letter weren't addressed...he had some many issues with the Board's fact sheet. He said that it started right off by saying that it didn't cost the taxpayers any additional tax dollars and, from day one when the TIF was enacted, there was \$140,000+ of monies deferred from the Town's general fund and it was costing every taxpayer every year; that the Board showed a \$35 average in their own paragraph. He added that it was terribly misleading to say it wasn't costing them; that over the life of this it was \$4.3 million that it was costing them directly.

Mr. Moynahan said that the sewer improvement project would cost the voters no additional money; that the TIF was already voted in; that the people of Eliot voted to have that tax sheltering done, which was that \$145,000 figure. He said that, again, he was trying to separate TIF and Route 236 Sewer Expansion Project because they were starting to get melded into one and they were not, they were two separate things.

Mr. Pomerleau said that the \$1.16 million was the cost-sharing and, again, he posed that to the engineers the other night. He asked if the legal question had been answered and, if it has, did the Board plan to share that with them some time.

Mr. Moynahan said that it had been answered twice but they were looking for something in writing from Ms. Fortin.

Mr. Blanchette said that he believed it came in today and would be on the next Selectmen's Meeting correspondence.

**7:35 PM**

Mr. Pomerleau said that the whole point was that a majority of people opposed this and they, too, felt that they were doing what was best for the Town of Eliot; that the Board was not the only people who thought they were going down that avenue. He added that there was a lot of conflict with all the information that was being put out; that he read Mr. Chagnon's letter on the Route 236 Project, which he found just totally outrageous. He said that it just seemed a terribly one-sided effort by the Town; that just one side of the question was being addressed by the resources that the Town had and they needed to have some dialogue if they were to go forward intelligently, here, in the best interests of the Town. He added that it had to be a dialogue where the Board was not in control of the conversation; that it had to be an open-exchange kind of thing; that the Board met up there and controlled all the conversation; that the Board could make whatever statements they wanted; that the audience had limits as to what they could do out here. Mr.

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Pomerleau warned them that, if these things were not addressed, the Board would lose this vote a second time.

Ms. Shapleigh said that they did lose by a very small majority and she believed that many of those votes were on the misinformation that was passed out at the time of the election. She added that she thought that it was unfortunate that they have had so many meetings and so much information has been given, which backed up what the Selectmen and the SC had been presenting to the Town and, apparently, that wasn't good enough. She said that they have spent money on a study about business, which came back pretty much what they'd already been told but that didn't please them. She added that she thought that if voters got the correct information she thought that they would see that the TIF was a benefit to the Town, which did exist, and it sheltered that money. She added that many other communities have done the same thing but the Town had questions like "Could South Berwick sue us because we are doing this?"; that South Berwick had their own TIF's, Kittery had TIFs, and many other towns around the State had them. She said that for people trying to conserve their money it was a way to take care of, maintain, upgrade, and perhaps extend infrastructure in this community and why they couldn't understand that, she would never understand.

**7:37 PM**

Mr. Moynahan said that he thought that they had several people with differences of opinions on this and looking at information differently and that was healthy and that was how it was supposed to be viewed.

Ms. Fournier asked to speak.

Mr. Moynahan agreed but asked her to be quick and to the point, please.

Ms. Fournier asked him if he had ever said that to anyone else in the room because she was getting tired of it; that she has put a lot of effort into educating herself and coming up with facts and she was really affronted by that; that she didn't think it was necessary because almost every time she tried to speak up or learn something here she was the only one who was ever told that; that he put her on the defensive, which she didn't really intend to get...

Mr. Moynahan said that she had to stay on topic and asked if there was something specific to Mr. Pomerleau's letter, as that was the agenda item they were discussing.

Ms. Fournier asked what he meant that she had to stay on topic.

Mr. Moynahan said that she had to stay on topic; that she tended to get off-topic and start talking about things that were not part of what the agenda item was so

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM (continued)**

let's stay on topic; that's all he asked her. He asked her if she had questions on Mr. Pomerleau's letter.

Ms. Fournier asked what she said tonight that was off-topic.

Mr. Moynahan said that he would not go back in time but, right now, there was an agenda item...

Ms. Fournier said that she didn't think he could remember...

Mr. Moynahan said that if she had something about Mr. Pomerleau's letter...

