

BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM

Quorum noted

6:30 PM: Meeting called to order by Acting Chairman Moynahan.

Roll Call: Mr. Moynahan, Mr. Dunkelberger, Mr. Murphy and Ms. Place.

Mr. Fernald was absent tonight.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:32 PM Motion by Mr. Dunkelberger, seconded by Mr. Murphy, to approve the minutes of February 23, 2012, as amended.

VOTE

2-0

Chair concurs

Mr. Murphy suggested there was a possible Action Item on page 15 to review the Committee Memo and prepare an updated ordinance for Town Meeting in June.

Motion by Ms. Place, seconded by Mr. Murphy, to approve the minutes of March 7, 2012, as written.

VOTE

2-0

Chair concurs

Motion by Mr. Murphy, seconded by Ms. Place, to approve the minutes of March 15, 2012, as written.

VOTE

2-0

Chair concurs

The minutes of March 8, 2012 were postponed for approval until the next regular meeting because no quorum of members present for this particular meeting.

Public Comment:

6:35 PM Ms. Brandon said that the Community Service building is going out to bid and asked when the vote happens on it at Town Meeting or by secret ballot, when would that be decided.

Mr. Moynahan said that he did not think anything had been decided. He added that, at the last budget meeting from the discussions, the BC was at this point so, to move forward, this was the direction. He said that they had not made a decision, yet, if it would be presented, either, but just to have them produce the financial information to the Board.

Ms. Brandon said that she would hope it was a referendum vote, if it was going to the voters and she didn't know how citizens might voice that.

Mr. Moynahan said that he believed there had been a lot of discussion in favor of that approach, adding that he was only speaking for himself.

Department Head/Committee Reports

6:37 PM Mr. Dupuis (Sewer Committee) said that he would first like to thank all of those who attended the workshop session last night between the Planning Board and Business Development Group, adding that Underwood Engineering came in and, from that meeting, they (SC) would like to announce that there would be a public gathering on April 25th. He added that it would be held at the Regatta Ballroom from 5 PM to 7 PM, with refreshments served, and there would be a PowerPoint Presentation strictly focused on the TIF sewer expansion project down at the Beech Street location down to State Street. He said that they encouraged the

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public to come out, as they want to educate everyone on it, clarifying that this was the fourth stage of the approval that the Town has already voted to spend the money on and wanted to make people aware of how they were spending those funds.

Mr. Moynahan asked if there were any thoughts about posting that on the Town's website.

Mr. Dupuis said yes, that it was discussed last night that they would submit that information. He added that the SC would be forwarding information to the Board from the SC that they wholeheartedly support the direction that Underwood was directing them to right now. He said that the Planning Board and Eliot Business Group were planning to do the same.

The CEO clarified that Underwood had not confirmed the date, that it would either be the 17th or the 25th, depending on Keith Pratt's availability and that would be know at the beginning of next week. He added that the Regatta was available either night.

Mr. Dupuis said that their target date was April 25th, that the date was set last night unless there was a problem with that date.

Mr. Dupuis said that the Selectmen asked the committees to review the questionnaire about the video streaming for meetings. He added that it was a unanimous decision by their committee that they would like to not have video streaming. He explained that they, once again, encourage the public to come to their meetings but they like the format of the smaller table so that they could gather and talk.

Mr. Dunkelberger clarified that that was just because they wanted to have their meetings out there in that format.

Mr. Dupuis said yes, that they liked the format of being able to gather around the table. He added that it wasn't an issue of topic because they were there to discuss those things but was moving into this larger room.

Mr. Moynahan said that he believed they had a warrant article that addressed the web streaming, with two options, one to do just this room and the other option allowed flexibility to do that other room, Town Meeting, etc. He clarified that the SC would have no problem if streaming video were in the other room.

Mr. Dupuis said no, that the issue was not wanting to meet in this room with it's formality. He said that the next scheduled meeting for the SC was on April 4 and that the meetings started at 4:15 PM.

6:43 PM

Mr. Tessier (Chair - Solid Waste Committee) discussed that they have realized that there was some inconsistency in how the Transfer Station handles temporary permits. He added that he thought that Mr. Moulton might have sent out a memo to the Board today. He said that, on one page of the Transfer Station rules, it says that "no vehicle registered to an out-of-town (or out-of-state) business will be issued a dump permit." , but on a different page, it says that "temporary permits for Eliot residents using a vehicle registered out-of-town may" get a 30-day permit. He said that the requirements were very different and, so, what they were proposing was to go to the "no vehicle registered" outside the Town or state would be issued a permit.

Mr. Moynahan clarified that this came through the department head (Mr. Moulton) and would be taken up for review when it was on the agenda.

Ms. Shapleigh said that she was blind, that she had to have people drive her, and it could very easily be someone out-of-state. She added that she did not think that was fair, that she paid enough taxes in this Town that she should be able to go in any vehicle as long as she had the flag, thinking that was one of the reasons the flag was issued. She said that she did not have a vehicle of her own, anymore, and

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she had to rely on whomever she could get to take her wherever she needed to go, reiterating that it was not fair to her.

Mr. Moynahan clarified that there would be no action tonight, that they would take the information from the committee and department head and have discussions before any changes would be made.

Mr. Tessier discussed that, in trying to be more consistent with the rules and various committees, they decided to have their meetings approximately every other month, skipping summer, so January, March, May, September and November.

Mr. Moynahan said that, with whatever changes were made to that group, just to let Ms. Thain know so she could post it.

Mr. Tessier agreed.

Mr. Lytle said that he wanted to let the Board know that there were a lot of seasonal people that had permanent stickers because they owned property in Eliot and only allowing people with vehicles registered in Eliot would cause a big problem.

Mr. Moynahan said that they would take all those things into consideration when they discussed that policy.

Mr. Dunkelberger said that he has only had a chance to briefly go over this letter and, for the public's benefit as it was brought up, they had also talked about the military and them having a special sticker because most of those folks were not registered in the State of Maine. He added that he just wanted to point out that that was included in there for further discussion.

Mr. Lytle clarified that they had four categories for that sticker (pass): seasonal, resident, military, and business and, when that sticker is made out, that code is put on that sticker and that was how they determined what category that person was.

Mr. Tessier said that he didn't want to get into a big discussion here but the Maine law was pretty strict about where one registered their vehicle and, if people chose to register their vehicles out-of-state, then that was up to them but the residents were paying for the service and the Transfer Station.

Mr. Moynahan reiterated that, regarding any policy changes, there would be a discussion of all that before any changes were potentially made.

6:47 PM Mr. Cielezsko (Chairman, Board of Appeals) said that, in regards to the video streaming the Board asked the BOA about, they came to a consensus on a statement to the Board (except for Mr. Lytle, who was absent). He read: "We accept the premise of video streaming with some concerns by some members of the Board (of Appeals)." He added that he could answer any questions or supply the Board with a finished, approved set of minutes concerning the subject of the BOA's discussion.

6:49 PM Mr. Moulton discussed that he had reviewed the requested additional budget cuts and submitted a draft reflecting that. He added that this was informational at this time and looked forward to discussion on this at next week's budget meeting.

