

BOARD OF SELECTMEN'S MEETING
May 10, 2012 6:30PM

Quorum noted

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

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

Absent: Mr. Dunkelberger.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:32 PM Motion by Mr. Moynahan, seconded by Mr. Murphy, to approve the minutes of April 12, 2012, as amended.

VOTE

3-0

Chair concurs

6:35 PM

Public Comment

Mr. Reed said that he wanted to give the Board a head's up that the Budget Committee, at their Tuesday meeting, developed a list of TIF-related questions and passed that list on to Mr. Blanchette for the Board's review.

Mr. Fischer said that he was kind of disappointed. He said that he understood that the BC tried to insert another paragraph underneath the building that they want to build to do with the school and other options and Mr. Blanchette wouldn't let the BC put that on the ballot and, by law, he should have. Additionally, Mr. Fischer said that he thought the Selectmen, with instruction to Mr. Blanchette, was very liberal on executive sessions. He added that he thought executive sessions should be open and an example of that was a session he attended with the BC, one he felt should not have been done in executive session. He said that they had one tonight that dealt with "duties of an employee", which he believes was not an executive session and that, if this was about discussing a person's job and what they should or should not do, then it should be public knowledge.

Department Head/Committee Reports

6:37 PM Mr. Blanchette said that they had a request from Ms. Rawski for the Board to countersign the attached warrant and Notice of Election calling the MSAD #35 Budget Validation Referendum to be held Tuesday, June 12th. He added that the Board needed to approve and sign.

Ms. Rawski clarified that MSAD #35 was going to have their district budget meeting on the 6th of June and Eliot and South Berwick residents would come together that night to vote on that budget that would then go to vote, once again by Eliot and South Berwick residents, by secret ballot to validate that budget that was created on the 6th. She added that they had signed that warrant and that she just needed it countersigned, explaining that that authorizes her to run that election for MSAD #35.

The Board agreed by consensus to allow and countersign.

Ms. Rawski discussed the appointments to the Shellfish Committee on tonight's agenda, saying that Mr. Blanchette asked her to bring this up now. She said that they were trying to fill that committee, as they wanted to get the committee moving again. She added that there were already two people who were on the agenda tonight that she had prior notification on. She said that this one came in yesterday, adding that he was a prior alternate member of the Shellfish Committee (ShC) and was interested in taking what's remaining, which was another alternate position, so she didn't know if the Board would be willing to consider the appointment of Craig Mavrikis, who has sat on the ShC before. Ms. Rawski said that she had his paper, if they would like to see it, as well as his appointment paper that needed signatures.

The Board agreed by consensus to add Craig Mavrikis to tonight's agenda.

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6:40 PM Mr. Blanchette said that Mr. Lippincott would like to make sure that the whole Board was invited to the Memorial Day Parade, adding that he had already heard from Mr. Moynahan and Mr. Dunkelberger that they would be walking in the parade and Mr. Murphy would be riding in the Fabian Drake car. He added that it would be put together at 9 AM in the Eliot Elementary School parking lot.

Mr. Fernald and Ms. Place said that they would be there, as well.

New Business (Correspondence List):

6:41 PM

#1

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Draft of Intermunicipal Agreement between Kittery and Eliot

Mr. Pratt, Underwood Engineers, said that he had been working on behalf of Eliot with Kittery to renegotiate the agreement, primarily to help support the TIF District. He added that he believed the Board had a draft, which he thought was either the third or fourth draft the subcommittee (small group from Eliot and Kittery) had been working on and developed. He said that they started from a draft that Kittery provided Eliot in July of last year. Mr. Pratt said that, with a few minor changes, he could report that the subcommittee was in agreement. He added that they have also now met with the IMA Subcommittee, with a few more minor edits/details they would work out, but their goal tonight was to present it to the Board to get the Board up to speed and answer any questions they might have because Kittery was taking it to their Council at the same time. He said that this agreement is very similar to some of the original work that has been done by some of the subgroups, previously. He added that they incorporated most of those basic concepts, including purchase price for additional capacity for the TIF, the formulas that were presented that were prepared back, originally, when this was worked out, so the meat of it was pretty much the same. He said that a lot of what they had been working on were clarifying points using some of the experiences they had had, some experiences Eliot had had and Kittery had so that, in the future, they could take care of some of those things that had come up and incorporate into the agreement so that they had something a little more substantial. Discussing one of the key points, he said that a lot of it had to do with how the charges were going to be assessed, not only Eliot's annual operations and maintenance share but anything they would do with capital costs so, to that end, they had suggested and Kittery accommodated, that a sample bill be put into the agreement. He added that that was done so that everyone understood how the billing would work. He said that a sample bill was attached to the draft that showed where the basis of the cost-sharing for the annual costs come from, as well as any capital costs Eliot would be participating in.

