

BOARD OF SELECTMEN'S MEETING
May 12, 2011 6:30PM

Quorum noted

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

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

Mr. McPherson was not present at this time.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:33 PM Motion by Mr. Moynahan, seconded by Ms. Place, to approve the minutes of April 14, 2011, as written.

VOTE

2-0

Chair concurs

Public Comment:

6:34 PM There was no one from the public who wished to speak.

Department Head/Committee Reports

6:35 PM Mr. Moulton said that he had a couple of things, apologizing because this had just come to light and that he had given them a heads up this afternoon in regards to paving projects.

The Board acknowledged the notification.

Mr. Moulton said that it appears that asphalt appears to be going up \$3 a ton, now, and looking to increase further due to the price of oil. He said that they have the opportunity to do some paving on some projects that they planned on for the 2011/2012 budget and, with the Board's permission, he would like to move forward using the last year's paving contractor to do some of those projects now at last year's pricing, utilizing Maine DOT Highway Reimbursement Funds that the Town has, which is currently \$37, 534.27. He added that it was a matter of getting the best bang for their buck right now.

Mr. Fernald said that it seemed logical to him and asked for input from the Board.

Ms. Place agreed that it seemed logical.

Mr. Moynahan agreed.

Mr. Fernald said that Mr. Moulton had consensus to go ahead.

6:37 PM Mr. Moulton discussed that he was looking to add a part-time Transfer Station employee to the list. He added that he did not know if the Board had had time to review this but he was looking for a part-time, as-needed for when people are sick or on vacations or if they happen to have any injuries, etc. He added that, if the Board wished to hold off on that for review, then they could do so – he had the person's application available to the Board.

Mr. Fernald said that the Board would like to hold off on that matter at this time.

Mr. Moulton said that he didn't know if the Board had any comments on the update for the Waste Disposal Contract that he briefly wrote a memo about in regards to waste management. He added that he has done some homework,

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building on their part, spoken with Mr. Blanchette and it comes down to how the Board wishes to proceed. He added that, as he stated they came in with a proposal with lower costs so their justification for increasing costs is, again in his opinion, not justified. He said that the Board has the Eco Maine contract that he hoped to get the Board's approval and, maybe, signature on tonight to use an alternative disposal source at approximately \$36/ton less than they pay Waste Management now.

Mr. Fernald asked what about the overcharge if they changed to another company.

Mr. Moulton said that that is a question the Town currently has in negotiations with them. He added that Mr. Lachapelle has still not gotten back to him regarding the overcharge, even though he said at the meeting that he would make right. He said that that was his recommendation and the Town could get their money back out of the dumpsters or get reimbursed from them. He said that, in his opinion, it was Mr. Lachapelle's place to prove him wrong.

Mr. Moynahan said that he thought that in #4 of their contract it said that the contract could be altered at any time but aren't they required to inform the Town of any change.

Mr. Moulton said that that was his understanding, so they did alter it because of the fuel. He added that he attached the contract that said \$80/ton and they are currently charging the Town \$85/ton and that has been the outstanding question - for the last year and a half they have been charging the Town \$85/ton.

Mr. Moynahan said that that was a lot of money over time. He added that he thought the Board should be getting some advice, legally perhaps, but they should be chasing that - that is money the Town should not just let slip away.

Mr. Moulton agreed.

Mr. Moynahan said that he didn't think that was going to stop the Town from moving forward with another vendor.

Mr. Moulton said that he agreed with Mr. Moynahan and, if they looked at their contract, it was on-call, which meant that the Town called when they needed it - if they want to play that card, then the Board can essentially say that they need one pulled here and one pulled there - there's no guaranteed tonnage, there's no guaranteed anything - it's an on-call, as needed, contract.

Ms. Place clarified that the Town is not obligated because of that contract.

Mr. Moulton said that they were not, in his view.

Mr. Moynahan said that, because of the contract language, the Board should have legal review that to assure the Board is doing this right.

The Board was in consensus.

Mr. Moulton discussed the contract with Eco Maine and asked if the Board wanted to authorize him to sign it or the Board sign it at this time.

6:40 PM It was the consensus of the Board to have the Chair sign the Eco Maine contract.

Mr. Moulton said that he spoke with Mr. Blanchette about the F250 Ford pickup that he brought forward on April 28 meeting. He said that Mr. Blanchette told him the funds would be available to come out of the Contingency Fund, since it wasn't budgeted for in either budget and he asked for the Board's recommendation on how to proceed.

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Mr. Moynahan clarified that this was a vehicle that Mr. Moulton used only for winter maintenance.

Mr. Moulton said yes.

Mr. Moynahan said that he would think, then, that they would wait until just before winter operations – he clarified that Mr. Moulton could hold off.

Mr. Moulton said that he could hold off, he just wanted to know what to do, as he can park to the side and not utilize it at all.

Mr. Moynahan clarified that that would not hamper his operations.

Mr. Moulton said not in the summer, no.

Mr. Fernald agreed, then, that that was something they could take care of in the fall.

6:41 PM Mr. Fernald said that he was going to take the Action Item List last tonight.

Old Business (Action List):

8:20 PM

- A. Solid Waste Alternatives – Solid Waste Committee
This was ongoing.
- B. Wild Brook Lane
This was being addressed.
- C. Sewer Contract Committee – Mr. Moynahan, Ms. O'Donoghue, Mr. Murphy and Mr. Blanchette
Mr. Murphy said that they were still working on the IMA.
- D. PACE Program – for Town Meeting vote
Mr. Blanchette said that that was on the warrant and could be taken off the list.
- E. Job Reviews
 - Schedule
 - May 12 – Mr. Short and Mr. Blanchette
 - May 26 – Review with individuals
 - June 9 – Ms. Roy, Mr. Moulton and Mr. Muzeroll
 - June 23 – Review with individuals
 - Where job reviews are kept
 - Comp Time – salaried vs. hourly: merit vs. steps

The Board is currently working through this.

F. Comp Plan Action Items

The Board is addressing this as they have time.

G. Monthly Reports from Dept. Heads

Mr. Moynahan said that they had received two reports this month.

Mr. Fernald said that they needed to have the others, as well, and asked Mr. Blanchette to send a memo to department heads.

H. Police Union Contract

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Mr. Blanchette said that they were on hold. He added that they were voting as to whether to decertify or not and the results would be in mid-June, he believed.

Mr. Moynahan said that they had the revised contract so they were ready for negotiations any time.

I. TIFD Reports and Updates

Mr. Moulton said that he had received a draft copy of the Rapid Infiltration information where it notes significant flows in various parts of Town and that was all he had received. He added that he has requested that information because he was utilizing that as his department moved ahead with manhole repairs

J. IMA Reports and Updates

Mr. Blanchette said that that was really part of C of the Action Item List.

K. Health Insurance costs

This was ongoing.

L. Business Hours – Town Office

This has been addressed.

M. Community Service Department Space

This is being addressed.

N. Have each Department prepare budgets, payroll, and reporting with the same software and forms

Mr. Moynahan suggested that it would be good to have Norma Jean (Treasurer) be involved with this at some point and, maybe, have a meeting with her, the department heads, and one or two members of the Board to try to come up with something that works for everyone.

