

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM

Quorum noted

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

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

Pledge of Allegiance recited
Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of June 27, 2013, as amended.

VOTE

3-0

Chair concurs

Public Comment:

5:33 PM Mr. (Andy) Dudek said, regarding MSAD #35, that there had been approval for certain State funds to come back to the towns for the schools. He recommended that the Board or Town of Eliot write a letter to the Chairman of the school board and the Superintendent to make sure those monies coming back were used to give tax relief assistance, just as a point of order, to show the Town's concern where that money was going. He added that he has heard that some of that money might be able to go to different funds.

Mr. Moynahan said that they could certainly submit a letter to the schools expressing their concerns.

Department Head/Committee Reports

5:35 PM TO : Board of Selectmen
FROM : Heather Muzeroll-Roy, Director, Community Services Dept.
REF : Civil Consultants Invoice

Mr. Moynahan said that this was an invoice from Civil Consultants for \$892.90 and that they were invited into the classroom design process by Kevin Moore, MSAD #35 Facilities Director. He added that Ms. Muzeroll-Roy was not sure who was responsible for this invoice and was looking for some guidance from the Board.

Mr. Dunkelberger said that since this was driven by MSAD #35; that he didn't know that the Board had received any results from Civil Consultants and felt this bill fell upon MSAD #35 to pay. He added that, based on what Ms. Muzeroll-Roy provided this Board, he didn't think that they consulted with her regarding having this and they certainly didn't consult anybody on the committee that he was aware of.

Mr. Moynahan said that there was a schematic provided; that he wasn't sure it was from Civil Consultants or not; that it was in Ms. Muzeroll-Roy's original package back several months ago. He added that the Board didn't drive that request and asked if the cost should be born on the Town.

Mr. Dunkelberger said that he didn't think so; that he didn't even understand why the Board was seeing this. Mr. Moynahan said that he thought that Ms. Muzeroll-Roy was looking for guidance from the Board on how to handle this.

Mr. Hirst said that he thought that they should have an explanation, at least, before they made a decision, and certainly the work product.

Mr. Murphy said that he would like to compare it with Ms. Muzeroll-Roy's original package to verify whether there was no reference of this coming from the Board.

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

Mr. Moynahan said that he would provide the file for this, then bring this up again and try to offer some guidance.

Computer/Server Purchase

Mr. Moynahan said that Ms. Muzeroll-Roy was asking to update with 2-Way Communications for an entry-level server and two computers for \$4,353.96, consistent with the CIP. He added that she would like to use funding allotted for this fiscal year; that there was a balance of \$6,919.00 currently in ECSD's CIP account.

Mr. Hirst said that they should have gotten three bids for this. He added that she cited why she didn't get the other two but he would like to see what two other bids looked like; that that was following their policy.

It was the consensus of the Board for Ms. Muzeroll-Roy to provide three estimates.

Corrections in Expense Summary Report

Mr. Moynahan said that this was informational to the Board and he would forward this on to the Treasurer to make sure she made the changes, as shown.

5:40 PM TO : Board of Selectmen
FROM : Police Department
REF : No Correspondence

Mr. Moynahan said that, at this time, the Board needed to move into executive session.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen move into executive session as allowed by 1 M.R.S.A. § 405.A. "Discussion or consideration of employment..." Personnel issue

VOTE
4-0
Chair concurs

5:47 PM Out of executive session.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen terminate Officer Kevin Curran, effective July 11, 2013.

VOTE
4-0
Chair concurs

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen move Officer Josh Morneau from temporary full-time to permanent full-time. Officer Morneau will replace Officer Arsenault, who was terminated during his probationary period, effective July 11, 2013.

DISCUSSION:

Mr. Moynahan said that this would start Officer Morneau's one-year probationary period.

VOTE
4-0
Chair concurs

5:50 PM TO : Board of Selectmen
FROM : Business Development Committee
REF : Welcome to Eliot sign, Business Development Membership

Mr. Moynahan said that the EBDC was requesting to roll over their 2012/2013 funds, if any, towards their plans to put up a second "Welcome to Eliot" sign.

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

Mr. Murphy moved, second by Mr. Dunkelberger, to approve the request of the Eliot Business Development Committee to roll over their funds from 2012/2013.

VOTE

4-0

Chair concurs

Eliot Business Development Committee Membership.

Mr. Moynahan said that they were seeking to have two alternates in addition to their regular members.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen allow the Eliot Business Development Committee to add two alternate positions to their membership.