Ms. Fournier said that she didn't intend to argue with him tonight.

Mr. Moynahan said that he was not going to continue this conversation, then...

Ms. Fournier said that she wasn't going to continue it, either; that she had something to say.

Mr. Moynahan said then quickly and on the point.

Ms. Fournier said that Mr. Pomerleau made some very good points about this...what she wanted to know was that she kept hearing from him and the Board, in general, that this TIF was not going to cost the taxpayers anything and, yet, she believed it was something like \$8.5 million, at this point, over the 30-year period; that she would like a clear and factual explanation where the Board was saying that it was not going to cost anyone any money – how was that so because somebody had to pay to have it built, so, where was that \$8.5 million coming from.

Mr. Moynahan said that in 2009, he believed, the Town voted to approve to shelter tax revenue, which was called tax increment financing; that money was sheltered. He added that that money was already put aside so, now, they had a Route 236 Sewer Improvement Project that was going to cost approximately \$6.5 million with bonding; that the Town didn't raise taxes to pay for that; that they used that sheltered tax increment financing money to do that...

Ms. Fournier said that the money was coming from somewhere.

Mr. Moynahan said that that was the simple way to explain it.

Ms. Fournier reiterated that it came from somewhere.

Mr. Moynahan said that it came from increased property valuation of the properties within the TIF District.

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM (continued)**

Ms. Fournier asked if these increased valuations happened, yet, or were they projected if they attracted businesses.

Mr. Moynahan said that they had already happened; that they were happening every day; that any new increased valuation was sheltered with those specific parcels. He reiterated that that was voted on in 2009; that it was a working, breathing thing and that was how that was set up.

Ms. Fournier said that all the funding that covered the TIF expenses was going to come from the increased valuation but what if that valuation didn't increase because, obviously, things have depreciated.

Mr. Moynahan said that they had asked attorneys, they had asked consultants, they had asked and asked...

Ms. Fournier said that the Board had.

Mr. Moynahan said that they were going on the basis of the professionals that they had asked these questions of; that that was all they had to go on. He added that he could ask another ten people and they would get the same answers; that he didn't know what to tell her; they had engaged the services of several professionals.

Ms. Fournier said that there wasn't any guarantee; that if things depreciated then the Town was stuck with the bill and nothing would have been accomplished.

Mr. Moynahan said that the sewer users were designed to pay for any of this stuff; that it was supposed to be self-supporting for operation and maintenance and all that. He added that, if bonding was not self-supported, he thought that it went back to the users and he thought that they had had this conversation in the past. He said that they would get into more detail on that...

Ms. Fournier asked when the next presentation was.

Mr. Moynahan said that he didn't have his calendar but he thought it might be in two weeks.

Mr. Blanchette said that it was either two or three weeks.

Ms. Fournier asked if there would be more opportunity for people to actually have more explained about the costs and how it would get paid for.

Mr. Moynahan asked Mr. Blanchette if they something that outlined the tax-shifting.

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM (continued)**

Mr. Blanchette said that he would recommend that, if Ms. Fournier wanted to come in sometime next week and make an appointment with him, then he would go into greater detail with her.

Mr. Moynahan said that that may benefit Ms. Fournier, working with Mr. Blanchette on that.

Ms. Fournier agreed, adding that she really wanted to understand it. On another issue, she said that she thought there were quite a few that voted the sewer project down last year and asked if they had the number.

Mr. Beckert said that it lost by 16 votes.

Mr. Murphy said that it was 619 to 603.

Mr. Moynahan asked if Mr. Pomerleau wanted to add anything else to the letter he provided or not at this time.

Mr. Pomerleau said not really. He said that on this 16-vote thing that he kept hearing, he had to laugh because, if it had passed by one vote, they wouldn't be back here for the last six months and it would be under construction today.

**7:43 PM**  
**#10**

TO : Board of Selectmen  
FROM : MMA Risk Management Services  
REF : 2012 Worker's Compensation Audit

Mr. Moynahan said that the Town had an adjustment of \$2,260; that this was informational but money back usually meant that they were doing a decent job for the Town.

Mr. Hirst asked Mr. Blanchette if, under the circumstances, they should reduce the payroll for the current policy year in accordance with that of the former policy year. He added that, in other words, was the payroll ending in 1/1/2014 going to be less or more than it was for the year ending 1/1/2013.