O. Correct inaccuracies within budget lines, page 14 tabulations, etc.

Mr. Moynahan said that they had had a lot of dollar figures that weren't cross-referencing properly during this budget season, saying that he thought they had gotten several corrected but, as Mr. Blanchette has been creating this page 14 for the Board that shows the true costs of each department and how those numbers got split up and, then, cross-adding. He added that he thought they had worked a lot of that out already.

Mr. Blanchette agreed and added a reminder that, when that page 14 was created years ago, it was meant to be an estimate.

P. Explore time clocks

Mr. Fernald said that that was something they needed to do.

Q. Review existing Sewer User Rates and update

Mr. Moynahan said that he did not know if Mr. Murphy could speak to this at all but he had reviewed some sewer bills from Kittery and he can't see, from what he could see, any increases received from them outside of increased salary and benefit lines and he could not see any increase to their (Eliot) users, either, even though operation and maintenance costs have increased. He added that he thought this was something they should be reviewing as they moved forward.

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Mr. Murphy said that it was not so much whether Kittery had raised the rates but, rather, what Eliot should be doing now in order to foresee additional costs in the future, which were not being prepared for.

Mr. Moynahan agreed.

R. Credit Card acceptance - need and use versus costs.
This was previously addressed in tonight's meeting.

S. Regionalization of Town Services
The Board continues to look into this with all departments and is ongoing.

VOTE
3-0
Chair concurs

New Business (Correspondence List):

#1 TO : Board of Selectmen
 FROM : Dan Blanchette
 REF : Visiting Nurses would like a few minutes to thank Board for their support
Ms. Hirst said that they wanted to come this evening to take advantage of this public forum to give the Town a token of their appreciation for the Town's support over the years. She added that they know that times are tight, they have been for a long time and they keep getting tighter for a lot of people. Ms. Hirst said that they have been really touched over the past several years by small towns like Eliot who have come forward and offered whatever support they can, financially or otherwise, to help the Visiting Nurses do what they do, which is to care for residents who lack insurance or other financial resources to pay for health care. She presented a letter to the Board, signed by their CEO and the Home Care Team that cares for Eliot and a certificate with some pictures of their patients. She reiterated that they really appreciate the Town's support and that she knew it wasn't easy. Ms. Hirst said that if there is anything else they can do, if anyone in the Town has been made aware of any needs that have been unmet, feel free to give them a call.

The Board thanked her for her presentation.

6:43 PM Mr. Fernald said that they were going to take the agenda out of order to hear Correspondence #3.

#3 TO : Board of Selectmen
 FROM : Clark & Howell
 REF : Wild Brook Lane certification

Matt Howell, attorney for the residents of Wildridge Subdivision, said that they were here to talk about Wildbrook Lane, currently a private lane. He said that the residents of Wildridge Subdivision are hoping to make it a public way. Mr. Howell said that he did not recall if they were before the Board of Selectmen (BOS) or Planning Board (PB) last June and they talked about this issue and what needed to happen after that meeting was that they needed to consult with an engineer, have them look at the property, look at the relevant documents that the Town had on file and, then, make a recommendation as to whether or not it was ready to be placed on a Town Warrant to be voted up or down as far as whether the road was going to be accepted as a public way. He said that they had an engineer come out and review and it took an incredibly long time. He added that, as the Board could imagine, having an engineer do anything costs money and, for the residents in the Wildridge Subdivision, money has been exceptionally tight – a

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lot of the residents are either not working or working in jobs not paying them what they typically earned in the past. He said that he was here tonight pro bono (no charge) because he knows this issue is so important and it needs to be handled and, so, he was volunteering his time to help the residents get this process through the works.

6:45 PM At this time, Mr. McPherson arrived and was present.

Mr. Howell said that they ultimately did free up some money that was still being held in escrow by the Town and they used that money to retain Steve McNally of GPI __ Peterson, Inc., who came out and looked at the road, the historical documents that were available, as it was tough getting the historical documents because the Town file currently only had a subdivision plan. He added that Mr. McNally put together this puzzle with pieces missing and what he ultimately concluded was that, based on the standards in place in 2002 when this road was constructed and finished pursuant to the original engineering report issued back in 2002 by J. A. Davis, met all the requisite engineering standards that the Town had in place and, therefore, it was his recommendation that the road be put on the Town Warrant to be voted up or down as to whether the Town would accept it as a public way. He said that he was here in an effort to move the process forward and see what they could do to get this process flowing. Mr. Howell said that he wanted to emphasize that this has been something that has been incredibly financially taxing on the residents of this subdivision. He said that they all came in and purchased their lots in this subdivision with the understanding, at the time, that the road was near completion and money was set aside in escrow for the specific purpose of completing the road up to Town standards so that it could be voted on. He went on to say that, for years, the residents of Wildridge Subdivision have been paying, out-of-pocket, to maintain the road – plow it in the winter, etc., etc., - and they are getting very close to the point where they won't be able to continue doing that themselves privately. He added that it could devolve into a situation where the road, if not adopted as a public way, could fall into serious disrepair and make it impassable in the future. Mr. Howell said that he was looking for the Board's guidance on where they go from here – whether this now goes to the PB for a vote or what the Board's pleasure is on this issue.

6:47 PM Mr. Fernald said that they certainly want to do their best for the residents in that area and he acknowledged it had been a long haul. He clarified that there was, however, a punch list that was supposed to be worked on from that money to upgrade the roads to Town standards.

Mr. Howell said that what he thought the Selectman was referring to was that there was a punch list back in 2002 – that was the famous punch list that he thought was referenced back in that meeting – and that was the punch list that dealt with the original escrow funds. He added that, originally, there was \$13,800 in escrow and the punch list was created by J.A. Davis, back in March 2002. He added that, if the Board was thinking of something else, please interject.

Mr. Moynahan said that, when this was discussed last time, the BOS had asked Donny Sylvester, who was acting as the Road Commissioner, to review and come up with cost estimates for what work needed to be done in order to bring that road up to standard. He added that he did not know if any of those repairs had been done.

Mr. Howell said that those repairs weren't done and the estimate that came up was for \$4,000 and change, he thought, to patch and repair the road. He added that his clients don't have access to those funds and can't collectively come up with those funds amongst the subdivision residents and their attitude was then, as it is now, that money was originally set aside back in 2002 – apparently, according to the release of escrow funds and the contract that was in place between JMack Builders and the Town, the release of the escrowed funds

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signified that all the punch lists, at the time, had been met so, the new punch list – the substantive punch list, has not been complied with for two reasons. Mr. Howell said that the first reason was funds, and the availability of those funds; and the second was that the residents believed that the 2002 standards that were in place and the requirements that were met should be honored today – they should be grandfathered in, essentially, because they now have a moving target in some respects, as they did satisfy all the requirements in 2002 and now, to make them jump through some additional hoops, which they can't financially jump through – they aren't going to be able to meet the Town's requirements pursuant to the Town's 2010/2011 standards.

6:50 PM

Mr. Fernald said that it was his understanding that the Highway Department, in 2002, tested the road and found that it did not meet Town standards. He added that that was why it was never brought to the Town to be approved as a Town road.

Mr. Howell said that that is an historical document that he simply does not have so, if the BOS does have it – the residents don't know where that is and it hasn't been able to be found. He added that it is not in the Town's file, that there really is no file to speak of here at the Town Hall.