Mr. Moynahan said that he had been walked through this and had been involved in this contract for about two-and-a-half years and he felt pretty comfortable with the content.

Mr. Fernald asked if the SC had reviewed this.

Mr. Marchese said that he did not believe the SC had been presented with it, yet.

Mr. Murphy said that he was on the IMA Committee and SC, that he was at the meeting when this was reviewed on Monday afternoon, and he was very pleased with it. He added that it really was possible, now, because of two major things: Kittery has finally settled on the way they would redo their costing structure and this was in conformance with that – the bill would be based on the flow volume of the users. He added that there would be additional costs for reserve capacity if they wanted Kittery to hold a certain gallonage available for the future and that would be paid for, up front, as a percentage of the value of the treatment plant. He also added that it would be a one-time payment at the time it was taken on. He discussed that Eliot had been having to set aside large values for future use but that this new formula would allow Eliot to incrementally set aside as small an amount as 10,000 gallons – every quarter they would have an opportunity to raise their limit a little bit and pay a capital cost at that time of a small amount.

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Mr. Moulton said that he was part of the IMA Committee and felt they did a great job.

Mr. Fernald asked if they needed one more set of eyes to look at the draft, such as the SC.

Mr. Moynahan said that he thought the attorney would review some areas that had been identified that they may want some feedback on and the SC could review it. He added that the IMA Committee was tasked, as a separate committee, to focus directly on this and any thoughts they might have they could certainly add to that to some extent but, after this many years going through this, he felt this was a good contract for Eliot moving forward and endorsed the product they had in front of them.

Mr. Murphy asked if the corrections they made on Monday would be inserted before it goes to the attorney.

Mr. Pratt said that they would. He added that they wanted to get done with the people who would be living with this for the next 20 years and make sure everyone agreed on this agreement. He explained that they knew they weren't attorneys but they flagged a few things they knew the attorney would want to review, adding that, once they came into consensus with the basic outline and the framework of the agreement, then the Town did need legal review to make sure it was proper. He said that that would be the next step; that he has told Kittery that the changes Eliot made would be incorporated and presented to them following this meeting, in case anything else came up, so they did expect changes as a result of this week's effort. Mr. Pratt said that, at that point and once they have met with Kittery, it would come back to this Board in its' final version for a legal review for that next step, and the SC, if the Board would like. He added that, alternatively, the Board could include the SC comments before he went back to Kittery and that was up to the Board.

Ms. Place said that she thought the SC should see this before it goes back to Kittery.

6:48 PM It was the consensus of the Board to move to the next step on this and that the SC be involved.

#2 TO : Board of Selectmen
FROM : Karl and Sandy Day
REF : Connection to Public Sewer Application

This was an application for 913 Main Street to connect to the Public Sewer.

Mr. Marchese clarified that the Board approved the connection on Greenwood back in November 2010 and this was that connection to their house on Main Street.

Mr. Moynahan said that the letter issued by the Department of Public Works said that the system was failing and they had the ability to tie into the municipal system.

Mr. Moynahan moved, second by Mr. Murphy, to grant the allotment based on the recommendations of the Sewer Committee, with a 4-0 vote, to allow that.

VOTE
3-0
Chair concurs

6:52 PM
#3 TO : Board of Selectmen
FROM : Dave Emery
REF : Videotaping of Town Meeting

Mr. Fernald asked Ms. Rawski if she had gotten volunteers.

Ms. Rawski said that she was waiting for the Board's approval as to their preference in taping the Town Meeting and, then, she would seek volunteers.

Mr. Fernald asked if this would be live or available online after the meeting.