Mr. Moulton discussed the Salt Dome Repairs and the receipt of price estimates to do those repairs. He said that the concrete foundation had developed significant cracking and sprawling to the point that the road salt was corroding the reinforcement steel within the foundation. He added that the electrical service control panel was also corroded and in need of repair. He said that the total price to repair these things was \$8,460 and the funds come from the Building Facilities Reserve Account, as discussed last week. Mr. Moulton said that, also discussed last week was the need for the Salt Dome to have a new, shingled roof. He added that he had included a RFP for that repair, saying that a preliminary cost estimate indicated it would be \$24,700 to replace the roof. He suggested that all these

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repairs could come from the Building Facilities Reserve Account for the 2011/2012 budget for a total cost of \$33,160 and leaving in excess of \$4,800 in the reserve account.

Ms. Place asked if there was salt still in the shed.

Mr. Moulton said yes, but that it has been shifted to one side so they have clear access to the area that needs to be repaired. He explained that, as the end of the season came, they were getting into the salt and pulling it away from the wall and found the damage.

Mr. Dunkelberger asked, in regard to the end of the year, how comfortable were they having just about \$5,000 left in the building maintenance fund.

Mr. Moynahan said that would be about three months and asked Mr. Blanchette what their history has been, as it was a roll of the dice as far as needs and that sort of thing as they come.

Mr. Blanchette agreed, saying that they also had the contingency account if they really needed it.

Mr. Murphy asked how much was in that account.

Mr. Blanchette said that he believed there was over \$50,000 in the contingency account but he did not know the exact figure.

Mr. Dunkelberger suggested looking at doing the foundation repairs, short term, then allow Mr. Moulton to put the bids out with the caveat that they would wait a little bit longer, towards the end of the fiscal year, before they executed the payment, so bids would be contingent on funds being available.

Mr. Murphy asked if it was more important to get that roof fixed.

Mr. Moulton said that he would do the foundation first.

Ms. Place asked how bad that foundation wall was.

Mr. Moulton said his suggestion would be to do it right away because he would like to inspect the other side, as he didn't know what that looked like. He added that he wouldn't know where that stood until he had been able to see it and that side may end of being included in next year's budget, based on its condition. He clarified that, structurally, he could literally stick his hand in behind the sprawled pieces of concrete so they were looking at a gap of about 1^{1/2} inches and, if one looked in (it tapers in), he would say that the depth of the concrete to the surface of the rebar was about three inches and it was a 12-inch wall.

Mr. Moynahan discussed that, a lot of times with concrete repairs, they were engineered for weight loads, etc., and to hastily do the concrete repairs, would that come back to bite them. He asked if they had any structural issues occurring separately from this.

Mr. Moulton said that there was no exterior cracking. He explained that the design and construction of these things was that it was a six-foot-six-inch foundation wall cast on asphalt and no plumbing. He added that his best guess from what he was told was that it was constructed in the fall, that salt went in there in November and it probably wasn't cured enough and lateral forces may have cracked it.

Mr. Murphy suggested going ahead with the concrete repairs, going out to bid and having the roof repair come out of next year's funds. He clarified that the Facilities Account rolled over.

Mr. Blanchette said that that was correct, that it was a reserve account.

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Mr. Murphy commented that he did not want to assume that nothing would happen in the three months, that he thought they ought to have that money available as insurance to be able to react to something that really needed it that might happen between now and when new funds would be appropriated.

Mr. Moynahan said that, even with just the concrete repair, they would still require three bid estimates per their policy. He asked if the Board was giving direction to the department head to get three written estimates for both facets of work at this point in time.

It was the consensus of the Board for Mr. Moulton to move forward with both proposals, as agreed.

6:55 PM Mr. Moulton gave an update on the CWSRF Grant Application. He said that he submitted this today for the pumping station improvement project, which was to design improvements to allow modification to accommodate future sewer flows. He clarified that this related to EPS #1 (Pleasant Street) and EPS #2 (Main Street) significant deficiencies that could lead to pump station failure and/or sanitary sewer overflows. He also discussed that he was applying for a FY 12 Second Round Maine Coastal Program Competitive Coastal grant relating to storm water runoff, and the EECBG Grant relating to energy efficiency improvements. He said that he would keep the Board updated with results on these grant applications.

Mr. Moynahan said that that was a great direction to move in and it was good to see the grant-writing occurring.

Regarding the Old Fields Road Bridge (over Story Brook), Mr. Moulton said that he had been approached by Great Works Regional Land Trust (GWRLT) to see if the Town would be interested in being involved in a grant to do soil boring exploration locations, survey needs, and traffic control, with the Town's assistance being non-monetary but would utilize Town employees for direction and traffic control devices. He added that this was one step they would have in place when and if this project transpired in the future.

Mr. Blanchette said that the Board received the resignation of Ron Cooper of the Budget Committee (BC) and it would be good if the Board could take that up tonight so that it could go on the June ballot.

7:02 PM Mr. Dunkelberger moved, second by Mr. Murphy, that the resignation be accepted by Ron Cooper of the Budget Committee, with regret.

VOTE

3-0

Chair concurs

Mr. Moynahan asked Mr. Blanchette to write a letter to Mr. Cooper and inform the Town Clerk.

7:03 PM Mr. Moynahan said that he had a request to move Correspondence #12 and #13 out-of-order and, if there was no opposition, they would take up #12 and #13 first.

There was no opposition.

New Business (Correspondence List):

Before addressing #12 and #13, Mr. Sinden said that last night they (County Commissioners) approved the assessment for this year – the county tax – and the good news was that Eliot's assessment decreased by \$6,239. He gave copies of three years of tax history and of the State valuation history for all the towns in the county to the Board. He added that the bad news was that, over the last two years, Eliot has lost over \$60.4 million dollars in property valuation and the good news was that South Berwick had only lost \$52.8 million, which was less of a loss but would affect the school funding formula. He added that the overall bad news was that, over the last two years, York County has lost \$1.8 billion dollars in

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valuation. Mr. Sinden clarified that that was a paper loss except that they were coming to the point where all the towns would have to face a revaluation of their actual tax assessment within the towns, explaining that that loss of valuation would also mean a loss of revenue and would be a major adjustment. He said that the obvious answer would be to change the mil rate but people would recognize that they were paying a higher rate on a decreasing asset and that wasn't a comfortable thing. He added that it was very important to be really proactive in terms of expenses and get on a very, very lean budget, which was what they have been aiming for in the County.

#12 TO : Board of Selectmen
FROM : County Commissioners, County of York
REF : Change of Fiscal Year

Mr. Sinden said that the County wanted to, after many, many years, get on a coordinated fiscal year. He added that half the budget for the County is the jail and, since the jail consolidation a couple of years ago, they have been on the State fiscal year, clarifying that before they had been on a calendar year, which caused a lot of disruption for their finance department. He said that they were getting on a July/June fiscal year and be coordinated with the towns and with themselves in terms of their budget.