Mr. Blanchette said that it would be more.

Mr. Hirst said that Mr. Blanchette didn't recommend a reduction in payroll for the current policy.

Mr. Blanchette said no and asked where they were reducing the payroll.

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM (continued)**

Mr. Hirst said that they got \$2,260 back for this past year, which meant that they overstated the payroll 1/1/12. He added that in a situation like this where they got \$2,200 back it might be appropriate to consider a reduction in payroll for the current policy.

Mr. Blanchette said that he did not.

Mr. Moynahan said that they had paid \$58,191, of which \$2,260 was given back to the Town, so the percentage based on that would be small and may not be worth the effort.

Mr. Hirst said that the auditor pointed out that because of changes in the law, if they employed any contractor who was not properly insured as to Worker's Comp, then the auditor could charge as if that was their employee. He added that they had to be extremely careful that they did not hire anyone without a proper certificate of insurance for Worker's Comp because they could get nailed for the cost of the contract under Worker's Compensation. He said that they needed to address that with all the department heads and make sure everyone understood. He added that the option was that, if they were going to require to carry it, then there was a form that the State provided that they could send to the Town. He said that the auditor now had to, because of the law, look at that every audit period.

**7:45 PM**  
**#11**

TO : Board of Selectmen  
FROM : General Assistance Program Manager  
REF : General Assistance Reimbursement for FY 2014

Mr. Moynahan said that this was the time of year the Board made a choice about this and asked Mr. Blanchette to talk about it.

Mr. Blanchette said that they would see at the bottom that their legal threshold was \$248,295 so, therefore, with that in mind his recommendation was to leave it as it was and continue to collect 50% of reimbursement. He added that what would happen was that they would change over, if they weren't collecting the 50%, or shift over to collecting he believed it was 10% until they reached the threshold. He said that, as they could see, them collecting the 50% was much more since their threshold was so high and they were spending, he thought, somewhere around \$80,000 or \$90,000 on a yearly basis; that their threshold was much higher than what they spent, presently.

Mr. Moynahan said that their choice was to either keep the 50% or change it to the 10% of all direct costs for the entire fiscal year.

The consensus of the Board was to keep the 50%.

**BOARD OF SELECTMEN'S MEETING**  
**March 21, 2013 5:30PM (continued)**

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

TO : Board of Selectmen  
FROM : Connie Garber, YCCAC Transportation Director  
REF : Senior Transportation

Mr. Moynahan said that this was a report on senior transportation from Connie Garber of YCCAC; that it listed income and expenses, transportation trips and miles by town, histories, background, and project goals and purposes, etc. He added that they paid for this last year and queried whether they would pay that contribution again this year.

Mr. Blanchette said that that was the whole purpose of the report as to whether or not the Board was going to support a continuing subsidy of \$6,000 for the bus being available on a daily basis. He added that in other towns throughout the county, if there was no subsidy, he believed that it was available two days a week; that this was to go from two days a week to five days a week.

Mr. Hirst said that he had no sense of who used this service; that he saw 400 trips for 7,400 miles but he had been to Baron Place just today and nobody down there seemed to know much about this, and he didn't know why. He asked Mr. Blanchette if he had any notion of who used this.

Mr. Blanchette said that he thought that it was a variety of people; that he thought it was mostly elderly or handicapped people; that that was what they were geared for.

Mr. Moynahan said that it said in the report 531 volunteer trips, 400 bus trips, and 632 self-transportation trips for the Town of Eliot, whatever all that meant; that he didn't have an answer for Mr. Hirst's questions.

Mr. Hirst said that he thought that they provided the information the Board asked for; that the Board may be asking them for more than was reasonable; that he just didn't have a sense for who used this service, where they were picked up, where they were taken; that, for \$6,000 a year, he couldn't really make a determination based on this information.

Mr. Moynahan read: *"The typical ridership consist of men and women, aged 65 and above, who are low-income and have physical or mental limitations that inhibit their daily activities. Last year, we provided 1,584 trips to approximately 45 individuals. Each rider averaged approximately 35 trips, illustrating the consistency with which riders utilized the service. We anticipate the increased ridership of approximately 60 elderly residents, and estimate 2,250 trips per year."*

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Mr. Dunkelberger said that they actually broke it out as to what the trips were used for, whether it be medical or shopping or other; that it wasn't broken out by town but it might give them an idea of where most of it was done. He said that he would propose the Board maintain the current funding and advertise this more, that it was available to the folks in Town five days a week.