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Ms. Rawski said that that would depend on the Board's preference. She added that she could check the bandwidth to see if she could go live but her thought was to tape it and then upload it afterwards. She added that it would be beneficial for her with the minutes when there were several amendments coming at her it would be nice to have something she could check against to make sure the votes were accurate, amendments were accurate, intentions accurate.

Mr. Moynahan said that he thought it would be a good idea to do a test run, that they were moving in that direction, and see how successful this was for the Town and for Ms. Rawski, as well.

Mr. Murphy and Ms. Place agreed.

Mr. Fernald said that it was the consensus of the Board to videotape the Town Meeting and asked if there was a cost with this or if Ms. Rawski was going to try to get volunteers.

Ms. Rawski said that she was going to attempt to get volunteers, adding that they have the equipment loaned to them by the IT Committee to see how it went and, in the future, if they decide they wanted to continue then they should consider purchasing the equipment. She said that she would like to find volunteers and was putting that out, as they were currently taping live and, with the Board's approval, she would put it out on the e-alert that she was looking for people who might be interested in volunteering to help do that.

Mr. Fernald said okay and that it was the consensus of the Board to move forward.

6:55 PM **#4 and #5 were taken together, as well as Craig Mavrikis.**

#4 TO : Board of Selectmen
 FROM : Steve Sargent
 REF : Request for membership to Shellfish Conservation Committee

#5 TO : Board of Selectmen
 FROM : Dana Norton
 REF : Request to be appointed as a regular member to Shellfish Conservation Committee

Ms. Rawski clarified that Craig Mavrikis was the one she got the paperwork on yesterday and was a prior alternate member seeking to be an alternate once again; Steve Sargent had been on the committee in the past, as well; and Dana Norton was currently an alternate and he has requested to be moved in to a regular member.

Mr. Moynahan moved, second by Ms. Place, to appoint Steven Sargent, term to expire in 2014, and Dana Norton, term to expire in 2012, to the Shellfish Conservation Committee as regular members.

VOTE
3-0
Chair concurs

Mr. Moynahan moved, second by Ms. Place, to appoint Craig Mavrikis to an alternate position on the Shellfish Conservation Committee, with a term to expire in 2013.

VOTE
3-0
Chair concurs

7:00 PM Mr. Fernald said that he would like to step back a minute to bring up an item. He said that Mr. Pomerleau sent an email, which was too late to put on the agenda but timely enough that the Board could address it. He read the content of the email:
"Please refer to the meeting minutes for the BOS meeting of 4-11-12: The video tape and Portsmouth Seacoast article both support the fact that the selectmen reached a consensus to drop the idea of asking the town's employees to reduce hours, pay or personnel and to withdraw the instructions to department heads to produce budgets

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with reductions in personnel costs. This was a critical decision made with the budget process and should be clearly reflected in the meeting minutes." He thanked Mr. Pomerleau for bringing that up. He added that the Board already voted on those minutes, however, the reason he was bringing this up now was to note that this should have been put into those minutes because the Board, by consensus, did do what the letter indicated. He said that, now, that would be part of the record.

7:02 PM

#6

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Set up Public Hearing for Referendum Questions

Mr. Blanchette said that 10 days prior to the June election the Board needed to hold a public hearing on the referendum articles. He added that the next meeting May 24th would certainly allow them enough time.

The Board agreed by consensus to hold the public hearing on May 24th.

Mr. Moynahan recommended keeping the balance of that meeting's agenda light to give enough time for the public hearing.

#7

TO : Board of Selectmen
FROM : Joel Moulton, Public Works Director
REF : Drainage issue, IMA, Sump Pump Inspections

Mr. Moulton said that he was approached by the resident of 274 Jennie Lane who is having a drainage issue where storm water was being transmitted on to his property and contributing to freestanding ponding water. He explained that the resident's concern was that his property was becoming a wetland and would most likely attract mosquitoes. Mr. Moulton said that there was significant ponding on this property. He added that the solution would be to install approximately 190 feet of drainage pipe adjacent to the existing roadway. He said that the estimated cost for the project was about \$1,000 for materials only. He said that the cost for this project was not included in the budget as it was just brought to him. He also noted to the Board that, as of late, three existing cross-culverts have failed and either have been or will be replaced in the near future because they were a matter of safety concern for roadway failure issues. Mr. Moulton said that he was going to see if he could work within his proposed budget limits to help the resident out but he wanted the Board to be aware that he may or may not be able to do that.