#13 TO : Board of Selectmen
FROM : County Commissioners, County of York
REF : Funding for the Orthoimagery

Mr. Sinden said that at their last meeting they just decided that this was too important, they defied the budget committee, and went ahead and funded this project. He added that the project was to fly the entire County and create aerial maps for the primary purpose of emergency management but would be free and online to all of the towns. Mr. Sinden said that many of the towns in York County have never been able to afford mapping. He explained that this would be a 2-foot resolution, acknowledging that many of the towns needed a finer resolution than that and could experience a discount if they wanted to contract with these folks to do it separately. He explained that most of the cost would be paid for by federal and state grants and the net cost to the County would be \$15,000 and that \$15,000 leveraged, in his mind, well over \$100,000 in value to all the towns and the County, itself. He said that the County Commissioners were incensed when the BC cut this, that the reason they cut made it even worse. He explained that they wanted to cut this program to give \$31,000 to the Shelter Corporation, which he said was their special interest, that giving to the Shelter would put them over their cap, so they cut the orthoimagery program so that they (BC) could give \$31,000 to their friends. He said that that was outrageous. Mr. Sinden said that it was completely a priority, in his opinion, that every town in District 5 send every elected official to the Budget Committee Caucus next fall. He added that the budget committee for the County was chosen anew every year, saying that three members per district (total of 15) were chosen by the elected officials of the town and their primary function is to monitor the budget in the best interests of the towns. He said that what they did this year was proof that they were completely off the rails in terms of their special interest and was totally irresponsible. He added that District 5 needed strong representation in its' three members and that would only happen if two elected officials would step up to serve plus one non-elected civilian out of the District to serve and represent their District. Mr. Sinden said that one of the things he has learned since being in Alfred is that District 5 has not been strongly represented, either at the Commissioner's table and certainly not at the Budget Committee and District 5 provides 1/3 of the budget for the County.

Ms. Place asked what towns were in District 5.
Mr. Sinden said Eliot, Kittery, York, Ogunquit and Wells.

7:12 PM
#1 TO : Board of Selectmen
FROM : James Marchese, Code Enforcement Officer
REF : GIS Mapping and Analysis

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Mr. Moynahan said that, at their last meeting, Mr. Murphy had asked that Mr. Burns be brought down to discuss this. He asked if Mr. Burns was present.

Mr. Burns was present.

Mr. Burns first thanked Mr. Sinden for the Commissioners' efforts on the orthoimagery project. He said that the aerial that Eliot would get he drew a 6-inch pixel resolution, which was four times the resolution of the 2-foot that Mr. Sinden mentioned because Eliot participated in the Web GIS Program. He added that he had jumped way ahead but he wanted to thank the Commissioner for his efforts – it unlocked a lot of money and saved the Town of Eliot about \$2,000 in the buy-up for the aerials that Eliot was going to get. Mr. Burns said that he also wanted to thank the Selectmen for approving an earlier part of this budget, which was the assessing budget, and for taking the time to put this back on the table, for reconsideration, of a few other items in the budget he originally submitted in January. He gave the Board a quick backdrop of the Town's GIS Program. He said that Eliot has a web presence and one of the handouts they had showed the number of people who view Eliot's information online on a daily, weekly, and monthly basis. He added that they received between 500 and 800 unique visitors each month and have already had 45,000 page views since September, so Eliot was getting a lot of activity – a lot of eyes are on Eliot's digital infrastructure. Mr. Burns said that, back in 2008, the Conservation Commission (CC) spent \$4,900 to map Eliot's water resources from 2007 imagery so this flight happening in 2012 was a five-year update of that 2007 imagery. He said that, in 2009, Eliot spent \$35,000 to get a survey-grade quality parcel composite - a base map. He added that about 40% of the lines are plus or minus a foot or two and that was what they saw on the website. He said that, in 2010, Eliot spent about \$4,000 for him to put the sewer system together, adding that Underwood Engineers have taken advantage of the sewer system data for the TIF Project. He said that, in 2011, they did a 2-year parcel update for all the splits that Ms. Painchaud had, as they needed to get that data current, because they were also going to spend \$5,000 to go on the web. He said that now, in 2012, the Board has already appropriated \$5,500 for him to update Ms. Painchaud's parcels, again, to keep that data fresh. Mr. Burns said that, to-date over four years, the Town has spent \$65,000 on this program; Eliot has a real program. Mr. Burns explained what he and the CEO were asking the Board about tonight were three items and pointed the Board to page two after Mr. Marchese's opening letter under the heading "Other Departments". He said that Item 2 of the GIS Program Budget is what they were asking the Board to put back on the table, simply called "All Other Departments". He added that, under "Potential Capital Cost Items", it was the second bullet – Shoreland Zoning. He said that most small towns don't have the financial resources to employ someone like him full-time – that the total cost of ownership with the computer and his skill being here full-time didn't really work, so most towns outsource someone like him for their GIS need, such as the Town of Eliot. He said that he was basically Eliot's GIS coordinator for data distribution, for data maintenance, basically, for digital infrastructure and that is really wrapped up in Item #2 – GIS Program Budget. Mr. Burns said that one of the programs they have, in addition to the free program on the web, was the ARC Reader, which was a program for staff that the CEO relied on heavily for the purposes of his code enforcement and they would like to keep that up. He said that what he would really like to get to was the important Shoreland Zoning layer. He added that, if they wanted to conceive their base map as their parcel composite of their general zoning, which they already have, then the missing piece was the Shoreland Zoning. He added that, for purposes of development, people wanted to know if there were restrictions, constraints, and it was a missing piece in their program at the moment. Mr. Burns said that, once these data layers get developed – for instance, general zoning was already developed and the Town did not have to spend money anew to create that again, just making modifications every year – this same thing applies and the Town would not be looking at \$3,500 again but a couple hundred bucks. He said that, if they wanted to conceive of their GIS Program in summary he thought they'd have to think about between \$10,000 and \$12,000 on an annual basis to keep going what they have, to keep his services to them and saying that he thought that would be reasonable going forward in terms of the budget. Mr.

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Burns discussed derivative products they could get, such as building footprints, explaining the issues of determining accurate setbacks on properties and that now the CEO has to go to the property to make those measurements and with this he could do it on the screen. He also discussed impervious surfaces and storm water as another derivative that could benefit Eliot.

7:20 PM Mr. Murphy asked if Shoreland was one category, saying he understood there were a couple of layers – a couple of special interpretations for different kinds of Shoreland.

Mr. Burns said that SMRPC has put together a map for Eliot that shows Eliot's Shoreland Zoning and that was based on USGS data, which is plus or minus 40 feet from positional accuracy, so the centerline on that USGS topo map is anywhere of 40 feet, left or right, from where that is. He added that the hydrography data that Eliot has is plus or minus a foot on the ground so, if they were going to buffer a stream from the centerline, then Eliot would rather use the data measuring plus or minus a foot because they knew that line was going to be accurate and fall accurately on the parcel lines as opposed to plus or minus 40 feet. He said that, although the 40-foot map was not really satisfactory, it got the Town through what they for with the DEP – that was Eliot's official Shoreland Zoning Map. Mr. Burns said that what Mr. Murphy was talking about was that there are things like Resource Protection, Shoreland Zoning, General Zoning – different types of Shoreland Zoning.

Mr. Long asked if Mr. Burns addressed elevation at all.

Mr. Burns said yes, that they have developed a 2-foot contour data layer that they could see on the internet from which they could develop stream networks, so Eliot had a good contour data set right now. Mr. Burns said, regarding the Shoreland Zoning, that they might have to consider, if they do a new map and it really would be a new map, then it probably should come back for a public meeting and adoption of that new map. He added that he did not think they could get away with saying it was an added layer but an entirely new product and he recommended planning to bring it forward for a public process.

Mr. Marchese said that he hoped they understood what Mr. Burns had to say and, from his perspective, it was a significant savings in time for the residents of Eliot. He added that he thought it would be money well spent and hoped that the Board would reconsider their opinion on it and move forward.

Mr. Murphy clarified that Mr. Marchese was talking specifically about #2 in the first group of threes and the second bullet under the group below.

Mr. Marchese said that, to simplify, he thought that the Town should accept Mr. Burns' contract in it's' totality and not try to pick it apart because it was all vital information that the Town would use.