Mr. Moynahan said that Mr. Howell mentioned the \$4,000 punch list repair that the acting Road Commissioner came up with that, he thought in their meeting, the BOS was very happy to – once those monies from escrow were released and paid for those repairs – to put that in front of the Town for approval. He added that, now, they've had money spent on engineering plans, seeming to complicate things. Mr. Moynahan said that to say that you didn't have the money – the Town worked diligently to release those escrow funds for you, as well. He said that he thought this was somewhat like a partnership working together so, he was kind of confused as to the name game here or the finger-pointing game here that the Town has done some disservice. He clarified that, when they left that meeting, he believed that those escrow funds were going to be utilized for the punch list that Mr. Sylvester came up with, which was around \$4000, and it was that simple, he thought.

Mr. Howell said that he guessed he would disagree with what he took away from that meeting because what they knew was that there was about \$1,500 still in the escrow account from what was originally released. He added that a punch list was going to be made if there were sufficient funds to handle that, then that would have certainly been used to tackle that – but the estimate was obviously far and above what was available to the residents. He said that what they utilized those funds for was having an updated engineer report, which Steve McNally ultimately made the suggestion that, based upon the 2002 standards and what was accomplished back then, that all the standards were met and that the road should be put on the Town Warrant. Mr. Howell clarified that he wasn't doing any finger-pointing and this is an issue that happened back in 2002 so, he was aware that all the members that were currently on the Board had no direct involvement in this and he wasn't saying it was his fault or that person's fault or the other person's fault but the bottom line was this – that, regardless of what happened back in 2002, money was released and it was released under the understanding that all of the requirements that needed to be met, were in fact met, and that was why the money was released from the escrow account. He said that his clients have already put money in, invested, and that money is gone – and they don't have the ability, now, to make this \$4,000 price tag. He reiterated that they just can't do it and they are looking for Town assistance, at this point.

6:53 PM

Mr. Fernald asked Mr. Moulton if that road met Town specifications.

Mr. Moynahan asked for clarification of whether the Board was looking at 2002 standards or current standards.

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Mr. Fernald said that, when this Board goes to Town Meeting and say that this road meets Town standards – and it will be accepted by the Town – is the Town going to accept that in 2002 it was or 2011 it is.

Mr. Moulton said that, in his opinion and not being privy to all the discussions prior to this, he actually sent mail to Mr. McNally and never received correspondence from him until he (Mr. Moulton) was handed this report, today, and he assured him that he and Mr. McNally would have discussions. On that note, he said that this is the first he has seen and he has received this today. He said that, in reviewing it, things of reference like the geo-typical report from John Turner dated July 13, 2001, saying that he understood the residents' issues and concerns but it is nothing more than a sieve analysis done on material that was taken. He clarified that it was not a geo-typical report, that he has a geo-typical background and this is a sieve analysis – a gradation done on materials that were placed in the road and clearly states in here that it met the standards but, if one reads the remarks on the consultant's sieve analysis, it says there were no specifications available. He added that that meant that there was no comparison. He added that he would like to have had more discussions with Mr. McNally and he understood their stance on this but he also had to take the stance that, in his opinion, that this time and based on what he has seen so far, the Town would inherit something that would be a maintenance nightmare and cost the department more money. Mr. Moulton said the materials were finer than they should be for gradation - it does meet the depth requirement – but looking at the materials used and the stability of the road, those fine materials would result in instability in the road surface. He said that he would like to have more discussion with Mr. McNally to see where he came up with his references and, other than that, all he has is the information he has been provided and, based on that, he could not support it.

Mr. Moynahan said that, in the letter of May 1, 2002, it indicates that JMack will complete the following improvements: dig up and replace 38 feet, hydro seed areas and place a final coat of pavement, “Once these improvements are completed, the Town shall, through its Engineer, John Davis or his agent, and the Road Commissioner or his agent, inspect the road improvements within 24 hours of notice from JMACK Builders....”, but they don't have anything that actually indicates whether it was or was not done. He added that he believed that was a concern they had the last time – they were looking for a way to circumvent it based on Mr. Sylvester's recommendations, minor repairs that could be done using the funds in the escrow account that would satisfy some of this financial concern. He added that he thought they were further backward.

6:57 PM

Mr. Howell clarified that, just so he could be clear, that was it Mr. Moynahan's position, referring to the JMack letter, that they did not know if the work was done. He added that they did know, as he argued back in June 2010, that the work was satisfactorily done back in 2002 because, as the agreement lays out, money was not going to be released from the escrow until the work was done to the specifications of the engineer.

Mr. Moynahan said that there was still money left in the escrow account, which would lend itself to say that the work was not done, completely.

Mr. Howell said that he would disagree.

Mr. Moynahan said that that was where they could disagree – two ends of the spectrum – that Mr. Howell was saying that everything was done and hunky dory and he thinks the position of the Town was that something was left undone; the road is in the condition it is in; and maybe the CEO was giving in to JMack due to financial constraints and allowing some of the escrowed monies to go out, but the repairs were not done.

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Mr. Howell said that he understood Mr. Moynahan's point and he understood that there could be multiple ways of looking at this situation – that there could have been very different scenarios than what he was putting forth. He said that he guessed the ultimate point was that these residents are at an impasse, adding that he knew the function of the Town was to look at the letter of the law and say, "You're not meeting this. You need to go back to the beginning and do it right so that it can pass." He added that, from a practical standpoint and in handling situations like this in the past, he knew that sometimes following the letter of the law doesn't ultimately get the job done, sometimes one has to look at the equity – the fairness principles here. He said that they were getting to the point where these people wouldn't be able to do anything with it. Mr. Howell said that they bought in to this subdivision with the understanding that it was going to be a public road and it's not – they cannot financially contribute anymore. He discussed another group of residents he represented in Eliot in which there was a major dispute over a road – a private way – explaining that it didn't involve the Town accepting it but it still involved a dispute of a private way and it got dirty. He added that it got ugly and the Town got involved and the, then, CEO was constantly down there taking up the Town's time and money. He added that it ultimately went to court and was a very costly affair for the Town. Mr. Howell said that he wasn't saying that that's where this was going to go but, when roads deteriorate and one has an entire subdivision that their only access is this ill taken care of road that's falling apart into disrepair and they can't afford to maintain anymore, then that causes conflicts, as the Board knows. He added that, if they are doing a cost/benefit analysis, in a practical way, this could ultimately end up costing the Town more money if it devolves into a situation like he handled for these other residents. He said that he just wanted the Town to think about that aspect, as well.

7:02 PM

Mr. Fernald said that, first of all, the Town needs to make sure that these subdivisions meet Town approval. He said that all the Selectmen do is check with the Road Commissioner that the road was tested and gave their approval, then that goes to Town Meeting. He clarified that it is the people of the Town who decide if the road is accepted or not. He added that, when they stand up and say that it doesn't meet Town standards, the people would not accept it. Mr. Fernald said that there were a lot of subdivisions in the Town and whoever builds those subdivisions has to make sure that it meets Town standards. He added that they have been over and over and over on this particular subject. He said that Mr. Howell was talking about that the situation is such that he might take the Town to court to try to resolve this and asked why they didn't use that money to fix the road to meet Town standards.