Mr. Moynahan said that he saw drainage lines in Mr. Moulton's budget, as well as culvert lines, and it was Mr. Moulton's task to prioritize even though he may have had other projects in mind. He added that the safety issue was first and foremost.

Mr. Moulton said that things would probably be moved around based on projects presented at budget time, adding that he would do the best he could do.

7:06 PM

#8

TO : Board of Selectmen
FROM : Building Committee
REF : Award of Bid to Pine Brook Corp., pending approval of Town Meeting vote

This was a request to award the ECSD building contract to Pine Brook Corp. contingent on Town approval of the project funding.

Mr. Moynahan said that he thought they would be premature in awarding a contract. He added that he thought the important thing was to define potential costs or any capital improvements for buildings within the Town. He said that there were two other contractors that were \$10,000 to \$15,000 off of what this contractor was so he thought that, if this were to move forward, then he would like the Board to interview those contractors also, as there may be more of a potential savings based on some of the information that the BC has given this Board and that sort of thing. He reiterated that he thought it was premature to award a contract based on Town approval and

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that they should wait to see how that played out first, as it wouldn't be that long a period of time to award the contract if approved.

The Board agreed by consensus not to award the contract at this time.

Mr. Reed asked for clarification as to whether the Board would interview the other two contractors as part of the consensus.

Mr. Fernald said that that was part of the consensus.

7:08 PM
#9

TO : Board of Selectmen
FROM : Robert Pomerleau
REF : Budget Committee nomination papers

Mr. Fernald said that this was a letter from Mr. Pomerleau discussing a Town employee running for the BC and he would like to stress that when these things occur they act diligently on that, adding that Ms. Rawski had some input.

Ms. Rawski said that she did and that she had a lot of material on it, that it depended on what people wanted to hear. She said that when positions were opened to be elected in the Town of Eliot it was her job as the Town Clerk to understand whether someone qualifies for a position or not. She said that she really tried hard to understand the laws they ran on based on State law and any ordinances of the Town of Eliot has in place. She clarified that Eliot does not have a charter so the Town ran on State law and ordinances adopted by the Town through Town Meeting, as well as by-laws of individual committees. She said that, based on that information, there was no conflict with the person who came in to take out papers to run for a term on the BC. She reiterated that there was no conflict as far as she could tell from her review of all of that material and so she offered nomination papers to that individual, he received the necessary signatures and brought them back, filed them, and he is a candidate on the ballot for June 12th. She said that she has sought legal, and that that was requested in the letter from Mr. Pomerleau, just to back up everything she was pretty sure she already knew. Ms. Rawski said that she had received a lengthy letter that came in at 5:54 PM tonight from legal services at MMA and read the letter:

"It is my understanding that the foreman of the town's transfer station has submitted nomination papers to run for the office of Budget Committee. The Budget Committee apparently has existed since 1939, first as an appointed committee and more recently as a committee elected by the voters. You have provided me with a copy of "An Ordinance Governing Boards, Commissions and Committees," which was adopted by town meeting in 2008 and replaces various ordinances cited in section 2. You also provided a copy of "Eliot Budget Committee Procedures and Guidelines" dated May 1999, which apparently was adopted by the committee rather than by a town meeting vote. Through a link on MMA's website I found the Eliot Code of Ordinances. Neither of these documents appears to be included in the Code. Nor did I find the town's Personnel Policy, which was quoted in the May 4th letter from Robert Pomerleau that you faxed to me."