Mr. Burns suggested, perhaps with the exception of some of the bullets on the Capital Cost expenditures. He suggested postponing everything under the bullet for Shoreland Zoning and look at future budgets for those. He added that they had already appropriated the money for the aerial flight, so what they were talking about really was adding Shoreland Zoning and Item #2.

Mr. Murphy said that he would be in favor of adding those two items to the budget because it was easier to do them when they came at them, in time, rather than try to go backwards two or three or four years from now and try to pick up and they would not have had the use of those for those years, either.

Mr. Moynahan said that he was looking at the dollar figures – the \$11,300 was crossed out and replaced with \$7,900 and he assumed that was the reduction that Mr. Blanchette had instructed to them. He said that they then add in the \$5,700 for the aerial flyover and \$3,500 for Shoreland Zone and that would be a \$17,100 inclusion into the budget this year.

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Mr. Murphy clarified that the aerial flight amount was less than that as it had been reduced.

Mr. Moynahan said that his thoughts were that they had been told that, in order to be proactive with the GIS, they should budget \$10,000 a year to keep the Town up to speed and asked if they were currently behind.

7:25 PM Mr. Blanchette said that he thought what they were looking for was to add the \$3,400 and the \$3,500 to this year's expenditure (not next year) in order to get it on track.

Mr. Murphy asked if they had that funding available.

Mr. Blanchette said that he believed they did between a couple of different accounts within the one article under Consulting and Mapping and that he believed they could get the additional \$6,900 needed to do those two items.

Mr. Place asked if FEMA would accept their elevations from that mapping.

Mr. Burns said that there was new data that FEMA was going to use. He discussed that FEMA flood maps were thrown out and they were all trying to figure out what to do with the new flood zone maps. He said that there was a new product called LIDAR (Light, distance and range) that FEMA was going to use for some of the flood zone problems. He added that the State just came into possession of that data this week and was now being made available to the GIS community.

Mr. Place asked if they would accept Mr. Burns' data.

Mr. Burns said that he was not going to make any maps for FEMA. He said that, if there was a flood zone that was part of Eliot's Shoreland Zoning, he would prefer to take from FEMA zoned data and not create it himself. He said that, if the federal agency was going to produce it, he would take their data.

7:29 PM Mr. Murphy moved, second by Mr. Dunkelberger, to approve the two items to be paid as Mr. Blanchette suggested, out of this year's budget, totaling \$6,900.

VOTE

3-0

Chair concurs

7:30 PM
#2

TO : Board of Selectmen
FROM : James Marchese, Code Enforcement Officer
REF : McClellan Process

Mr. Marchese (CEO) said that this was rather unique. He explained that this was an offshoot of the Eliot Shores Case in that the judge determined that opinions by the Code Enforcement office and Board of Appeals (BOA) were advisory opinions to the Board of Selectmen (BOS). He added that he asked Phil Saucier (Bernstein & Shur) to document exactly what that decision meant and, in his interpretation, it was only applicable to cases where a Notice of Violation (NOV) has occurred. He clarified that, if the BOA had a variance, then that would not bounce back to the BOS for their opinion as to whether or not it was correct. He added that he would make this information available to everyone so that they would have a clear understanding of it. The CEO said that, in his own opinion, he thought it was kind of a mistake for the Town of Eliot to give people a second attempt to have their case heard through the BOS. He said that the BOA was here for the Town of Eliot for that purpose and that purpose only. He added that, in his opinion, he thought the way the BOS should proceed was to keep the names out of it and to just make a decision that all of the decisions made by the BOA would be upheld by the BOS, period, and just take this right out of the picture.

Mr. Moynahan read the BOA decision and asked the CEO if he was suggesting that that ruling was what the BOS should be supporting.

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Mr. Marchese said that he was suggesting that the BOS simply state that a ruling decided by the BOA will hold – a ruling in consideration of a NOV will hold.

Mr. Dunkelberger asked if that just went contrary to the judicial decision on Eliot Shores.

Mr. Marchese said that, in his opinion, it was within the BOS' purview to say whether or not they believe that what the BOA was doing was a good job and did the BOS feels as though they had the ability to hold a hearing as well as the BOA. He said that he doesn't see how anyone could have done better, adding that he thought they did an excellent job and always do and to say that it is an advisory opinion is...

Mr. Dunkelberger said that he was not disagreeing with the CEO but a judge looking at it certainly might since they've already decided that the BOA acts in an advisory capacity. He asked if he was getting that wrong.

Mr. Murphy commented "In that case."

After some discussion, it was agreed that only in Administrative Appeals with NOV, a BOA decision might come to the BOS.

Mr. Dupuis asked, to clarify in his own mind, asked if, when Mr. Marchese was standing before the BOS giving his opinion, was it his own personal opinion or his opinion as the CEO.

Mr. Moynahan said that they had Mr. Marchese as the CEO with the correspondence this evening.

7:35 PM

Mr. Marchese said that he was speaking as the CEO.

Mr. Murphy asked, so then, what was the matter before them tonight.

Mr. Moynahan said that the matter was whether the Board would continue to institute an enforcement action after the Violation letter was issued to Mr. McClellan. He added that the BOA ruling was that the CEO acted in a contradictory matter, etc., etc., and they had suggestions of ways to resolve the matter. He said that he thought the question at hand was whether the BOS would go with the decision by the BOA or would they continue with a NOV to the McClellans.

Mr. Dunkelberger asked if the situation had been resolved. He clarified that the BOA recommended on what needed to be resolved so has the issue been resolved.

Mr. Marchese said that, to his knowledge to-date, nothing has changed – the issue has not been resolved.

Mr. Murphy asked if it was on the BOA's agenda to act as moderator for getting together and resolving those issues. He added it says just the CEO, applicant, and abutters.

Mr. Moynahan said that, for the record, they (BOS) were all given a sketch earlier, that the landowners were present, and asked if the Board wanted to hear from both these folks to see where they were with this.

Mr. Murphy said that, if they have a chance to settle this once-and-for-all, then let's do that.

Mr. Moynahan clarified that they were not here to enter into any type of consent agreement (CA) or reversals or anything else but want to determine where they were at today.
The Board agreed.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

Mr. Robinson (abutter) said that he had been dealing with this since August 5th of last year, adding that he has asked direction from him, he couldn't get any direction from the CEO. He said that, after the decision of the BOA he came up two weeks later to ask what was going on and he (CEO) said that he had to come before the BOS. Mr. Robinson said that he told the CEO that the decision was made and asked him why he had to go before the BOS and the CEO told him he had to go before the BOS for guidance. He said that that was it and that nothing had been done, yet.

Mr. Moynahan said that the advice being looked for is whether the BOS continues with the NOV or was that null and void now. He added that it has been to the BOA and their decision and that was what the BOS would base their thinking on. He added that, based on the sketch, it looks like the landowners have tried to come up with something or something has been proposed. He asked if that was correct or have they not gotten together.

Mr. Robinson said that he thought that the getting together was going to be initiated by the CEO and, as to his knowledge, he has not been notified of anything and he did not know if Mr. McClellan has or not.

Mr. McClellan said that, as it was stated to us at the BOA, it was an advisory so no action would be required or requested until the BOS decided whether or not they were going to accept the opinion of the BOA. He added that nothing has been done while they wait on the BOS' decision. He asked if he could have some time to make a point.

Mr. Moynahan said that the Board would see how far it went as it has already been through the process and they were not here to (rehear the case).

