

BOARD OF SELECTMEN'S MEETING
May 26, 2011 6:30PM

Quorum noted

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

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

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:32 PM Motion by Mr. Moynahan, seconded by Ms. Place, to approve the minutes of March 28, 2011, as written.

VOTE

2-0

Chair concurs

Motion by Mr. Moynahan, seconded by Ms. Place, to approve the minutes of April 22, 2011, as written.

VOTE

2-0

Chair concurs

6:34 PM

Public Comment

There was no public comment.

Department Head/Committee Reports

There were no reports tonight.

The Board agreed to have the Action Item List at the end of the meeting.

Old Business (Action List):

7:08 PM

A. Solid Waste Alternatives – Solid Waste Committee

This is ongoing.

B. Wild Brook Lane

Mr. Moulton said that he was contacted by Mr. Hallowell?, he was present at the last meeting. He added that, since then, he and Mr. Sylvester have gone out and taken some more photos, did a little investigation and poked around a little bit – the punch list that was established July 6, 2010 has not been completed. He added that they obtained an asphalt sample, which he passed around to the Board members and explained what they were looking at. He said that, through some informal discussion, he and Mr. Blanchette came up with a thought and a process that he (Mr. Hallowell) was going to take back to the residents, which consisted of Mr. Moulton's recommendation was to profile the road by drilling some holes with a rig down through the road to get a cross-section profile of the road as it exists now. He explained that he could work with the residents to get this done, with the residents footing the bill to get the drilling done. He added that, if the Board so chose, he could go out with a drill rig and help them cross-section the road. He also added that he has done this before, is very familiar with it, there would be no liability and they need to know what was wrong with the road to fix it. Mr. Moulton said that Mr. Hallowell said that he would take it back to the residents and have an answer for Mr. Moulton before the meeting tonight but did not. He added that everything was in place and, if they gave him the green light and the Board was willing to let him do the profiling, then it would be about 4

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hours of his time to do the actual drilling, then compile the information and sit down with their engineer to discuss what he found.

Mr. Fernald said that, obviously, his concerns were that a Town employee was looking at a resident's problem, however, if they needed to do that to determine that it is unacceptable at this time, then that was a process that they needed to go through.

Mr. Moynahan said that he agreed, that it was just doing their homework, and those pictures are a glaring reason why they have concerns. He added that documentation was key and that was what he believed Mr. Moulton would provide.

Mr. Moulton agreed.

Mr. Fernald said that, if it was consensus of the Board to allow Mr. Moulton to do this, with the idea that he would be looking at the road to make sure it met Town standards.

Mr. Moynahan agreed that it was clearly defined that this was a specific duty for that specific thing and that they were allowing him to be on that road for a period of time to clarify the road's acceptability for the Town, first and foremost.

Mr. Moulton agreed that it was a two-fold solution and, based on the conversation he had with the Board at the last meeting, the Board was willing to assist in any way that they could without any cost so, his time was a cost, and that was why he brought this before the Board.

Mr. Fernald agreed and said that that was why he was saying that because there was a fine line, here.

Mr. Moulton agreed that there was a fine line regarding this.

Mr. Fernald asked if everyone agreed.

Ms. Place clarified that the sample Mr. Moulton took was from the side of the road.

Mr. Moulton said that it was closer to the center and discussed the pictures that he took that showed the location of where he took the sample

Ms. Place asked him where he would be taking the samples.

Mr. Moulton said that it would be sporadic, explaining the kind of sampling he would do, that it wouldn't be just one but utilizing the drill rig for the four hours, which would be, he believed, a cost to them of about \$800 – they would be paying the bill and would have to get the green light to do it – so the bottom line was that nothing would happen unless they wanted to proceed.

Mr. Hirst clarified that, if it was determined that repairs had to be made, then it would be the resident's association that hired the contractor to do those repairs.

The Board agreed.

It was the consensus of the Board to allow Mr. Moulton to take the samples and discuss his findings with the resident's engineer.

C. Sewer Contract Committee – Mr. Moynahan, Mr. Murphy and Mr. Blanchette

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7:15 PM Mr. Murphy discussed the correspondence that had been passed back and forth and that there had not been an explanation given for cost increases for past actions. He added that he and Mr. Blanchette were looking at that more closely.

D. 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.

E. Comp Plan Action Items

This was ongoing.

F. Monthly Reports from Dept. Heads

Mr. Blanchette said that they had all been contacted and he believed they all understood that they now have to turn in monthly reports.

G. Police Union Contract

Mr. Blanchette said that that was still on hold.
Mr. Short said that the vote would be sometime in early June.