She stopped reading to explain why there was no inclusion. She said that the Eliot ordinances were codified and the only ones available online for viewing were Eliot's Land Use Ordinances and the rest of the operating ordinances are not currently codified but were separate ordinances that stood alone. She added that she would like to codify them in the future but that would take money and a budget to do that. She continued reading:

"You indicated that the town of Eliot does not have a municipal charter. I have not seen or reviewed whatever town vote or ordinance created the original Budget Committee or the ordinance or vote that changed the committee from appointed to elected. I assume that there is no local ordinance provision or town vote that expressly prohibits a town employee from serving on the Budget Committee. As I indicated when we spoke, I don't think that the Maine court would find that the positions of transfer station foreman and Budget Committee member are incompatible offices under the common law incompatibility doctrine established by Maine court decisions. A Maine Superior Court judge in the case Town of

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Harpwell v. Wallace, CV-08-184 (Me. Super. Ct., Cum. Cty, May 16, 2008) addressed the doctrine of incompatible offices in relation to the position of transfer station employee and selectperson."

Ms. Rawski said that that was a totally different situation when one had a selectman, a municipal officer, who was overseeing the governance of the Town, serving in a position of employment – two totally different things – Budget Committee to Board of Selectmen member. She continued to read:

"The court found that, although the position of selectperson was an "office" for the purposes of this doctrine, the town transfer station position was an employment position and not an "office." The court found that the Maine Supreme Court has never held that the doctrine of incompatible offices applies to employment positions, so the court declined to extend the doctrine to a case where one person was simultaneously holding both an office and an employment position. As a consequence, the court held that it was not a violation of the common law rule against holding incompatible offices for one person to simultaneously serve as a town transfer station employee and selectperson. An "office" is distinguishable from an employment position in that it is established by statute, ordinance or charter and requires an oath to be administered before the individual officeholder may perform his/her official duties.

In the situation in Eliot, while a seat on the Budget Committee is legally an office, the employment position of transfer station foreman is not, so the individual in question would not be holding two offices simultaneously if elected to the Budget Committee while employed by the town as transfer station foreman. On the basis of the Harpwell case, it appears that the Eliot employee would not violate the incompatibility doctrine if he is elected to the Budget Committee and continues to work for the town transfer station. A copy of the Harpwell case is attached for your convenience. I am unaware of any State statute or town ordinance provision that prohibits an employee from holding a town office simultaneously.

Mr. Pomerleau's letter quotes a 1993 Maine Townsman article which noted that 46 percent of towns surveyed excluded town employees from serving on their finance committees. This means that the other 54 percent did not exclude town employees. Where such service is not prohibited by local law, towns sometimes find it helpful to appoint or elect town employees as well as representatives of other segments of the community to serve on a Budget Committee in order to build in different perspectives in that decision-making process; other towns choose not to do that, preferring to have Budget Committee membership that is distinct from other aspects of town government."

Ms. Rawski said that she and the attorney spoke on the phone about that and that, depending on how one looked at it, it could be beneficial. She added that it would be no different from the Board of Selectmen bringing her in, as the Town Clerk, and asking her opinion or what her needs were as the Town Clerk on the budget. She added that she wasn't voting on that budget but they were asking for her input and some people felt that was a value.

"To the extent the individual in question will be asked to make recommendations on proposed budget requests as part of the Budget Committee process if he is elected, he may be required to abstain from time to time if he will derive a personal, direct and nonspeculative financial benefit from a proposed expenditure if approved by the town meeting."

Ms. Rawski said that she spoke to the individual about this when he took out papers and they had spoken since that, even though there was no law that prohibited it and stated a there was a conflict of interest, there was a perception from the public, adding that she didn't know how well everyone knew her but she was very much a part of being transparent and hold things, election processes especially, to be right on – I's dotted and T's crossed. She said, so, in situations where the BC, if he were to be elected, were discussing situations around budgets for the Transfer Station and anything to do with salaries for himself, then he could be involved in the discussions but would abstain from any official vote of the BC. She explained that the BC was really a committee of recommendations to the public and working with the

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Selectmen making recommendations to create a budget that was beneficial to the Town as a whole. She jumped down to the last paragraph:

“To summarize, I am not aware of any State law, local law or court decision that would prohibit the Eliot employee in question from running for and serving on the Budget Committee if elected. I agree that there may be budget items on which the employee/Budget Committee member is required to abstain to avoid the appearance of a conflict based on the language of the Personnel Policy, but those situations must be analyzed on a case by case basis. Ultimately, if the voting public is concerned that the employee will have an appearance of a conflict or a legal conflict on so many budget items that he cannot function as an effective Budget Committee member because of the frequency of required abstentions, the voters can choose to elect someone else who is not an employee.”