Mr. McClellan said that he understood and that his point was not to rehash the issue. He said that his concern was that, if the Town CEO made a decision, then according to the BOA, if a resident has an issue with that decision they need to appeal his decision. He added that he had a written letter from him (CEO) back in August giving him permission. He further added that the CEO made a second decision six months later and it was his financial responsibility to pay fees and services for that appeal. He said that one of the things that he would like to ask the BOS to consider tonight is the fact that, if a decision is made by the CEO and he reverses that decision and he (McClellan) is appealing his second decision, then why was he financially responsible for the advertising, the administrative appeal and the time to defend his property rights. He added that he would like a refund.

Mr. Moynahan clarified that there was one action taken on one date and another action taken six months later.

Mr. McClellan said that the action taken six months later was based on a neighbor's complaint. He added that, if the neighbor saw the original approval, then it was the responsibility of that neighbor to file an appeal – it would be the responsibility of that neighbor to show evidence of why he (McClellan) was in violation and they would take the financial responsibility to make that appeal based on the original decision. He added that that was the by-laws in the BOA.

Mr. Moynahan agreed that was correct (by-laws). He said that he thought there were a couple of issues before them.

Ms. Place agreed and said that it said right in the BOA decision that "the applicant, CEO, and abutter should resolve the issue of the location of the chicken coop and fencing on his property. The applicant should maintain no more than four chickens on his property." She asked if this (pointed to sketch) was an attempt to resolve this.

Mr. Robinson said that was a sketch of his property.

Ms. Place asked Mr. McClellan if he had seen the sketch.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

Mr. McClellan said no. He explained that he wanted to make it clear to the Board and to Mr. Robinson and the CEO, as he has stated in all his letters over the last six months, he was open to discussion. He added that he has invited the CEO to his property a number of times and, as he left the BOA, it was instructed to him to wait until the BOS made a decision on whether or not they would accept the advisory of the BOA before he took any action. He added that he was ready to move tomorrow.

Mr. Moynahan said that he would think at this point in time that there should be no NOV and, based on the approval process and change of decisions, that the most respectful way to both property owners would be to get together and resolve that, themselves, with the CEO, as was suggested by the BOA. He said that he thought the Board could determine and dictate that tonight and that this doesn't need to be any greater.

Ms. Place agreed.

Mr. Dunkelberger said that he wasn't sure he was reading the BOA decision correctly. He asked if the placement of the chicken coop in the Village Zone – was that allowed or not.

Mr. Cielezsko said that the BOA did not set precedent so he could not answer if the definition had changed in regard to chicken coops in the Village Zone. He clarified that all they said at the meeting was in the summary, the conclusion, was, with four chickens and a joint understanding of where the coop should be kept, as long as it didn't affect any other ordinances – that whatever else might be contingent on it – it was the decision of the BOA for just this circumstance, this one law, for the chicken coop to be placed. He said that he wasn't sure if it was mandatory but it was with the input of the abutter and the CEO.

Mr. Lytle said that he was at that very long meeting and the final decision was that both parties agreed that they would move, with the CEO as the guy in between, to see it was done. He added that that was what the decision pretty much said.

Mr. Moynahan said that that seemed to be the practical approach, to have a mediator from the Town, the CEO, to work with the two landowners to make sure this was situated in a manner that was acceptable to both. He added that was one issue with this whole thing but there were some others.

Mr. Dunkelberger said that there were two specific lines in the ordinances that referenced chicken breeding that may or may not disagree with one another so the question, then, comes down to, when they issued a NOV because, again, based upon the information presented to the Board, is there a need to have a 100-foot setback.

Mr. Cielezsko said not Mr. McClellan's chicken coop.

Mr. Murphy commented that that was the nature of the BOA, that it didn't set precedent because there may be unusual circumstances.

Mr. Moynahan agreed, saying each one is treated individually.

Mr. Murphy said that they had a presentation by Mr. Robinson of a proposed relocation of the chicken coop and affirmed that Mr. McClellan had not seen it. He added that there was an opportunity tonight for the parties to get together to resolve this.

Mr. Robinson clarified that this proposal was put together by his wife and Mr. McClellan's wife. He added that nothing had been initiated by the CEO and the CEO has dragged his feet on this for eight months.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

Mr. Murphy said that this was even better because the parties causing it and reacting to it are the ones negotiating and asked Mr. McClellan what he thought of the proposal.

7:47 PM

Mr. McClellan said that that was exactly where they wanted to move it. He added that the problem at hand was two things: one – are chickens allowed, yes or no, and the conclusion was that they didn't know; and the other question at hand was – is a structure that is not permanent, that is movable, does that require one to meet the 10-foot setback because he was notified that he had to meet a 10-foot setback. He said that this allows him to have them and was where he wanted to put them in the first place. He added that he thought it was a fine compromise and he was happy with it, adding that he would have been happy with it eight months ago but was not what he was told by the CEO.

Mr. Murphy asked if the Board agreed that this decision of the BOA ought to apply – if the Board was wanting to leave them sort of in charge of things and the BOS would not be involved. He added that their result of that decision by them – two parties have gotten together and come to something, which apparently both parties could agree to.

Mr. Robinson said no, that they had no gotten together.

Mr. Murphy clarified that this sketch was his diagram.

Mr. Robinson said it was his diagram.

Mr. Murphy clarified that he didn't agree with it.

Mr. Robinson said that he believed 31 feet from his patio where he sat a lot in the summertime was still too close to his property.

Mr. Moynahan said that this would be the sketch between the two property owners and the CEO, adding that he thought the Board, right now, could direct the CEO to, by the first of the week, contact both of the landowners and set up a meeting to go over placement and location of the chicken coop. He said that the Board should not be involved with telling people where to set setbacks or anything else. He added that other issues may be concerns about the performance of the code office with some of the decisions earlier and changing but that was not something they could take up in open meeting – that that would be for another time.

Mr. Murphy clarified that the Board was advising the parties to get together with the CEO.

Mr. Moynahan said that he suggested they require the CEO to contact them by the beginning of the week to set something up and they handle it – this was not the Board's job to do, it was their job to direct the employee to make sure that that was done.

Consensus from the Board was reached with Mr. Moynahan's decision.

Mr. Blanchette suggested there should be a motion to uphold the BOA's decision.

Mr. Dunkelberger suggested doing that after the parties have met and come to some conclusion because the two words in here with the BOA decision are "should" – not "will" but "should" – and that was a big difference.

Mr. McClellan said that the issue that he had was that he was still holding a NOV letter. He asked if the Board was comfortable with saying to a resident that "you are hereby ordered to remove your chicken coop from your property until you have obtained any required approvals and permits." and "You are subject to a \$100 a day penalty for undertaking the land use activity without the required permits until this violation is removed."

Mr. Dunkelberger said that, if he was asking him, he said he was comfortable.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

Mr. McClellan said that he could not be (subject to the penalty) because it had not been to court.

Mr. Dunkelberger said that was true.

Mr. McClellan said that, so, he could not be subject to anything. He added that he had a letter of clarification from the CEO after a discussion with the Town Administrator, Mr. Blanchette, and he had a letter of verification in his hand saying that that was not the case. He said that it needed to be resolved or they needed to take him to court and he would see them in court.

Mr. Murphy said that the fine would not be exercised at all unless he went to court and they wouldn't go to court until they...

Mr. McClellan said that that was what it said, though, it says "you are subject".

Mr. Murphy clarified that he was subject to it but no one had sent him a bill yet.

Ms. Place added that no one was enforcing it.