H. TIFD Reports and Updates

This was ongoing.

I. Health Insurance costs

This was ongoing.

J. Community Service Department Space

This was ongoing.

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

This was ongoing.

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

This was done and could be removed from the list.

M. Explore time clocks

Mr. Moynahan said that he had not done the research on this and would have it ready for the next meeting.

N. Review existing Sewer User Rates and update

Mr. Fernald asked if Mr. Blanchette wanted to speak on this and if it was time to do this.

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Mr. Blanchette said that he had been saying it was time to do it for a couple of years. He added that the problem is that they are very close to getting a new contract with Kittery so, to do it at this point under the old contract and then renew it again – he didn't know how the Board wanted to do that.

Mr. Fernald asked if they should wait until the new contract came out.

Mr. Blanchette commented that that might be the wise to do, at this point.

Mr. Moynahan clarified that Kittery invoices Eliot, then Eliot invoices their residents.

Mr. Blanchette said yes.

Mr. Moynahan clarified that it then didn't matter what contract Eliot had with Kittery, it's what it costs the Town of Eliot for maintenance, etc.

Mr. Blanchette agreed but added that Eliot costs often include Kittery costs so, to set up the sewer rates...

Mr. Moynahan said to get a better view of what it would truly cost Eliot and then explore it.

Mr. Blanchette agreed.

O. Job description review and updates

This is ongoing.

P. Regionalization of Town Services

Mr. Fernald said that they were looking at that closely and have contacted some of the surrounding towns to see if they were interested in joining some services. He added that they have not had any towns respond favorably on that.

Mr. Hirst asked if they had had unfavorable response or simply no responses. Mr. Fernald said that they were not interested in town consolidation.

Q. Comp Time review - # of hours without approval

This is to consider a proposal to allow any municipal employee to accumulate up to 40 hours of comp time that the Board is reviewing and how effective this would be with all departments.

New Business (Correspondence List):

6:35 PM

#1

TO : Board of Selectmen
FROM : Conservation Commission
REF : Wish to present 1 1900 photo to the Board

The Board deferred this as the Conservation Commission representatives were not present and said that they would take it up when they arrived.

6:52 PM

Mr. McPherson arrived at this time.

7:20 PM

Ms. Weeks said that they have been in the process of accumulating information about Punkintown and she discussed how she had gotten the photographs of the last two houses from someone standing over at Upper Bartlett Mill Pond or some place in that area.

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Mr. Crilley said that they had the photograph digitally re-mastered, so to speak, as it was in pretty bad shape. He commented that, if anyone has ever been up there and walked around, when one walks around those cellar holes and imagines what those homes looked like and how rough life must have been for those people, then, to see the pictures of the homes and, not too far away, a cemetery, brings it all to life. He added that the back of this photograph had some hand-written notes explaining when the photo was taken, etc. and they had the text of those notes brought to the front with the photograph of the homes and surrounding area and that they wanted to present this to the Town.

The Board was very appreciative of the effort and this presentation.

Ms. Weeks added that they had made a copy of this for the William Fogg Library, as well, that would hang in the Fogg Room next to the fireplace.

Mr. Crilley encouraged people to spend some time looking at the photo, especially if they had been up there, as it was pretty interesting to understand that it was open field up there back then, even though it is so overgrown now.

Mr. Fernald agreed that it was an interesting place to walk. He thanked Ms. Weeks and Mr. Crilley for doing the work and for the presentation of the photograph. He invited Mr. Murphy to speak about Punkintown.

Mr. Murphy said that it was one of the earlier spots because they were able to dam up the river to make York Pond and that was one of the first places they could get power from water. He added that they had several dams – eight to ten all the way down to York River. He said that Punkintown supposedly came from the color of overgrown pine, which were called pumpkin pines and were of an orange, wood color. He said that, before it was called Punkintown, it was called Emeryville (named for one of the landowners) and, further, it was on the pre-existing route from York to South Berwick, so it had a reason for being there.

Mr. Fernald commented that it is part of the original part of the Town of Eliot.

#2 TO : Board of Selectmen
FROM : Town Clerk, Wendy Rawski
REF : SAD #35 District Budget Validation

The Board signed the three SAD #35 Warrants and Notice of Election.

6:36 PM
#3

TO : Board of Selectmen
FROM : Public Works Director, Joel Moulton
REF : Request to be on Agenda to discuss several items

Mr. Moulton discussed the additional employee he was submitting to the Board who would be used as a part-time fill-in person on an as-needed basis for when someone was sick, on vacation, etc. He asked if the Board had had time to review this and if they would make a decision this evening.