Ms. Rawski said that all the information was available and asked if there were any questions.

7:19 PM

Mr. Pomerleau said he did not have a question because most of that he fairly-well researched, himself, and expected that answer but he really wanted that clarity from MMA. He added that they said precisely, the most critical point here, where there was a conflict of interest there had to be a recusal. He added that, as a matter of practicality when talking about competition of budget money, it would be hard to find something on the budget that was not competing for personnel money and raised a potential conflict – that was his view. He said that, though Eliot may not have a specific policy prohibiting Town employees from being on the BC, he thought they should seriously consider one. Mr. Pomerleau said that he wanted to make it clear that this was never intended as a reflection on the honesty and integrity of the individual running for that office at all but a matter of principle.

Mr. Fernald clarified that this was not the first time and have actually have had Town employees on the BC, which worked out very nicely with no problems whatsoever.

Ms. Rawski added that it was one of seven and the chances of having more than one employee on there at a time was probably slim. She reiterated that it was one of seven members so, realistically, the input from that one person wasn't going to necessarily be the defining factor on what the recommendation was.

Mr. Pomerleau said that his overall concern was that, after all the contentious discussion they all had about reduction in personnel costs and the big employee meeting where they were targeting things they wanted done, his concern was that they wanted a representative on the BC and that just could not be. He added that this was a committee of citizens.

Mr. Fernald pointed out that the individual was a citizen of the Town.

Mr. Murphy asked Ms. Rawski during the last ten years say in their attempt to find people willing to run for BC, how many times has a single vote or two or three write-in votes been the way that BC members have been selected, rather than having someone come forward, sign up, and actually run for it.

7:22 PM

Ms. Rawski said that there had been several times. She said that last year she couldn't fill positions by election as she didn't have the number of people interested as there was now and one could look at that any way one wanted to as well. She added that she actually went to the Board after the election last year because she felt bad for the BC – they never really had a committee as, if someone was out of Town, they had a hard time getting a quorum – and asked the Board to open it up and allow for appointment of those positions. She explained that that was one position on Eliot government that the Board of Selectmen had the ability to appoint to if not filled by election. She added that that could not be done with a school board director or a municipal officer, only with the BC positions. She said that they did that and Ms. Davis who was sitting here tonight was one of those individuals who stepped forward and had an interest and she was appointed into that position. Ms. Rawski said that she had a hard time filling the BC and literally some of the people get on because someone wrote them in, adding that she has had people win with one vote. She added that she would call those people, telling them that they got a vote for BC

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and asking them if they would like to serve. She said that, if she was lucky they said yes and, if not... She also said that, if she had two people with one vote, then nobody wins; if she had one person with three votes and one person with two and she offered it to the person with three votes and that person declined, then it did not automatically go to the next person that had two votes because the person was elected by the majority of the people – the person who got those three votes was declared the winner even and, even though that person didn't want it, the next person couldn't be offered that position but had to be done by election.

Ms. Shapleigh asked if, when Ms. Rawski sought advice on that, was there a fee or did that come out of the money the Town already pays to the MMA.

Ms. Rawski said that Eliot is a member of MMA and because of that they get to use the staff attorneys. She added that Rebecca Seel, who worked with her on this over the past couple of days and got this done for her, is a 30-year senior attorney at MMA, so she had every faith in what she told her being accurate.

Mr. Reed said that, for what it was worth, the BC has multiple times over the years had Town employees or members of other committees on the BC. He added that his policy has been to always to, even if there was an issue of perceived conflict of interest, he has requested that member to recuse himself from that vote. He added that they had never had a problem doing that, that it was just part of doing business in a small town – there are just not enough folks to go around sometimes.

Ms. Rawski said that just to add this person who was running for this position has been involved in municipal government over several years. She added that she had worked here for over 25 years and every year in the 25 years she has been here this person has been serving on some board or committee and giving to the Town of Eliot in some way, so it was not some new out-of-the-blue kind of thing but somebody who has served and done it over the years.