Mr. Howell said that he hoped the Town didn't think he was threatening litigation, somehow, because he was not – he was referencing an old situation that got out of hand – not saying it was going to happen here. He reiterated that he was here of his own time – pro bono – volunteering his time. He added that this wasn't money coming from the residents and he was doing it because it needs to be addressed and addressed properly. He added that he didn't want them to come here – he found out about this meeting today. He said that he talked to Sherry, who said she was going to come and handle it herself. He added that he said no, he'd come and not to worry about the money – that he'd do it for free. Mr. Howell said that he was not here with ill intent – he was here to try to help the residents push this issue along.

Mr. Fernald said that he understood and recognized how inconvenient it was for the residents.

Mr. Moynahan said that he thinks that's where they were last time – they were trying to work in good faith for those residents with a small punch list.

Mr. Fernald agreed and thought this issue was being resolved.

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Mr. Moynahan asked Mr. Moulton if a road was built, practically speaking, properly in 2002 what shape would it be in today.

Mr. Moulton said that depending on where they were on maintenance and how the drainage was kept up over the years...

Mr. Moynahan clarified a road that was built properly to whatever standard it was in 2002 does it look like a road that has nine years of wear and tear with the amount of traffic that has gone there.

7:06 PM

Mr. Moulton said that it shouldn't be in the condition that it's in now.

Mr. Moynahan said, again, he sees an engineer's report, which has to have cost some money, when they had a small punch list of items that needed to get done so the Board could have brought it to the voters – he thought that was where they had left that one.

Mr. Howell clarified that, as part of the punch list, the new engineer's report was required, so it wasn't something that they just did.

Ms. Shapleigh said that she was wondering if the residents considered taking JMACK to small claims court – it wouldn't cost them but a few bucks . She said that she knew that the limit had been raised and, perhaps, if all those residents went in, then they wouldn't have too bad a time getting the judge to agree with them, which would give them money to work with.

Mr. Murphy commented that he didn't want to complicate the issue but this same builder built another small subdivision in that region, on Goodwin Road – Sierra Ridge – which was brought before the Town for acceptance, the road was found not acceptable, the Town did not take it and it continues, he believes, to be a private road.

Mr. McPherson clarified that there was a vacant lot at the end of that road that was for sale.

Mr. Moulton said that was correct.

Mr. McPherson asked who owned it.

Mr. Howell said that JMack owned it.

Mr. McPherson said that the Town would fix the road and, then, he would sell the lot. He suggested the builder be sued.

Mr. Howell said that it was a far more complicated enforcement than that. He clarified that the man is out of state so it would be difficult from a jurisdictional standpoint and, also, a lot of time builders, as soon as someone does that, they shut down operation and operate as something else. He added that he believes JMACK Builders doesn't even technically exists anymore so there is no one to sue so, the small claims avenue or the civil suit...and it happens a lot, sadly. He clarified that it wasn't just builders, it was any company, one sues them and they either file for bankruptcy or they close down.

Mr. McPherson again asked who owned the lot – it must be in somebody's name.

Mr. Howell said that he would have to talk with his realtor, who he believes was here at the last meeting but, he was very evasive – he obviously understands what is going on here and the potential liability he has. He added that it took him 6-7 months just to get JMack to sign to get the money released from escrow and that

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is why it has taken them 10 months to get here – they aren't just dragging their heels, not pushing this off – it has taken a long time.

Mr. Fernald asked Mr. Moulton how far away is it – what were they talking about that had to be done before this road could be presented.

7:10 PM Mr. Moulton said that he had talked to Mr. Sylvester, reviewing the punch list as it was at that time, reiterating that some of the information he had he had received today for the first time. He said that, in his opinion, it was a long ways, adding that he hated to say it that way and understood that the residents, but he to come before the Board and the Budget Committee every year to get money and, with all due respect, it's a battle to fix what the Town already owns. He discussed the difficulty of presenting this to residents in the condition it is in and being nine years old – he couldn't tell the Board to accept this road because that was the Town's tax dollars going up, even though he understood their point. Mr. Moulton discussed that he lived in South Berwick and was on the Planning Board (PB), been on the consulting side and construction side and he knew how these people worked - they come in, tell one what they want to hear and, then, they walk away and expect the Town to accept things that are in the subpar or, in good faith, they told the residents...this is his opinion...they put the impetus on the residents to come before the Town to get the road built after they have walked away with a pocket full of money. He said that the material that has been placed in the road concerns him and, it was not a geo-technical report but a sieve analysis. He clarified that this material is extremely silty, silty soils retain water, and retaining water affects the stability of the road. He added that, if Mr. McNally had talked with him as he promised that he would, then they would probably not be having this major discussion right now – they could have discussed some of this and it could have been in the report. He reiterated that he had just received this information, based on the information he had in his hand and felt for the residents on Wildbrook, saying he truly could not support it, adding that there were ways to fix it but it was farther away, in his opinion, than it should be.

7:12 PM Ms. Rawski said that just sitting and listening and hearing the numbers game and the dates that are going back and forth, the residents there...it seems like there was escrow money put aside for this project to be complete. She added that, in 2002, all but \$1,800 of that money was released. She also said that, in 2002, somebody – the Road Commissioner of Eliot at that point in time, had to have signed off on that road that it was within \$1,800 of being complete and now that project is looking at \$4,000 +. She wondered where to go...do they go back to 2002 for them, do they go to 2011. Ms. Rawski said that it seems like somebody signed off and escrow money was released, except for \$1,800, so that project had to have been, in the eyes of somebody, complete to within \$1,800 – and now they are looking at upwards of \$5,000 to complete the project. She said that they need to come to some middle ground, it seems.

Mr. Moulton said that he had a suggestion, which may help move it forward or confirm his statement. He explained that there was a way he could further inspect this road and not really tear it up. He said that he could use a soil-drilling rig that would punch holes in the pavement, take core samples of the soil, verify the thicknesses and materials. He added that it was his understanding that the tests were done by hand. He added that he knew it was more money but, if they really want this to move forward, they have to disprove what is in this report and, in this report if you compare it to any spec – in his opinion, they would compare it to a Maine DOT spec – he would estimate, for roughly \$1,000, he would drill in various spots to get core samples and get a profile of the road. He added that that would give them a better indication of the existing road down the center line.

Mr. Fernald clarified that what Mr. Moulton would find in those core samples would be pretty much what would have been found in 2002.

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May 12, 2011 6:30PM (continued)

Mr. Moulton said yes but it was his understanding that it was done on the side of the road so it would depend on how the road was built and, from a variety of sources, this contractor was not known for his due diligence in construction.

One of the residents said that that testing method was performed, ironically as Mr. Howell said, all of the Wild Ridge documentation had disappeared. He added that it still doesn't resolve the fact that Sheri and he have personally put up all the money that the Town put a number on – this is how much money we want you to put in escrow because the Town did not have any kind of bonding system and he would have expected to be somewhat protected by the Town. He added that, still, all of that money – the figure that the Town of Eliot put on that road – was released. He said that it could have been a game that Jeff McKenzie plays because, if you shop around and talk with anybody, the guy's a shyster. He said that it is just totally unfair what has happened to them and no one let them know – they had to find everything out on their own. He added that, if it were not for one of their neighbors who is currently unemployed knowing how to manipulate and look through files and stuff, there would still not be a file for Wild Brook Lane. He added that it all comes down to the fact that they, personally, put up a pile of money, put everything they owned and created into this home and, if something isn't done, it's going to fail. He said that they would definitely lose everything, that there was no way they could ever sell their home, or ever even want to live there, with the road just completely deteriorating and constantly becoming worse.