Mr. Fernald clarified that this potential employee was not in addition to the as-needed list of names he has.

Mr. Moulton said no.

Mr. Moynahan moved, second by Ms. Place, to hire Garrett Morrow as a part-time, as-needed Highway Department employee.

VOTE
2-0
Chair concurs

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Mr. Moulton discussed the work his department has completed so far on the sewer maintenance: potential flow meter issues, I/I, electrical, etc. He added that they had completed three and found some additional issues. He said that Pump Station #1 was of concern to Kittery in that they felt it was not accurately recording flows and recommended it be replaced with a polysonics meter, at a cost of \$10,000 to \$12,000. Mr. Moulton said that he discovered he could calibrate the flow meter, not just verify, and had that calibration done at both Pump Station #1 and #2 for a cost of \$225, finding that they were both in satisfactory reading condition. He added that they would continue to monitor the flows.

Mr. Fernald asked who determined the flow calibration was off, originally.

6:40 PM

Mr. Moulton said that they had a **cold day reading?** where the flows were off significantly and Kittery felt there was an issue with the flow meter, recommending that Eliot go with this polysonic meter that they use, which is more modern and accurate. He recommended letting it go another quarter, monitor the readings and, if they are high again, then the Town might consider replacing the pump meter.

Mr. Moulton said that, while reviewing the infiltration issues re: the Ted Berry Report (8/2008) it was discovered the Eliot had a major infiltration issue at two manholes on Cove Road (private). He added that this issue was not clearly defined in the report but has since been resolved. He added that, while they were doing this repair, they found there was a sump pump on that road so that was passed on to the CEO to investigate.

Mr. Moulton said that they found, while investigating the manhole structures on Bolt Hill Road, that the integrity of those manhole structures has seriously broken down due to Hydrogen Sulfide gas (sewer gas), that groundwater was seeping in, that they were crumbling in place and that he was concerned with the travelway of the road, itself. He added that he was researching the cost of repair and possible replacement of these manhole structures and would bring that information to the Board for a decision on how to budget for this. He clarified that, currently they have found three bad manholes but it could be the whole length of Bolt Hill Road.

Mr. Moynahan asked how the H2S levels were currently.

Mr. Moulton said that, when they were doing the work for the infiltration issues, they had to evacuate the worker doing that work four or five times throughout the day.

Mr. Moynahan asked if Mr. Moulton thought the H2S levels were coming from both locations.

Mr. Moulton said that, without clearly defining, he would have to say yes. He added that there would be further investigation.

6:43 PM

Mr. Moulton discussed the rubber tire backhoe bid results. He added that his recommendation was for the Town to move forward with the lease purchase of a John Deere 310SJ Rubber Tire Backhoe upon approval of the 2011/2012 annual budget. He said that the lease purchase was recommended for five years, at an annual cost of \$18,182.08, and a buyout at the end of that five years for \$1.00. He also discussed a warranty the Town could purchase.

Mr. Fernald clarified that this was part of the budget – capital reserve fund.

Mr. Moulton said yes.

Mr. Fernald said that the Board would wait to see if the capital reserve funds were approved at Town Meeting before moving forward with this.

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Mr. Moulton agreed, adding that this was the preliminary work and, if approved, then they were ready to go.

6:48 PM
#4

TO : Board of Selectmen
FROM : Law Office of Scott Bergthold
REF : Action to hire Mr. Bergthold for legal services

Mr. Fernald said that Jeffrey Hole, Eliot's attorney from Bernstein and Shur, has contacted Scott Bergthold, talked with him for about an hour and was very impressed with his credentials. He added that Mr. Hole recommended hiring Mr. Bergthold to write the adult ordinances for the Town and discussed Mr. Bergthold's background. Mr. Fernald said that he had the pleasure of talking with Mr. Bergthold and that, as far as the Town's attorney was concerned, Mr. Bergthold was the best in the country. He added that the cost to hire Mr. Bergthold was not any more than if they had the Eliot attorney work on the ordinances. He said that the fee that the Board would have to approve for Mr. Bergthold to put the ordinances together was \$7,500 and his hourly rate was \$225/hour, which is pretty much the standard. He added that they have also asked Mr. Bergthold to come to Eliot to participate in the Town Meeting to answer questions. Mr. Fernald said that he would like a motion on this from the Board.

Ms. Place moved, seconded by Mr. Moynahan, to hire Scott Bergthold to write the adult ordinances for the Town of Eliot for a cost of \$7,500 and to charge additional costs of \$225/hour.