Mr. Lytle said that, for anyone who didn't know, he was that person and he has served 18 years on the Board of Selectmen and 4 years on the BC before that. He added that he would like to say that being on the BC one needed pros and cons and had to be able to judge a budget, judge what the Selectmen wanted the BC to look at, then make a recommendation. He said that he would not vote on something his boss put in and would go after him as well as any other department head for their discussions. He reiterated that he would abstain from the vote.

7:26 PM
#10

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

Mr. Fernald said that there were nomination papers here for anyone who wanted to be on the MMA Legislative Policy Committee and invited any municipal official (elected or appointed) who wished to do that to come forward.

Mr. Murphy said that they estimate it costs about 10 hours a month and members went to several meetings scattered around the State in their senatorial district.

7:27 PM
#11

TO : Board of Selectmen
FROM : Shipyard Brew Pub I, LLC
REF : Request for renewal of Liquor License and Special Amusement License (application fee paid)

Mr. Fernald said that this was a renewal and clarified with Mr. Blanchette that the Police Chief indicated that there had been no problems.

Mr. Blanchette said that that was correct and had no problem with the renewal for the liquor license and special amusement permit.

Mr. Moynahan moved, second by Ms. Place, to renew the liquor license for The Shipyard Brew Pub.

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VOTE
3-0
Chair concurs

Mr. Moynahan moved, second by Mr. Murphy, to renew the special amusement permit for The Shipyard Brew Pub.

VOTE
3-0
Chair concurs

7:30 PM
#12

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Warrant to be signed

Mr. Fernald said that the Board needed to sign the warrant for warrant articles to be acted upon at Town Meeting June 12 & June 16, 2012.

At this time, the Board signed the warrant.

Old Business (Action List):

7:31 PM

1. Sewer Contract Committee – Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette – IMA Update
This was being addressed.
2. Monthly Reports from Department Heads
This is ongoing.
3. TIFD reports and updates - Ongoing
This is ongoing.
4. Health Insurance Costs
This was addressed.
5. Review existing Sewer User Rates and update – Sewer Committee
This has been done.
6. Regionalization of Town Services
Mr. Moynahan said that he had heard nothing back from the South Berwick person who was supposed to contact him. He added that he would follow up on that.
7. Sewer Allotments – fee for reserving such
The Sewer Committee was looking at this.
8. Auditor – Management Letter
Mr. Fernald said that this had been discussed and it looked like something the Town could not afford to do at the present time.
9. Consistent Format – Budget, Time Sheets, etc. – Mr. Moynahan and Mr. Dunkelberger
This is ongoing.
10. Monthly Workshops – 3rd Thursday of the month
This is ongoing.
11. Employee Reviews in monthly Department Head Reports
This is ongoing.
12. Mass - email
This was done and could be removed from the list.
Ms. Rawski said she had 100 people signed up to-date.
13. Legal issues – pending and Consent Agreements
The only issue waiting to be resolved was Eliot Shores
14. Community Services Building
This was addressed.
15. Police Union Contract

BOARD OF SELECTMEN'S MEETING
May 10, 2012 6:30PM (continued)

16. This is ongoing.
Finance Director/Comptroller
This is ongoing.
17. Personal property tax policy
Mr. Blanchette said that he thought that when the auditor was done with the present audit and they had some time, then they could review some of his recommendations on the management plan.
18. Town Forest – Johnson's Lane
This has been addressed
19. Taping of meetings - policy
This is ongoing.
20. Amend Ordinance Governing Boards – time limit for agendas & meeting minutes
This is an ongoing review.

Mr. Moynahan said that there was another one to add for budget preparation for timelines, schedules, software, fringe benefits, completion date, etc.
Mr. Blanchette will add this to the Action Item List.

7:40 PM

Selectmen's Report:

There were no reports tonight.

Other Business as Needed

There was no other business tonight.

7:42 PM

Executive Session

Mr. Fernald said that they were scheduled to go into executive session, however, the situation the Board needed to address in that requires the full Board to be present so, if it was the consensus of the Board, he believed it would be better to do that in a meeting when the full Board was present.

It was the consensus of the Board to wait for a full Board for this executive session.

Adjourn

There was a motion and second to adjourn the meeting at 7:48 PM.

VOTE

3-0

Chair concurs

DATE

Roberta Place, Secretary