7:17 PM

Mr. Murphy said that the lot in question is Tax Map 89, Lot 17, 65 Wildbrook Lane and the owner, by the tax records, is JMACK Builders, Inc., 614 Hancock Drive, Mullica Hill, New Jersey 08062. He added that its assessed value is \$147,700. He suggested the necessary road repairs be made and a lien be placed on this lot because the builder didn't finish building the road.

Mr. Fernald asked for Mr. Blanchette's input on Mr. Murphy's suggestion.

Mr. Blanchette said that he didn't think the Town could legally do that – go ahead and expend funds and just place a lien on the property.

Mr. Howell said that they would have to go through a civil process of getting a suit, getting a judgment, putting a lien on and the fact that JMACK Builders is listed as the owner doesn't mean anything because the company has been administratively dissolved – the name may still be listed but that doesn't mean that the entity exists.

Ms. Jacques asked how many residents were in this subdivision.

Mr. Fernald said that there were seven owners.

A member of the public asked who paid the taxes on that property, whoever it is, the Town was getting a check from somewhere – someone is paying it and, if not, then that leaves open to a problem right there.

Mr. Fernald said that the concerns are, obviously, if the BOS takes this to the Town for a vote, it was going to fail - they need to come up with a solution to this problem. He added that he was open to suggestions as to what they should be doing to move this thing forward. He added that he thought the residents, themselves, have been through enough...

Mr. Blanchette said that Mr. Moulton had suggested a little more time to be able to talk with the engineers so, why not put them on the agenda for the next meeting, as the Board would have had an opportunity to talk with the engineer and maybe he would have some answers, then.

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Mr. Fernald said that, in the meantime, he asked if Mr. Blanchette could find out who was paying taxes on that.

Mr. Blanchette clarified that they did not keep track of who pays it – they don't care who pays it – it's paid. He said that, in all likelihood and with 99% assurance, he could say it was probably Jeff McKenzie's personal check but he couldn't say that 100%, as he didn't know of anyone else who would pay his taxes for him.

Mr. Howell said that his final thought on the matter was that, when they were here back in June - recognizing the Town was in-between Road Commissioners and referencing the latest punch list – in moving forward, if they were going to have some definitive plan about what needs to be done on the road, then he would like for it to be firm. He said that, say, if Mr. Moulton was to look at the road tomorrow and come up with something entirely different than what was just recently done 10 months ago, then that's the moving target he doesn't want. He added that, if his clients are trying to raise funds to get to an end goal and, hypothetically, there was a new Road Commissioner next year, then he didn't want his clients to have a moving target where they try to raise money towards a goal, they get there, then someone else is in the seat saying, "Well, actually, I think X, Y and Z needs to be done instead of A, B and C." Mr. Howell said that the impression he got was, from Mr. Sylvester, the \$4,000 plus the engineer's report that he wanted from the punch list was from Mr. Moulton saying that much more needed to be done. He reiterated that he would like to have something more definitive.

Mr. Moynahan said that he thought that was what they had worked up towards the last time, was a compromise, not on 2011 standards but based on 2002 – what is the minimum that could be done on that road before the BOS could present it to the voters so that it could have a chance to be accepted.

Mr. Moulton said that he has discussed this with Mr. Sylvester, although not today, and he has talked with Ms. Pelletier (Planning Assistant), who helped him understand that the ordinance/regulations between 2002 and 2011, in reference to that portion of the subdivision, really haven't changed, so they were looking at the same standards.

Mr. Moynahan said that they needed to locate Mr. Sylvester's punch list.

Mr. Moulton said that he could do that.

Mr. Moynahan asked that Mr. Moulton review that and see if it was adequate for these folks and, if there are other things that are needed, again, without going backwards, there has to be some type of compromise that the Town could do, knowing that the Town was going to take over something that might be a used vehicle versus a brand new vehicle.

Mr. Moulton clarified that the Board understood his position.

Mr. Moynahan said absolutely, Mr. Moulton wanted to bring a road that was going to last 12 years before he had to do any maintenance to it, when he has a new road accepted by the Town.

Mr. Moulton clarified that he wanted it to last for 20 years, with maintenance. He said that, in the early stages of a road, the maintenance should be minimal, but the road shouldn't be in the condition that it is and that was why he referred back, not trying to...

Mr. Moynahan said that he understood the brief, as well, but he thought in their conversations the last time, they were trying to come up with some compromise with the time that had gone by.

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Mr. Fernald asked Mr. Moulton to find that punch list, talk with Mr. Sylvester about what needs to be done, then come up with a figure of how much it would cost, how to make this work, etc. He added that they would all like to see this problem resolved.

Ms. Place confirmed that there were core samples taken and asked if they had access to those core samples.

Mr. Howell said that that was part of the problem, as they don't have those reports.

Ms. Place asked if there was a chance that core samples taken in the middle, not on the sides (bankings), would show better than what he thinks is on those bankings.

Mr. Moulton said that there is a possibility – there really is – not seeing the pre-existing conditions, not seeing any of the construction...

Ms. Place said that, then, it would be helpful if they could find a report of those core samples.

Mr. Moulton said yes, there is that potential, and that he could also do research for the residents and, in fact if they wish to do so, they all want to try to disprove what he's seeing for information, maybe even punching a couple of holes in the center of the road for samples and giving the residents a cost. He added that he knows contractors who do that and may want to assist.

A resident of the subdivision said that there were multiple holes drilled – he remembers more than a dozen – and, at the time...they weren't road engineers and just assumed this was another step to finish the process. He iterated that no one knows where any of the documentation for any of these reports have disappeared to and said that he was surprised that they never got, being the people who escrowed the funds, any kind of a report of any kind of what stage or where they were at in the process, they were just kind of left out in the dark other than writing the checks.

Mr. Moynahan asked if there was a process of record management in place in Mr. Moulton's department, currently.

Mr. Moulton said, with him, yes.

Mr. Moynahan said thank you.

A member of the public asked if the Board knew who the contractor was who dig the holes because he would have the information...do you know, Mr. Moulton, of any records left by the previous Road Commissioner...

Mr. Moulton said that he did not but he would look into that, which he would do.

That same member thanked him and added that somebody's got to know something.

Mr. Howell said that he appreciated the Board's time, adding that he would talk to his clients and work with Mr. Moulton. He added that people were throwing around suing JMACK and he wanted the Board to know that it was not his intent to go after JMACK or the Board or anybody else, that he wanted to resolve this as simply as possible because, if anyone knows the ridiculous expense of litigation and would not help anyone, reiterating that he wanted to accomplish this as easily as possible. He said that he would work with Mr. Moulton and that he would talk to his clients, as they have the ultimate say in moving forward. Mr. Howell said

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that they would do their best to work with the Town to get this finished because he knew the Town didn't like this anymore than the residents. He said that they appreciated the Board's time.

#2 TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : Business Hours, Credit Cards, etc.