It was the consensus of the Board to keep the \$6,000 funding level.

**#13** TO : Board of Selectmen  
FROM : Denis-Marc Nault, Supervisor, Shellfish Management Program  
REF : Annual Shellfish Management Review

Mr. Moynahan said that there was no action required by the Board but just informing the Board of the responsibility being completed

**7:51 PM**

**#14** TO : Board of Selectmen  
FROM : David Leavitt  
REF : Wetland Setback Rules

Mr. Moynahan said that this was a letter from Dave Leavitt regarding wetland setback rules and was forwarded to the PB and CC. He read the letter for the benefit of the attending public.

**#15** TO : Board of Selectmen  
FROM : shareinmyday  
REF : Town Hall Streams Report

Mr. Moynahan said that this was the monthly update to see what the viewership was doing.

**7:55 PM**

**#16** TO : Board of Selectmen  
FROM : Community Services Department  
REF : CSD Package

Mr. Moynahan said that this related to the move to elementary school.

Ms. Muzeroll-Roy passed out an updated package she received today. She said that this final one included the engineer and the contractor that she has been working with – their quote. She added that it took a little longer than she expected, obviously, because the engineer just got his revised plan. She explained that the top sheet was the quote estimate that was everything that was finally included now; an email from the engineer with his final drawing; the quote for

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what that drawing was; signage; painting, and software, computers and so on, adding that all the financial things were included in what she just gave the Board.

Mr. Moynahan said that there was a committee of three that was working on this and the Board was looking to get dollar figures to put on the warrant articles for June.

Ms. Muzeroll-Roy said yes but she did this on her own.

Mr. Moynahan said that they had dollar figures for a warrant article, which was the goal that they had been after. He asked the Board if there were any questions on the content in this package. He added that some of her correspondence indicated that the school has been involved with portions of this.

Ms. Muzeroll-Roy said for the most part but she was still waiting to hear back from the Facilities Director; that she has lefty him a couple of messages via email to try to bring some of this pricing down and he had not gotten back to her. She added that there were some things in regard to what he could do, such as, the electrical stuff was not included in this package because they were going to use the electrician for the school; that there was another thing the school was going to do around the asbestos in the flooring and abatement, etc. that he was supposed to get back to her on, which would be a cost-savings to the Town because the school was going to take care of that.

Mr. Moynahan said that they were absorbed by the school.

Ms. Muzeroll-Roy said that it was her understanding, but she did not have it in writing, that the school was taking care of that and she just sent them two emails and a phone call and he has not confirmed that. She added that, as of last week's meeting, that that was supposed to be the case.

Mr. Moynahan asked the Board if this was descriptive enough for them to put on a warrant article; that they had a dollar figure that would go along with the details.

Mr. Dunkelberger said that they could, but, he thought this was a lot more than it needed to be, in his personal opinion. He added that he would like to get at least one or two more contractor's estimates on the '88' compliance; that he thought that there were ways to lower the furniture costs; that he was concerned with regard to the fact that they were not using what was a free service, which was the internet, versus paying \$4,000 for the set-up and the monthly costs.

Ms. Muzeroll-Roy said that the '88' cost was a discussion between the engineer, who was actually the school's engineer, and that contractor so that cost would

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probably be about the same, as they really couldn't go around any ADA-compliant things.

Mr. Dunkelberger said that that included the hard walls of the corner and the desk was not installation, did they include that; that it was not the furniture installation but the permanent walls.

Ms. Muzeroll-Roy said right.

Mr. Moynahan said that, if there were any work to be done, then it would be three estimates but they needed something for a warrant article.