Mr. Moynahan said that this was money well-spent – the people asked specifically for this gentleman, the Board inquired - he thought the Town was fortunate that Mr. Bergthold would take this work on for the Town and the Town would be well-served by him doing this work.

Mr. Fernald agreed and also thanked the Town's attorneys because they could have done anything that they wanted to, but Mr. Hole looked extensively into Mr. Bergthold's background, cases that he has been involved with and towns he has represented. He called for a vote.

VOTE

2-0

Chair concurs

Mr. Fernald said that Mr. Bergthold currently has in his possession Eliot's ordinances and is reviewing them, doing some work on them, just in case the Board would want to hire him. He added that he would like the Board to consider having Mr. Bergthold come to Eliot for Town Meeting on June 18th to answer any questions. He said that they first need to find out exactly how much that would cost the Town. Mr. Fernald said that, if it was agreeable to bring Mr. Bergthold to the Town Meeting, then he would like to have Mr. Blanchette contact Mr. Bergthold to come up with a cost and have the Board vote on it at the next meeting.

It was the consensus of the Board to bring Mr. Bergthold here pursuant to finding out the cost.

#5

TO : Board of Selectmen
FROM : Maine State Planning Office
REF : Notice of Routine Program Change Submission

This was informational.

6:54 PM
#6

TO : Board of Selectmen
FROM : MMA Risk Management Services
REF : 4/7/11 Visit Report

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Mr. Hirst said that he and Mr. Waterbury spent the day going around to different properties, he was able to see everything Mr. Waterbury recommended and it has resulted in a series of recommendations, which he understands has already gone to department heads.

Mr. Fernald said that the majority of things indicated in the letter were not earth shattering, more like painting and repairs, which was a good thing for the Town.

Mr. Hirst said that there were a couple of things, he thought in the recreation department, that were repeated from the 2008 inspection and it would be a show of good faith if those could be done promptly. He said that one was the water test at Murray Rowe Park and the other one was electrical work at Frost Tuft's Park.

Mr. Moynahan clarified that the Board has followed up with department heads and that ECSD is aware of these.

Mr. Blanchette said yes.

Mr. Moynahan suggested communicating the manner in which these are still outstanding from 2008.

6:56 PM Mr. Moulton commented that they are doing electrical upgrades at Frost Tuft's Park that he was assisting with.

#7 TO : Board of Selectmen
FROM : Dan
REF : Selection of who will move Articles at Town meeting on June 18, 2011

Mr. Fernald said that the Board needed to decide who would move the articles at Town Meeting.

Mr. Blanchette – 3rd, 4th, 5th, 15th, 25th through 34th, 42nd, 44th, 46th and 47th.

Ms. Place – 7th, 20th and 43rd.

Mr. Fernald – 23rd and 24th.

Mr. McPherson – 12th, 13th, 14th, 16th and 17th.

Mr. Moynahan – 8th, 9th, 21st, 41st and 45th.

Mr. Muzeroll – 10th, 11th and 40th.

Ms. Muzeroll-Roy – 18th and 19th.

Ms. Kent – 22nd.

Mr. Beckert – 35th, 36th, 37th and 38th.

Mr. Murphy - 39th.

Mr. Blanchette said that, of course, there would be the possibility of a 48th one, which would be whatever they add on for the ordinance proposal regarding adult entertainment.

Mr. Fernald asked if, when something was not advertised, was it always as the last part of the Town Meeting or could it be anywhere.

Mr. Blanchette said that it could be anywhere.

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Mr. Fernald said that he was thinking that it should be the first article on the agenda because he was sure there would be a lot of discussion, Mr. Bergthold would be there to answer questions, the Board would want to get him home and that would be less expensive for the Town.

7:07 PM Mr. Blanchette clarified that he did not know, technically, if they would make the deadlines for the 18th so the Board may be holding a special meeting the following week, asking the Board to keep that in mind.

Mr. Fernald agreed and said that they would do what had to be done to make sure that the ordinances are what the Town wants.

7:30 PM
Selectmen's Report:

Mr. Fernald said that he had decided not to be a liaison to the Building Committee and invited any other Board member to volunteer for this, if they chose.

Other Business as Needed

There was no other business tonight.

7:32 PM
Executive Session

Mr. Moynahan moved, second by Ms. Place, to go in to executive session as allowed by 1 M.R.S.A § 405 (6) (A)"...in consideration of the employment, compensation...."

VOTE
3-0
Chair concurs

8:45 PM Out of executive session.

Adjourn

There was a motion and second to adjourn the meeting at 8:47 PM.

VOTE
3-0
Chair concurs

DATE

Roberta Place, Secretary