Mr. McClellan said it says: "until it is removed", and that was not what the clarification said.

Mr. Moynahan asked for Mr. Blanchette for his thoughts on the NOV language – was that standard fare for land use.

Mr. Blanchette said that he would say that it probably was and whether it should be further clarified within the letter is probably something that needed to be looked at. He reiterated that it was probably standard, that he could not say what the other 490 + towns used, but he believed it was a letter reviewed by a Town attorney.

Mr. McClellan said that, in the clarification, it does say a statement that "you may be subject" - "may" and "are" were two different words and it's clear. He reiterated that that was the clarification, that it went from "are" to "may" and the "may" was based on the precedent that there would be a court proceeding and the decision of the court what penalties would be appropriate at that time for the violation so, it was a "what if" not a "what is".

Mr. Moynahan asked the Board if they wanted to continue with the notice of decision for the violation, saying that he thought that was a part of this whole thing, too, adding that they "have the authority to decide whether or not to institute an enforcement action after a violation notice has been issued."

Mr. Murphy said that it seemed to him that the BOA decision essentially vacated that notice of violation.

Mr. Blanchette said no, that it did not for the simple reason, again, that in accordance with the Eliot Shores vs. Eliot the Supreme Court did set precedent so, therefore, it's only advisory and, therefore, only the BOS could overturn the NOV.

7:55 PM Mr. Murphy moved, second by Ms. Place, to vacate and overturn the Notice of Violation to the McClellans and that the Board of Appeals decision stand.

DISCUSSION:

Mr. Dunkelberger said that he again wanted to go back to the BOA wording with regard to their use of the word "should". He added that it did not say "will", it said "should". He asked if that drove the two neighbors and what if they didn't agree.

Mr. Moynahan said that it would come back to this Board.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

Mr. Dunkelberger suggested, as an alternative, tabling the motion and tabling the NOV, and see if they could come to an agreement and then the Board would see about vacating the NOV.

Mr. Murphy said that that would work also.

Mr. Moynahan said that there was a motion on the floor and a second to remove the NOV to the McClellans. He asked for a vote.

There was no vote and the motion died.

Mr. Moynahan said that the other option was to table this and asked if the Board should give the parties a timeline for it to be resolved. He added that this had been an ongoing issue for both of these neighbors for quite some time with not a happy face present. He asked if they wanted to have this continue to drag out with no result.

Ms. Place said no.

Mr. Moynahan said that they needed something come to terms here so, whatever the action of this Board was, it should be with a timeline.

Mr. Dunkelberger asked if this was doable within two weeks.

Mr. McClellan said that it was doable this weekend.

Mr. Dunkelberger said that the Board could readdress this at the next meeting.

Mr. Moynahan said that, as far as the NOV, there was no action by this Board moving forward, then, and encouraged Mr. McClellan to not have concerns about that.

Mr. McClellan said that he understood but added that part of the decision by the Board regardless of whether they came to some kind of resolution, which they were going to do, was really a moot point because the decision was on the availability to own chickens in the Village area. He reiterated that it was stated last August that there was nothing saying that they couldn't have them, therefore, the benefit went to the applicant, which was him, and that was the CEO's original decision. He clarified that that had still never been overturned and nothing that says one couldn't have them. He did say that there were decisions to take a vote and it would be another issue in the Town but, until then, that was really the decision that was made by the BOA. Mr. McClellan said that he was happy with tabling it but...

After some discussion, Ms. Place asked the parties if they thought they could come to an agreement.

Mr. Robinson said that he saw that as feasible.

Mr. McClellan agreed.

Ms. Place asked them if they could give the Board a timeframe.

Mr. Robinson asked if this would be initiated by the CEO.

The Board asked them if they could do this by themselves.

Mr. Robinson said that he did not see any problem with that.

Mr. McClellan agreed.

Mr. Moynahan asked the Board if that was acceptable – to not involve the CEO.

The Board agreed.

Mr. Moynahan said he thought they should let the two landowners work this out themselves within a two-week period of time, coming to some satisfactory result. The Board agreed by consensus.

8:00 PM
#3

TO : Board of Selectmen
FROM : James Marchese, Code Enforcement Officer
REF : Bogannam Deck

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

Mr. Marchese said he issued him a NOV on October 24, 2011. He added that he followed up and found that the boat/deck was still in place so he issued everyone a notice on February 24 that the situation had to be corrected within 10 working days and he CC'ed the BOS to keep them up-to-date on the case. He said that, to his knowledge, the boat/deck was still in place, adding that his recommendation to the BOS was that he issue a second NOV and give him twenty working days to remove the boat/deck. Mr. Marchese said that it was not anything that was critical but it was something that needed to be done and, for some reason, it was just stall tactic and doesn't want to get done.

Mr. Moynahan asked if it was a structure within setbacks or was it improperly built.

Mr. Marchese said it was an improperly built structure attached to an existing deck, an extension of an existing deck.

Mr. Moynahan said that it was improperly built but was it improperly located.

Mr. Marchese said it was improperly built and improperly located and it wasn't permanent.

Mr. Murphy asked if people could come and go out onto this added structure.

Mr. Marchese said yes.

Mr. Murphy asked if he had seen the letter from Dan Daly concerning the artistic value of this addition.

Mr. Moynahan said that that was in the next correspondence (#4) that speaks in support of Mr. Bogannam's structure. He asked if Mr. Marchese got a copy.

Mr. Marchese said that he did not get a copy of that. He gave a photograph to the Board of what he observed.

Mr. Moynahan said that Mr. Bogannam could not be present but sent a letter and asked if everyone had had a chance to review it. He added that it was not the Board's job to realize if it is improperly built or improperly located, that that was the CEO's job and, if he has proven that this was not the right location, that it has not been permitted, and has not been built correctly, then the landowner would be in violation. He read from Mr. Bogannam's letter: "...respectfully request that the Board consequently dismiss and further debate or discussion regarding the architectural element at the above address."

Mr. Murphy asked if it was possible to better strengthen or give better support to this boat addition so that it would not represent a danger, or does it, say, extend into the Shoreland Zone as something that represented a violation of that kind of issue.

Mr. Marchese said that it was an unpermitted structure – he never came to obtain a permit. He added that, if he had come in to obtain a permit, then he would have been advised on how to construct it properly.

Mr. Murphy asked if he could change the structure now if he went through the permitting.

Mr. Marchese said that he did not know because he has not submitted a permit, that he would have to submit an application.

Mr. Murphy asked if that was possible – can he request him to.

Mr. Marchese reiterated that he has been put on notice, saying that the first notice on the deck was issued February 25, 2011 on what he needed to do to correct the situation, adding that it has been over a year and nothing has been done. He said that it is exactly the same now as it was then.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

Mr. Murphy clarified that he has not tried to get permits or to know what would be involved with the structure to make it permissible.

Mr. Marchese said that that was correct.

Mr. Moynahan asked for thoughts from the Board moving forward.

Mr. Murphy said that he should think that this Board should advise Mr. Bogannam that the CEO has merely been doing his duty and that Mr. Bogannam submit for the permitting process and, perhaps, add certain features to the structure in order that it could be said to be built right – even retroactively – or wouldn't be allowed to keep it in that case.

Mr. Marchese said that, meanwhile, the structure needed to be removed – he has an unpermitted structure and it is unsafe. He reiterated that it needs to be removed and he needs to obtain the proper permitting, if possible.

Mr. Murphy asked if it could be “made perfect” by adding more to it.