Ms. Muzeroll-Roy said that she was unaware that she needed to get three bids before work could commence. She added that this was something they needed to get on the warrant so she picked someone who was very knowledgeable in ADA who could get it done quick; that ENT worked very closely with this engineer before on other projects so that was the likely guy. She added that she was very aware that it still needed to go to bid but they were already a few weeks behind. Regarding saving costs with the internet, she said that that was also a suggestion from the school's engineer and Facilities Director to use their own internet service and tie it right into the back panel of the existing wall. She added that it did seem like a little bit more but, there, she would have to go do wireless so that would still be a cost, and she would have to upgrade all her computers to begin with. She added that, in meeting with 2-Way, they said that it was still going to be about the same amount of money to do it either the way they presented or to go wireless and have to upgrade all her computers; that she was doing that slowly, to begin with, but to go through the school it was her understanding that she would have to use their email and they have a block on a lot of their internet; that there was a bit more different things she would have to go through with their internet so that was why she kept it with her own things.

Mr. Dunkelberger said that he couldn't imagine they would block too many of the sites she would be visiting.

Ms. Muzeroll-Roy said that was correct but that they googled a lot for ideas on programing, etc. She added that it was much easier for ECSD to keep their own email address, their own things, instead of going through one more process to regain all of their (EES) email access and, then, have to go all wireless. She reiterated that that was the suggestion from 2-Way and not just her comings up just to raise figures.

Mr. Moynahan said that they could look closer when the time came, too, to get a cost comparison but it sounded like they would be similar in costs.

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Ms. Muzeroll-Roy said that the Board asked her to get one large quote and she did and it was what it was; that they could pick it apart after that.

**8:03 PM**

Mr. Moynahan agreed; that they needed something to put together a warrant article for relocation to the school; that they had a pretty complete package of potentially questions and concerns about costs that may be higher than it was going to be once it went out to bid; that they needed something.

Mr. Pomerleau discussed the cost of the work stations. He said that he had mentioned this to the BC when they were exploring it that the State of Maine has a work station surplus kind of thing accessibility where they could get a lot of this type of furniture for next to nothing; that if that was not satisfactory, they had a program where they allowed municipalities to take advantage of their purchasing power and, sometimes, one could get discounts up to 70% and 80% off modular furniture from furniture companies. He added that nobody today built stick walls; that one got modular furniture and used partitions that gave one flexibility, if it needed to be changed. He said that he questioned the wisdom of stick-built offices; that even in executive settings for privacy they didn't build stick offices anymore.

Ms. Muzeroll-Roy clarified that there was only one stick-built office; that that was just for her and everyone else had workstations.

Mr. Pomerleau said that he thought that there was already a separate office available.

Ms. Muzeroll-Roy said no.

Mr. Moynahan asked if she had explored that.

Ms. Muzeroll-Roy said that there were a couple of places in Sanford but, again, the Board asked her to get a ballpark figure and she gave them a ballpark.

Mr. Beckert said that the Town has used the Sanford business before for several items they had.

Ms. Muzeroll-Roy said that she wasn't saying that there wouldn't be a cost cut, especially in the office furniture, but they asked for a figure.

Mr. Pomerleau said that he thought that they should be comfortable and have adequate stuff; that he was just suggesting they explore the potential with the State purchasing power.

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Mr. Moynahan asked Ms. Muzeroll-Roy to make note of that as something to explore.

Mr. Muzeroll said that he had investigated furniture costs for the Fire Station a little while ago and he went the State surplus route to see what they had; that it was generally surplus for a reason; that it was hit-or-miss and one got what one paid for. He added that he also investigated GSA pricing and there was absolutely no savings in furniture; that it was probably twice the amount of catalogue pricing through GSA.

The Board agreed that it could be hit-or-miss but was something worthwhile exploring.

Mr. Muzeroll, discussing building the wall versus partitions, said that this came up in the engineering meeting and the engineer said that it was his experience that it would be cheaper to put that wall up than to buy partitions from a manufacturer.

**8:08 PM** Mr. Moynahan agreed that it was a lot of times. He said to Ms. Muzeroll-Roy that this was a very complete and impressive package, very detailed information. He said that the Board was trying to finish warrant articles and asked if the dollar figure in here acceptable to put on the warrant article for the potential ECSD relocation to the school.

Mr. Dunkelberger said that, in his estimation, it was blown up some but, if they were looking for a high side with a not-to-exceed number, then he would say that this was it.

The Board agreed.

Mr. Moynahan said to Mr. Blanchette that they would base the warrant article on a not-to-exceed number that was provided by the ECSD Director of \$59,895.