Ms. Rawski confirmed that the Board members had had time to review. She said that the first request (#1) in the memo was for vault renovation, which they have requested in the past. She added that Mr. Blanchette suggested to her that now might be a good time to start the process of requesting funding for a vault renovation. She explained that the manner in which the records are being stored is to a point that the records are being compromised. She said that she was running out of space and had no more space to maintain the records that she, as Town Clerk, was required to keep by the State. Ms. Rawski discussed getting proposals since she started working as Town Clerk, with this being put aside because there have always been budget crises. She acknowledged that there are budget crises, still, but the records are important, need to be kept for longevity, they are records of this Town and they need to be able to function. She said that she was requesting that the Board give her and Mr. Blanchette the authorization to look at moving forward with some sort of vault renovation, whether it be using some of the existing space in the Clerk's Office, clearing out some of the existing shelving in the vault, removing the safe in the vault, as she has no reason for that to be in there – to be able to create more space and, then, have some shelving installed that is on tracks that would triple her space. Ms. Rawski said that it is customized to the size books they maintain for vital records, minutes, etc., as well as a locking unit for the things that need to be locked and she included a quote. She clarified that this is just for her existing space. She added that she has spoken about space needs in the past, such as looking at opening up the vault in the clerk's office to the vault in the treasurer's office, which would ultimately be a great idea, because they would gain a lot of space by doing that, along with the track shelving. She discussed the quote she was able to get for this meeting from Dupont Systems, saying that he kept the same price he gave her three years ago and changed the system a bit for a total cost of \$18, 875. She said that Mr. Blanchette told her that there may be funds available to be able to start the process and possibly access some funding in the next budget cycle.

7:34 PM Mr. Blanchette said that there was nowhere near the \$18,000 in existing funds but, as Ms. Rawski said, he wanted to start a process so that, if and when the Town votes additional funds for the Building Reserve Account, then this would be one of the priorities. He added that, since they have put it off for years, it is becoming more of an issue and he thinks it is one of the top priorities for the Building Reserve Fund.

Ms. Place asked if this took into consideration the files that are off-site.

Ms. Rawski said that it did not. She added that, gaining space, she will be able to...that was her ultimate goal...to get all of those records currently stored at Iron Mountain in Milton, NH, which makes it difficult when they need to look at those records, back in this building so that the office and the residents have access. She explained that they currently store 224.4 cubic feet and pay \$131+ per month to store them offsite and, every time she or a resident needs a record for research, she has to call, request that record and have it delivered – there's a fee for delivery, a fee to have them come and retrieve it and take it back – so, it's costly. She added that she felt the project would pay for itself, in the long run. She said that this would be flexible with potential future changes to the buildings Eliot is currently trying to evaluate and could be moved if something were to change, so the investment would not be lost. Ms. Rawski said that her hope was that they get rid of some of the stuff in Iron Mountain and reduce the cost that Eliot is paying.

BOARD OF SELECTMEN'S MEETING
May 12, 2011 6:30PM (continued)

Ms. Place asked her how often she sent to Iron Mountain.

Ms. Rawski said that she tries like crazy not to send for anything and honestly, for the time she has been the Clerk (2004 to present day), she has not sent any records over. She added that she has tried to squeeze them in wherever she could just to try to keep them local, as it is the current records that the residents need the most. She said that it is the oldest records that are currently at Iron Mountain, adding that Ms. Spinney (Treasurer) has not added any new records either.

Mr. Dunkelberger said that, from the Building Committee (BC) standpoint, one of the things they looked at in trying to meet the needs of everybody, one of the big ones was records storage and it wasn't just Ms. Rawski's storage but also, the Tax Assessor and CEO because there was a lot of paper records that were probably not stored in the best of conditions but were still extremely valuable. He said that, what Ms. Rawski was proposing was a great idea from an efficiency standpoint but the reality is that it is a band-aid, especially if they would have to pay to maintain records in Iron Mountain. He added that, until Eliot goes fully electronic, they would continue to build their paper. He said that he would encourage the Board to look at this as a total picture.

7:28 PM

Mr. Keith asked if the Town had investigated electronic options for this and, if so, what were the costs for that, both going forward and to image any portion of what they currently have, pointing out that any solutions that the Town pursues to build out space to house records (assuming they have a forecast of the records they have been accumulating over the foreseeable future) would also reduce physical paper. He suggested that adopting electronic options would also benefit the Town by being able to share more information with the public.

Ms. Rawski said that she had been able to do a bit of research, that she has moved forward with preserving vital records and could speak to that. She said that she currently has the option with vital record preservation – they still have to preserve the hard copy of the record – she would always have hard copies of those records on file in bound books that are preserved for longevity – and is by statute. Explaining that she has all off-site records on microfiche, she also has the ability to get scanned copies of everything in pdf form, so she has the ability, moving forward, to put those online such as minutes, with vital records not open to the public. She said that she currently puts minutes and other public records online, as she is currently the web administrator. She added that, getting the past records in pdf format, she would be able to get a multitude of records online for people that they would be able to access, which would stop the original records from being pulled all the time and viewed. She said that the day they told everyone the computer would take away everything paper, they did not tell the truth because she has just as much paper now as she did when she first started here 23 years ago.

Mr. Dunkelberger said that sounded like it was because there were statutory requirements placed on her to do that, it's not because they couldn't do that.

Ms. Rawski agreed. She said that Mr. Dunkelberger was very accurate - that there were many records she was required to keep; such as the PB records, Planner's records, Assessor's records, which are records very important to the Town and currently stored in a way that they are not protected and they really should be. She added that it's something to be looking at as a whole project down the road. She said that she thought that Mr. Blanchette suggested moving forward with adding some additional shelving in there, now, to just band-aid her knowing that, if they do come up with a master plan, that that shelving can transition and become a part of any project down the road, as well.

Mr. Fernald asked if the Board was in consensus to move forward with this.

BOARD OF SELECTMEN'S MEETING
May 12, 2011 6:30PM (continued)

Mr. McPherson said yes and that he fully agreed with what Ms. Rawski was saying. He added that he tried to say it before, that they have two different problems: they have a storage problem, which may take a little time to and has to be studied, and the Community Services Department, which he was concerned would drag on for a couple of years and, to him, was ready to go. He suggested getting that out of the way and work on this one because he thought it would take a little longer.

Ms. Place asked if there was an estimate of the cost to remove the safe.

Ms. Rawski said that they did not at this point. She added that Mr. Blanchette had a thought process on that, though, thinking they could offer it and, then, the moving of it would be at the expense of the person or group that chose to take it.

Mr. Blanchette said that, first of all, they needed to find out if the Board wanted to move forward with this and if there was any other department in Town that might have a need for it.

Mr. McPherson asked if it was the safe that came down from the Grange Hall.

Ms. Rawski said yes.

Mr. McPherson said that the safes were brought down from the Grange Hall by the Road Commissioner and three Selectmen on a Saturday morning. He said that he didn't think it would cost too much to get them out of there.

Mr. Blanchette reiterated that they needed to find out if there was a need internally and, then, they could have it moved. He added that, because of their location, they were a little difficult to move and that, in moving them, they did not want to damage the floor, so it needs to be thought out carefully.

Ms. Place asked if they only had one estimate.