Mr. Marchese said that he did not know until he got an application. He added that he had his concerns, as the deck went toward the river so he was projecting in the wrong direction. He said that he has already had several applications and could not have greater than a 20% impervious surface ratio in the Shoreland Zone, which he was very close to if not over that already. He clarified that that was speculation and it was not right for him to speculate, that he needed to receive an application for a permit for that additional structure.

Mr. Murphy said that he believed this Board could only support their CEO and it was that Mr. Bogannam wouldn't work with him and follow the rules. He added that he thought there should be a way that the CEO might be able to find a way that he wouldn't have to tear it down and build it back up by permit – if there were some way he could add the permit and add the support to make it safe.

Mr. Marchese reiterated that he has had the opportunity to do that since February 25, 2011.

Mr. Dunkelberger said that he thought that one of the underlying issues that the CEO brought up was that Mr. Bogannam may exceed the 20% and that may be part of that.

Mr. Moynahan asked if it was within or outside of allowed setbacks, that was the other question – or the CEO didn't know because he didn't have an application.

Mr. Marchese reiterated that he needed an application and he hated to speculate on something without an application.

Mr. Moynahan said that the Board was just trying to make sense of what the whole issue was, that's all.

Ms. Place said that, judging from that picture, she would agree that it was not supported properly. She added that she thought they needed to encourage Mr. Bogannam to live with the permitting process or remove the structure. She added that that was just an accident waiting to happen.

Mr. Murphy said yes and that the Board's advice to Mr. Bogannam would be to work with codes through the permitting process and the code enforcement office.

Mr. Moynahan discussed that the CEO has had several correspondences to him with no work or what-have-you and asked if the Board should send a letter directly from the Town that...

Mr. Murphy said that Mr. Bogannam has sent the Board a letter so they could reply to that letter.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

Mr. Marchese reminded the Board that they had this discussion prior to October 24th - the code enforcement office contacted Mr. Bogannam three times prior to that asking him to correct the situation. He added that, through the BOS, they issued a NOV on October 24th. He reiterated that they needed to move forward with the NOV.

Mr. Dunkelberger said that he sees this as kind of black and white here, that it was a violation, that he thought they had followed the process. He added that this has been going on for a year, that it has been documented, with letters of notification at least four times and he thought that the CEO could proceed.

Mr. Murphy and Ms. Place agreed.

Mr. Moynahan said that it was the consensus of the Board for the CEO to proceed with the NOV for Mr. Bogannam.

#4 TO : Board of Selectmen
FROM : Dan Daly
REF : Bogannam Deck

This was incorporated in the previous discussion.

8:10 PM

#5 TO : Board of Selectmen
FROM : The Road Hose Tavern (Jacqueline Kilty, applicant)
REF : Liquor License Renewal Application

Mr. Moynahan asked Mr. Blanchette if there were any notes from the Police Chief.

Mr. Blanchette said that he notified the Police Chief and he had not received anything back so he presumed that he had no violations. He added that the Board would also find they had a Special Amusement Permit Application, which just came in today, and saying that it would be convenient if it were taken up at the same time.

Mr. Moynahan clarified that the liquor license was a renewal, that it has been there for a little while. He asked if the Board had any questions for Jackie Kilty.

Mr. Murphy discussed Item #19 of the application, which had to do with distances from the nearest school, church, etc. and that the distance listed was incorrect.

Ms. Kilty apologized and said that she was not good at judging distances.

Mr. Murphy asked her to correct the distances (0.35 miles to Eliot Baptist Church).

Ms. Kilty agreed.

Mr. Murphy said that this was how they got to know the Town.

8:13 PM

Mr. Murphy moved, second by Ms. Place, that the Board of Selectmen approve the renewal of the liquor license for Jacqueline Kilty of the Roadhouse Tavern.

VOTE

3-0

Chair concurs

Ms. Place moved, second by Mr. Dunkelberger, to renew the Special Amusement License for the Roadhouse Tavern.

VOTE

3-0

Chair concurs

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

8:15 PM

#6

TO : Board of Selectmen
FROM : Town Clerk, Wendy Rawski
REF : Office Closing Request

Ms. Place moved, second by Mr. Dunkelberger, to approve the closing of the Town Clerk's office on Tuesday, June 12th and Tuesday, November 6th, 2012, for election days.

VOTE

3-0

Chair concurs

Mr. Moynahan asked Mr. Blanchette to let Ms. Rawski know about this vote.

8:16PM

#7

TO : Board of Selectmen
FROM : Raynes Excavation Inc.
REF : Connection to Public Sewer Application

Mr. Moynahan said that he had a question, that they usually send this to the SC for their recommendation before the Board approves any allotments for sewerage and he thought they were working toward having the Department of Public Works (DPW) involved with the municipal sewer hookups. He added that they had both DPW and the CEO present and wondered if they could speak to this before the Board took any action. He also asked if the SC had received this request.

Mr. Dupuis (SC) said they have not received any correspondence, applications, or information regarding this connection. He added that allocations have not been set or approved by the SC.

Mr. Blanchette said that they received it at the last meeting and took it up and it was postponed.

Mr. Moynahan asked if the SC took any action.

Mr. Dupuis said that they had not, that they discussed it at last night's meeting and that it was only brought up on their agenda last night because they found out it was on the Board's agenda tonight. He clarified that it was addressed but are in denial of the application right now because they had not received anything in writing or requests or anything else.

Mr. Moynahan said that the Sewer Ordinance was pretty clear with certain things, that this was the SC's purview. He added that he thought the Board needed to refer this to the SC and, until the Board got a recommendation from that group, they would wait to decide to move forward on it.

Mr. Dupuis said that, in this particular case, there were issues and articles that they attempted address last time for their understanding – none of that has been corrected yet, either.

Mr. Moynahan asked if it were for this specific application.

Mr. Dupuis said no, it was for prior applications.

Mr. Murphy said that this house wanted to join a force main that came from Blueberry Lane, which has had issues.

Mr. Dupuis (SC) said that they had some issues last time and corrections they wanted to be made and they didn't know if any of those corrections had been made. He added that that was something that needed to be addressed before anything else would be granted.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

Mr. Dunkelberger suggested, rather than the Board replying to Raynes Excavation, letting the SC reply on behalf of the BOS and outline their specific requirements before they would consider it.

Mr. Moynahan said that the BOS grant the sewer allocations so he thought it would be up to the BOS to respond with whatever the recommendations from the SC.

Mr. Murphy agreed that was the way it usually was.

Mr. Dunkelberger clarified that he was suggesting, rather than just responding to the applicant, if the SC responded on behalf of the BOS, then they could get the information they needed in order to make an informed decision.

Mr. Dupuis said that one of the issues they addressed with the CEO was that, when he received an application for a building, then he was supposed to notify the SC of the pending applications or direct the people as to where they were supposed to go rather than bringing up the issues like this. He added that they had not received anything from the CEO's office and did not know of the building application until they got the notice last night.

Mr. Moynahan said that, if there was something missing in the process, maybe they could have suggestions for language for a process or a policy. He added that he thought that should be pretty simple and they could all work on that (SC, CEO & DPW). He clarified that they all worked together at the meetings.

Mr. Dupuis said that this application would be on the April 4th agenda.

Mr. Moulton said that he thought they had already identified the process when they did the restructuring – that the application go to him, that he would bring it forward to the SC and, then, in conjunction with the SC he would write the letter. He added that that would be his recommendation. He said that they needed to nail this down because things were everywhere, that they needed to make it consistent for everyone.