**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

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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 – BOS, Mr. Muzeroll, Mr. Short
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
11. Auditor/Financial Consultant – financial statement, management letter, December 20<sup>th</sup> Report to Selectmen - 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: March – IMA, TIF Funds (ERS #7)
20. York County Transitional Budget – Funding source
21. June Town Meeting preparation – Municipal Fee Schedule

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**8:10 PM**

**Selectmen's Report:**

Mr. Murphy said that he received in his mail the other day, from the police, an ordinance regulating the operation of all vehicles in public ways or on public-owned property in the Town of Eliot.

Mr. Moynahan said that was in his notes for their next scheduled meeting for discussion.

Mr. Hirst discussed the attendance at conventions and seminars and certain training, some of which involved overnights, some of which involved meals, all of which involved tolls. He added that he understood that each department head was in charge of authorizing such operations and it was his recommendation that the Board change that so that the Board had to approve such attendance at such meetings.

Mr. Moynahan asked for the present time.

Mr. Hirst said that he would say indefinitely.

Mr. Moynahan asked if he wanted a change in policy for the balance of the fiscal year or was he looking for a specific policy.

Mr. Hirst said that he wasn't sure he knew but he thought that they needed to control some of these seminars and training things; that he wasn't saying that they should cut them out but saying that he thought that it should be a Board of Selectmen decision because some of them got very expensive. He said that his recommendation was that they change responsibility from department heads to Selectmen for such things.

Mr. Murphy asked if he could back up, saying that, at Saturday's meeting with Representative Beavers, she passed on to him a copy, just published, called Measures of Growth in Focus by the Maine Economic Growth Council prepared by the Maine Development Foundation and it had something like 25 charts showing the status of Maine in many different point of measure. He added that he found it very interesting reading and labeled it the Town of Eliot copy. Mr. Murphy, addressing Mr. Hirst's suggestion, said that some of the trainings and seminars were very worthwhile and some were absolutely necessary, such as the front office, because they had to keep up on tax laws and things like that, and the Assessor had to keep up on the assessing laws. He asked Mr. Hirst how much time he was willing to put on this.

Mr. Hirst said as much as it took because it was costing them a lot of money.

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**8:13 PM** Mr. Dunkelberger said that he thought that the department head knew, or should know, what conferences they needed to send people to. He added that, if the Board were to oversee that he thought that, one, they would be wasting their time because they knew less than the department heads did on the necessity of going to training and conferences and, two, if Mr. Hirst wanted to impact department heads, then limit their budget lines with regard to travel. He reiterated that he thought that they would be wasting the department head's time and their (Board) time by overseeing that.

Mr. Moynahan said that that was a very good point; that the budgets would be the time, really, to make them manage those lines better.

Mr. Murphy suggested they could raise the question at the time the Board reviewed their department budgets.

Mr. Dunkelberger said that department heads had a budget, they had the funds, it came out of their budgets, and it was up to them to manage it until they showed the Board that they couldn't.

**8:15 PM** Mr. Hirst said that for the last two years in a row they have missed the publication date of the Town book for the audit and he was very troubled that the audit hadn't been in the Town book the last two years. He added that he wanted to make sure they did everything in their power to make sure that the audit was available to the people in the Town book. He said that he realized that it would certainly cost them some money to put all those pages into the Town book but he thought it was necessary and that they should do it.

Mr. Moynahan asked if it would be more of a cost-savings, where they weren't mailing them, to just have them provided at all the locations where the Town book was; would it be cheaper to print them directly as opposed to the Town book format.

Mr. Blanchette said that he believed that, if they had the audit report, then they had to print it in the Town book, by law, and it should be available this year. He added that they had been in communication this week with R.H. Smith on this very issue.

**8:16 PM** Mr. Dunkelberger discussed the ambulance RFP. He said that they have worked with Kittery, the Police Chief and both Fire Chiefs, their acting Town Manager, Mr. Hirst, and himself on what he thought was a very solid request for proposal (RFP) for ambulance services. He added that what he would like to do was to get the Board's support in sending it on to the Town's lawyer for a review before they (Eliot) signed it. He said that Kittery was, in fact, doing that right now sending it to their lawyer for review and the Board needed to turn this as quickly as possible.