Ms. Rawski explained that she had another one in the works but the gentleman went on vacation. She said that she could come back to them with another estimate at a future meeting. She added that she thought it was appropriate to get more estimates and not jump at the first one but she didn't want to put more time into getting more if it was a moot point.

7:45 PM

Mr. Fernald said that Ms. Rawski had consensus from the Board to move forward with this, asking her to get more estimates.

Mr. Moynahan discussed one of the renditions he saw, of the need for records space and the Community Services building and that they might both be met with a new ECSD building, along with meeting space.

Ms. Rawski clarified that he meant having the records of the Town Clerk being in the ECSD building.

Mr. Moynahan said yes, the ones that they don't access as frequently.

Ms. Rawski said that she had an issue with that, as Town Clerk, and thought that if they were going to do a project – and she might be speaking on something totally different – to get the full picture, they needed to look at the needs of everybody and what was out there for needs right now. She said that this Town Office has been too small since the day they moved into it – there should have been a basement put in when it was done. Ms. Rawski said that she believed they would miss an opportunity if they don't look at the full picture and they didn't look at combining the project.

BOARD OF SELECTMEN'S MEETING
May 12, 2011 6:30PM (continued)

Ms. Rawski discussed credit/debit card payments. She said that she has had several residents especially wanting this option to pay for their transactions – it's just the way the world is going, everybody wants electronic, so she came to Board to see if they wanted her to do a feasibility study, she did a survey, and she had 109 people who answered the question – not a really good depiction of what the Town wants. She said it was about half-and-half, more debit than credit, and was based on a fee structure that has since changed because laws changed, as well. She explained that the change allowed municipalities to assess the user fee back on the individual using the debit or credit card so the fee for the use of that card is not coming out of money collected by the Town. She added that she had narrowed it down to two companies to forward to the Board for their thoughts. She said that the first one (her #2 tab on the packet) is Maine PayPort Services, which is through inforME – the State of Maine – and that is who she currently has for RapidRenewal, an online registration system. She added that she trusts them because she uses them already and has never had any issues with them. She said that their rate is the lowest out there that she could find, reminding the Board that the fee would go back to the user so the Town would not lose any funding from this. Ms. Rawski said that the user would have a flat 2.5% or \$1 minimum charge assessed to them and would be able to pay for anything they could do in the Town office. She said that they would have the option of swipe machines at the stations or they could do key entry of individual cards, suggesting having swipe machines at each station, as she believes it's more secure to allow the user to swipe their own card and put their own pin numbers in. She said that the swipe machines were \$85 a piece and she would need three of them, so a \$255 start-up costs and an annual \$15 encryption fee, which would be \$45 annually for maintenance on the system. She said that the other company (tab #3) was PowerPay out of Portland and one of the leading merchant processing companies and looking to get municipalities on board with them, so they were offering a good deal. She said that they would give the Town a system with no monthly cost, no equipment cost and no annual fee. She added, however, that the user fee would be 3.2% plus a 50-cent transaction fee on every transaction they do. She added that they would have fewer users because the fee would be higher. Ms. Rawski said that she favored inforME because she uses the system, it has a little bit of an up-front cost but the rate was lower for Eliot residents and she wanted to give Eliot residents the best deal for what they were asking for. Ms. Rawski said that both were good deals, both great companies and very informative – she's learned more about credit/debit cards than she ever wanted to know. She said that, if they chose to offer this to Eliot residents, she would personally recommend inforME and PayPort because they are already using that system for other things. She added that the Town didn't have to keep it if it was not used.

Mr. Moynahan said that he thought they should do this, adding that they have talked about this for two or three years.

There was discussion around concerns about how much it would be used and with people using this to pay their taxes.

7:53 PM

Ms. Rawski commented that using a debit/credit card was guaranteed payment, adding that she had to deal with returned checks, sometimes having to get the police department involved and this would eliminate some of that. She added that there would be some people who wanted to pay their taxes and use a card because they just need that extra time to pay for it. She said that residents were asking for it, that many want to register their cars and pay with a debit or credit card. She added that she was okay either way with the Board's decision.

Ms. Place said that she thought it was a great idea, that it would add convenience and would be very little cost to the Town.

Mr. McPherson agreed it was worth a try.

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Mr. Fernald asked Mr. Blanchette about the cost.

Mr. Blanchette said that it would be no problem to cover the cost.

Mr. Moynahan said that it would be good to advertise this service along with the fact that they would be charged.

Ms. Rawski said that they would do some press on it, put some signs out and make sure that, when the Town offers it, the users were aware of the charge.

It was the consensus of the Board to move forward with this.

7:55 PM

Ms. Rawski discussed Maine Municipal Vital Records Ordering Service (#4). She said that inforME is now offering, at no cost to the municipality, the ability for anyone to go online to order vital records. She added that it is a choice for the Town Clerk to participate and then getting authorization from the Board to put the Town of Eliot on board with it. As an example, she said someone might have been born here back in the 60's or 70's, live in California and need a birth record, which they could order online and is another service they could offer the Town. Ms. Rawski said that she wanted the Board's approval to enter a service agreement with inforME to add that to their list of online services.

It was the consensus of the Board to move forward with this.

Ms. Rawski said that it was asked of her to look at the Clerk's Office business hours and work schedule for two reasons: even though office hours have been changed and the current 7:30 AM to 4 PM, M-T and 6:30 AM to 2 PM Friday seems to be working, there are residents who feel the hours are not convenient and she was asked to look at the possibility of having an extending evening open until 5 PM to allow some of those people who commute to be able to get in to the office at a later time, but still keeping that early morning convenience, as well. She also discussed the potential impact of overtime because they can't be open from, say 7:30 AM to 4 PM and just shut the door at 4 PM and be gone – she has reports she has to run, State close-outs she has to do, audits she has to run and cash out three cash drawers, sometimes four. She said that the trial schedule they would like to run is adjusted to allow time needed on the closing end to get as close to 40 hours as they can. Ms. Rawski said the hours she would like the Board's permission to do a trial run on were Mondays 10-5, Tuesdays, Wednesdays, Thursdays 7:30-4 and Fridays 6:30-1. She added that she felt very strongly about being open five days a week and, hopefully, having that extra hour on Mondays would accommodate those that couldn't currently make it in. She said it would be 39 hours open to the public and the schedule, even though it would fluctuate, would be adjusted as close to 40 hours as possible. Ms. Rawski said that she didn't know if that is what the Board was looking for – she went on what Mr. Blanchette had requested she look at and the overtime issue, spoke to the staff in her office, this was discussed in municipal staff meetings and she was not sure their schedule would be exact to the Clerk's Office.

Mr. Blanchette said that it wouldn't be exact – it would depend on what the Board wanted from the rest of the staff. He said that, if the Board wanted the other staff to be in the Town Hall until 5 PM on Mondays, then there were two ways to accomplish that, the staff has talked about both, and they would like the opportunity to try one. He added that one way would be to extend an hour on Mondays, starting at 7 AM and staying open until 5 PM but close on Friday at 1 PM, whereas the Town Clerk's Office would close at 1 PM rather than 2 PM, which would put them at 40 hours with the extra hour on Monday.

Mr. Moynahan said that it would be nice to offer an extra hour to people and believes that was what the concern was. He commented that Ms. Rawski had said they didn't get much evening traffic.