8:21 PM

Mr. Marchese said that he was unaware of any revisions in the process. He added that the process has always been the same – they come to him for a building permit, he sends them in to Mr. Blanchette so that they get an allocation from the BOS and the BOS then has the option of getting advice from the SC and the Sewer System Superintendant. He added that that was the direction and course that was given to the most recent building applicant. Mr. Marchese said that the applicant has submitted that correspondence to the BOS, he believed.

Mr. Blanchette said yes, that the applicant had submitted the request for allocation.

Mr. Moynahan clarified that the Connection to Public Sewer Application was a request for allocation.

Mr. Blanchette agreed and said that, in essence, that was a request for allocation.

Mr. Moynahan said that it did not say what the amount of allocation was that was being requested, and all that, adding that he had never seen one of these forms before so he was not sure where they were with this.

Mr. Blanchette said that he guessed they needed to get together and clean it up.

Mr. Moynahan agreed, adding that he thought the SC would get this and they would take care of the proper information the Board needed in order to approve the application.

There was some discussion on how to get everyone on the same page.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

Mr. Moynahan said that, however it happens, that was their (SC) purview, so the Board would have them move forward with this before the Board approved any allocations.

Mr. Dupuis, just to clarify, said that they would address it on the April 4th agenda and come back to the Board with their recommendation.

Mr. Dunkelberger said that he thought the Board needed to encourage the SC to work with the CEO on the basic process of how it actually would work.

Mr. Dupuis said that they actually spent a great deal of time restructuring and establishing a protocol.

Mr. Dunkelberger said that it was apparent that everyone was not on the same page.

Mr. Dupuis agreed they could fine-tune it.

Ms. Shapleigh said that she had been on the SC a long time and one of their complaints, one might say, was that they were brought in late and they should know early. She added that they have asked repeatedly for anything that comes in on the sewer to have it brought to the SC so that they were aware of it. She clarified that they understood it was not within their authority to give out these allocations but they did do the research and did make the recommendations. She added that it seemed, as the CEO just recited, that it was one, two, three, four places before it got out and those things should be going out simultaneously. She said that someone should not be building a house and then, perhaps, having a delay down the road in not being able to connect. Ms. Shapleigh said that, if she was building a house, then she would certainly want to know whether or not she was going to be able to connect to the sewer. She said that the sooner they could get the information and make a recommendation to the Board, she thought it was better for the whole community.

Mr. Moynahan said that it seems like the process was going to happen.

Ms. Shapleigh said that it hasn't for a long time.

Mr. Moynahan said that he had all the confidence that it was going to happen here with all the people involved.

8:25 PM

#8

TO : Board of Selectmen
FROM : Jay Somers
REF : Xfinity Signature Support
This was informational.

#9

TO : Board of Selectmen
FROM : Xfinity
REF : Municipal Emergency Reporting Procedure
Mr. Moynahan requested this be forwarded to each department head.

8:27 PM

#10

TO : Board of Selectmen
FROM : Sharon Walker, House of Peace
REF : Funding Request

Mr. Moynahan asked if this was already budgeted for.

Mr. Blanchette said absolutely not, that this was the first time, that it was out in Rumford and asked if the Board wanted to consider this.

Mr. Murphy said that it was in Oxford County, not York County.

Mr. Moynahan suggested putting this in the budget folders for the next budget discussion to see if there was any merit to that.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

The Board agreed.

#11 TO : Board of Selectmen
FROM : Kittery Water District
REF : District's Financial Report
This was informational.

8:27 PM

#14 TO : Board of Selectmen
FROM : Central Maine Power
REF : Pole Location

Mr. Moynahan said that this was typically forwarded on to the Public Works Director.

Mr. Blanchette said that he didn't know if he had done that with this one.

Mr. Moulton said no.

Mr. Blanchette gave the information to Mr. Moulton.

8:30 PM

#15 TO : Board of Selectmen
FROM : Eastern Trail Management District
REF : Annual Update

Mr. Moynahan said that he thought they were reminding them that they have not participated for a couple of years, even though Eliot was one of the founding communities. He added that it shared what they've done with their funds, how much they've raised and areas that have been affected to-date.

It was discussed that it did not appear that they were looking for any action from the Board.

Old Business (Action List):

8:32 PM

1. Sewer Contract Committee – Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette – IMA Update
This is ongoing.
2. Monthly Reports from Department Heads
This is ongoing.
3. TIFD reports and updates
This was discussed tonight.
4. Health Insurance Costs
Mr. Moynahan said that they made it a policy this year to have employees contribute a percentage, that they even talked about a three-year 5%, 10%, 15%. He added that perhaps what they could think about moving forward was any new hires and what the policy would be for new employees to come more in line with other communities and that sort of thing. He said that it may merit some more discussion, as well as the complexity of the Maine State Retirement contribution. He added that they were not going to fix yesterday's problems but they might be able to eliminate problems in the future.
5. Review existing Sewer User Rates and update – Sewer Committee
This is ongoing.
6. Regionalization of Town Services
Mr. Moynahan said that they were still waiting for dates on this.
7. Sewer Allotments – fee for reserving such
This is ongoing.
8. Auditor – Management Letter

Mr. Blanchette said that there were still some issues that needed to be resolved and he thought they just needed to take a fresh look at it. He added that he was not sure when the letter would be presented.

Draft BOARD OF SELECTMEN'S MEETING
March 22, 2012 6:30PM (continued)

9. Consistent Format – Budget, Time Sheets, etc. – Mr. Moynahan and Mr. Dunkelberger
Mr. Dunkelberger asked if they would like him to set up presentations for a workshop.
The Board agreed he should.
10. Monthly Workshops – 3rd Thursday of the month
This is ongoing.
11. Employee Reviews in monthly Department Head Reports
This is ongoing.
12. Mass - email
This is occurring so the item can be removed from the list.
13. Legal issues – pending and Consent Agreements
There is still one legal issue pending.
14. Community Services Building
Mr. Moynahan said that he had some questions. He said that they requested to go out for an engineer and an architect to do the bid documents and he got thinking about what they had approved for funding for them way back and that Mr. Blanchette provided him with some information. He added that the amount of their request for 2A and B was \$7,950 and, to-date, spent was \$11,000 and change minus \$3,000 from last year's budget. He added that, if this was going to cost money, then he thought they needed to come and ask for approvals for money just so the process was proper. He discussed needing to have documents regarding expenditures if they were going to approve those expenditures and a formal request. He clarified that this was a standard requirement with the departments and that he wasn't picking on ECSD.
15. Police Union Contract
This is ongoing.
16. Finance Director/Comptroller
This is ongoing.
17. Personal property tax
This is ongoing.
18. Town Forest – Johnson's Lane
This is ongoing.
19. Taping of meetings - policy
Mr. Moynahan said that he thought he had gotten an email from the IT Committee that talked about both things. He explained that they had talked about a policy of who and how to set this up and, then, who would utilize it. He suggested they bring this up Thursday and at least create a policy of how to and who would be responsible.

8:40 PM

Selectmen's Report:

Mr. Dunkelberger thanked the Board for bearing with him while he was on vacation and apologized the number of meetings he missed.

Other Business as Needed

There was no other business tonight.

Executive Session

There were no executive sessions tonight.

Adjourn

There was a motion and second to adjourn the meeting at 8:42 PM.

VOTE

3-0

Chair concurs

DATE

Roberta Place, Secretary