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Mr. Blanchette suggested the Board let the Kittery attorney review it, first, then the Board could send it to the same attorney because Eliot had used that attorney, also; that their attorney was Duncan McEachern, so long as it wasn't conflicting, because it wasn't a contract between the two towns.

Mr. Dunkelberger said it was the same that both towns were using.

Mr. Blanchette said right, that that was what he meant. He added that he wouldn't refer the IMA to Duncan but he certainly would recommend a contract like this to Duncan.

The Board agreed that they were comfortable with Duncan reviewing the RFP for Eliot.

Mr. Moynahan said that he had two things. He said that one was the TIF funds, which he brought up earlier and talked about that in one of the documents this evening; that Mr. Moulton was going to follow up with that. He added that the second thing was that he was contacted by the Town of Kittery, George Dow, with regard to meeting to discuss the potential of sharing town manager services. He said that the first discussions were if they wanted to have full Board, full Council, and a second contact was whether they wanted to meet in smaller groups, first, to see if there was any viability. He added that he was looking for direction from this Board in how they would like to do that.

Mr. Beckert said that his thoughts altogether on the whole thing of sharing a town manager was absolutely not; that the Police Chief was something else. He asked if anyone else had come to them; that he seemed to see an awful lot in the Portsmouth Herald where the Town of Kittery was talking.

Mr. Moynahan said that he was coming up with that next.

Mr. Beckert said okay; that his thoughts on the town manager were no, that it would not work; that they had two different towns, two different forms of government; that even Eliot's form of town manager was going to be different than Kittery's; that he came up with that before the Portsmouth Herald ever had their editorial in there.

Mr. Moynahan asked if there was any support from this Board to explore anything down that road.

**8:20 PM**

Mr. Dunkelberger said that, in his opinion, he didn't think it could work but he would be interested in what they had to say. He added that he knew that Mr. Moynahan and Mr. Hirst were already a part of the regionalization and, if they

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wanted to continue along those lines as the smaller group, then he was fine with that; that if they needed help or a replacement, he was available.

Mr. Moynahan asked if the Board wanted him and Mr. Hirst to make an appointment with whoever was on that team and just report back to the Board.

Mr. Dunkelberger said that he knew that George Dow felt the same way that Mr. Beckert felt; that it may not go anywhere but he was interested in hearing what they had to say.

Mr. Beckert said that, with an initial meeting, he would like to see both full boards meet and get it all out on the table at the first meeting.

Board members agreed.

Mr. Moynahan said that he would follow up and let them know. He added that he was also contacted by the Kittery Town Manager and asked to sit in with the Police Chief and herself to have initial conversations (on Police Chief) that could be brought back to the towns; that he would be doing that next week, he believed Tuesday afternoon, and he would have something back and, if anything moved forward from this Board, then they Board could take that on as opposed to letting the papers keep writing this stuff up, he thought that she (acting Kittery Town Manager) decided to call.

**8:22 PM**

Mr. Blanchette said that, since the Board was going to be meeting with them, anyway, to discuss regionalization, he would bring up his point, again. He added that he may get tarred out of Town, but, either merge the towns into one town with South Berwick and/or Kittery – that all three could become one, as they were way back – or, if they had a common town office, then they could share some more things and, with the electronics today, just because the town office was merged, the finances wouldn't need to be merged.

Mr. Moynahan said that he could send a follow-up email to the South Berwick Town Manager and the Chairman of the Kittery Council to start the regionalization meetings up again. He added that they were waiting for dispatch to happen, which seemed to have stalled, and they were going to start those conversations again.

Mr. Moulton said that the rate study wouldn't be completed by next week, but recommendations would be, so they would be willing to come in, if the Board wanted, for next week's meeting.

Mr. Moynahan said, if they could just get something in writing of what their recommendations were.

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Mr. Moulton said okay and that he would touch base with them tomorrow.

**Other Business as Needed**

There was no other business tonight.

**8:24 PM**  
**Executive Session**

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen move into executive session as allowed by 1 M.R.S.A. § 405.6.C "Discussion or consideration of the condition, acquisition, or use of real property..." tax acquired property.

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

**8:33 PM**      Out of executive session.

**8:34 PM**      Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen sell the tax acquired property known as Map 4, Lot 51 to the immediate past owners for \$10,800.

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

**Adjourn**

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

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

\_\_\_\_\_  
**DATE**

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