BOARD OF SELECTMEN'S MEETING
May 12, 2011 6:30PM (continued)

Ms. Rawski said that they had had an evening hour, years back, but didn't get much traffic on that evening night. She added that she knew there were people who couldn't get in – that's another reason she tried to offer as much as she could online, so that people would have that option. She said that her one concern was consistency – and she said this to them all the time, that she was all about consistency and keeping things as smooth as they possibly could. She added that she was concerned that, if the other municipal staff open at 7 AM on Monday and her door wasn't open, then the public would not like that. She wondered if they could come in at 7 AM on Monday but the municipal building would actually open at 10 AM for everyone and they would actually be doing paperwork or whatever – she didn't know.

Mr. Fernald said that he felt there were two issues: one was the public, itself, coming in to the Town Hall for the Clerk's services and, addressing Mr. Blanchette as the Town Administrator, to work out what the other office hours ought to be.

Mr. McPherson said that he just didn't feel that 7:30 to 4 were normal business hours – that most businesses are 9 to 5 and, living where he does, he didn't see much traffic at the Town Hall at 7:30 in the morning.

Ms. Rawski totally begged to differ with Mr. McPherson on that, inviting him to come sit in her office at 7:30 in the morning – the people love 7:30 in the morning.

Mr. Blanchette said, in particular, Friday morning - what a difference from when they were open in the evening - to the morning, unbelievable.

Ms. Rawski said that she did a survey back when she changed these hours, at the request of the Board and, once again here she was before them with an hour change request – she did it one time, she did a survey – she did what the people wanted, which was early morning hours – she comes in at 7 AM and opens at 7:30 AM and here until 4 PM – that's what they wanted, that's what she was doing. She added that there were people here waiting to get in the door at 7:30 AM.

Mr. Fernald commented that he thought this was something they ought to try.

Mr. Moynahan agreed, saying the later 5 PM evening hour would potentially benefit a lot of people and the 6 and 7 PM would probably be unrealistic.

Ms. Place clarified that the last time people requested evening hours it was 5 PM.

Ms. Rawski said that it was 6 PM – and there were not many at all – and that was why they changed it, people wanted the morning.

Mr. Blanchette said that, originally, they were trying it for the summer and it went over so big that they never went back.

Ms. Rawski said that people say they want to stop after they've dropped their kids off or on their way to work because they can't necessarily get back by 4 PM. She added that she is very proud of the fact that their Clerk's Office is one of the most accessible in southern York County – they're open 5 days a week, they don't close for lunch and they are customer-service ready the minute that people walk in the door. She said that she was so willing to make this change but she didn't want to take away the early morning hours.

Mr. Moynahan said that he would like to see the department heads work to retain consistency.

BOARD OF SELECTMEN'S MEETING
May 12, 2011 6:30PM (continued)

Mr. Fernald said that it was the consensus of the Board to try this and asked Ms. Rawski when it would go into effect.

8:05 PM Ms. Rawski said July 1, which would give her some time to get it out in the press. She added that they would try it, like they did the last time – from July through Labor Day – and it went over so well that she came back to the Board to say they loved it and they just continued.

Mr. Blanchette asked the Board to let them know if they got any feedback on this.

8:07 PM Ms. Rawski discussed accrual of compensatory time. She said that, as the Board knew over the past couple of years since the change in comp time policy allowing up to 24 hours, some would prefer to take comp time than be paid and, then, they do go over that 24-hour period, which has them come to the Board to request approval to continue to hold that on their time sheet to a time certain when they would use it. She added that the Board has approved it each and every time. She said that she spoke with Mr. Blanchette about her proposal to allow any municipal employee to accumulate up to 40 hours of comp time. She commented that she thought it was budget wise; they weren't paying them overtime and, if staff prefer to take time then she had the ability to make the schedule work, as she knew when it was feasible to allow a staff member to take a day, or several days, off and could make that work. Ms. Rawski said that her request was that they look at that policy and consider changing the 24-hour accumulation to 40 hours.

Mr. Moynahan said that he thought it warranted taking a look at the policy change.

It was the consensus of the Board to review and consider this policy change.

Mr. Fernald let Mr. Blanchette know that that needed to be put on the Action Item List.

8:11 PM
#4

TO : Board of Selectmen
FROM : Business Development
REF : Welcome to Eliot sign

Mr. Fernald said that this was a warrant article request for a "Welcome to Eliot" sign. He said that the Board has already finished and made ready the warrant articles for Town Meeting. He added that it would have to be submitted next time around.

Mr. Moynahan asked if the Budget Committee (BC) was aware when the budgets were due.

Mr. Blanchette said, obviously, that they were a committee and they put in a budget.

Mr. Fernald said they should have come to the budget meetings like everyone else.

Mr. Moulton said that, sometimes, the DOT because they maintain the roads, would purchase and maintain the signs and asked if anyone had looked into that.

Mr. Moynahan asked if that was something Mr. Moulton could look in to.

Mr. Moulton said that he could.

Mr. Blanchette clarified that they were looking for the same type of sign that was at the southern border of Eliot with Kittery.

BOARD OF SELECTMEN'S MEETING
May 12, 2011 6:30PM (continued)

#5 TO : Board of Selectmen
FROM : Tom Howell
REF : Proposed Spinney Creek Tide Gate Schedule for 2011

Mr. Moulton said that he has had discussions with Maryann from Kittery regarding this, although he hasn't sat down with her to discuss this so, his question to the Board was, does the Board want him to have that discussion with her.

Mr. Fernald asked if this was something that Public Works wanted to take on.

Mr. Moulton said that he could take on anything the Board wanted him to take on.

Mr. Murphy asked if they didn't have a Town committee that handled this.

The Board said yes.

Mr. Blanchette said that, actually, the ultimate control was with the State.

Ms. Place asked who did the physical raising and lowering of the gates.

Mr. Moulton said that that was what he and Maryann were going to discuss, as she brought it to his attention.

After some discussion, it was agreed that Mr. Moulton would talk with her about this.

8:16 PM

#6 TO : Board of Selectmen
FROM : Lori A. Howell
REF : Copy of Acknowledgement Letter of work done on Spinney Creek Tide Gate

This was informational.

#7 TO : Board of Selectmen
FROM : Norma Jean Spinney
REF : Tax Anticipation Note Bid

Mr. Fernald said that this was requesting permission to advertise for the 2011-2012 Tax Anticipation Note.

It was the consensus of the Board to go ahead with this request from the Eliot Treasurer.

Mr. Fernald asked Mr. Blanchette to let Ms. Spinney know of the Board's decision.

8:25 PM The Board

Selectmen's Report:

There were no Selectmen's reports tonight.

Other Business as Needed

There was no other business tonight.

8:30 PM

Executive Session

BOARD OF SELECTMEN'S MEETING
May 12, 2011 6:30PM (continued)

Mr. Moynahan moved, second by Ms. Place, to move into executive session as allowed by 1 M.R.S.A. § 405 (6) (a) discussion for the consideration of the employment and evaluation of an individual...

VOTE

3-0

Chair concurs

9:29 PM Out of executive session with no decision.

Adjourn

There was a motion and second to adjourn the meeting at 9:30 PM.

VOTE

4-0

Chair concurs

DATE

Roberta Place, Secretary