VOTE

4-0

Chair concurs

5:52 PM

TO : Board of Selectmen

FROM : Administrative – Maine Municipal Employees Health Trust

REF : The Affordable Care Act and Health Care Reform

Mr. Moynahan said that they would continue to get updates from the MMA Employee Health Trust of what their obligations were as employers.

Proposed Referendum Language

Mr. Moynahan said that Mr. Blanchette provided the Board a suggested format for the article to reduce the municipal budget with the LD1 cap. He added that there was an 'A' and a 'B'; one was to exceed the property tax levy limit and the other was to make the appropriations that they, as a Board, came up with for a total of \$221,500.

Mr. Murphy worked on the wording quite a bit so that it was understandable and correct to any citizen reading it. He added that he also had second thoughts about the Article 10 reduction; that he felt they were taking so much away that the purpose of the article couldn't be done with the amount left; that he would like to increase that amount from \$29,000 to \$40,000; to reduce the amount from \$60,000 to \$40,000, which he heard from a responsible contractor was a more reasonable amount and, perhaps, a more sensibly attained or usable amount that would accomplish the purpose and yet save money. He recognized that that \$11,000 would have to be balanced and suggested taking it from Paving.

Mr. Murphy moved to change the reduction in Article 10 from \$29,000 to \$40,000.

There was no second and the motion failed.

Mr. Moynahan said that Mr. Blanchette received some input from MMA regarding guidance to the Board in bringing up LD1 to the voters again.

5:55 PM

Mr. Blanchette agreed, saying that he had been on the phone with Attorney Stolz (MMA) this afternoon and he assured him that, yes, the Board could bring this up at a Special Town Meeting.

Mr. Moynahan said that the concern he had, and had had, was if the reductions were not approved; that they had a timeline for Commitment from the Assessor; at what point did voters actually take the Board's suggested reductions to meet that LD1 cap.

Mr. Fisher said that he would like to know how Mr. Blanchette framed the question.

Mr. Blanchette said that the question was, he believed, that the annual Town Meeting in July voted not to exceed the cap and the Selectmen would like to bring the article back up for a vote at a Special Town Meeting; that the attorney assured him the Board could

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

do that and he would be putting it in writing to Mr. Blanchette, but unfortunately, he did not get it before the meeting.

Ms. Davis said that the Budget Committee did have some concerns about this question and the Board did agree to take it up at tonight's meeting. At this time, she gave out a handout. She said that they did do some research and they felt that, according to 30 M.R.S.A. § 5721-A.5, the property tax levy limit could only be exceeded for extraordinary circumstances and that the bottom line was that they were wanting to know when a resident's vote was final or did they keep bringing it up until they got an answer they liked. She added that the BC also had a question about the Contingency Reserve Account, which they could address later.

Mr. Blanchette said that he would specifically address section 5. He added that that section was only when they were exceeding property tax levy limit for extraordinary circumstances, then, if they went to Section 6, *Increase in property tax levy limit, the property tax levy limit established in subsection 2 may be increased for other purposes only as provided in subsection 7.*, then, one went to Section 7, Process for Exceeding Property Tax Levy Limit, and that is the process the Town has always used – “A municipality may exceed or increase the property tax levy limit only by the following means. A. If the municipal budget is adopted by town meeting or by referendum, the property tax levy limit may be exceeded by the same process that applies to adoption of the municipal budget...” and so forth; the same process they have always used; then “B” was for when one had a town council. He added that when it talked about ‘5.’, the Board would have the right to exceed the property tax levy limit for extraordinary circumstances without a vote, but with a vote, then the Townspeople would give the Board the right to do that.

Ms. Davis said that she has heard many times that it was the people who showed up at Town Meeting that determined what happened in the Town. She said that, on June 15th, those of them that did, showed up at the Town Meeting and voted on LD1. She added that, if this was a citizen's initiative, she could understand them revisiting this but she felt, at this point, that the Board had been handed their mandate and it was their job to make sure they came up with a budget that would pass the people's approval, not to go back and say that, perhaps now, they could get the people to change their mind about what they passed at the Town Meeting. She asked how many times they all went back on any vote until they got the answer they liked. She said that she thought that the people had told the Board what they wanted accomplished this year and the Board should stand by that vote.

6:00 PM

Mr. Pomerleau said that he went over this section of law very carefully; that he even tried to get the Attorney General's Office to weigh in on it, as did someone else, and they both got the same response – that it was a municipal matter and they wouldn't advise them on it and to contact a town attorney or private attorney. He said that the statute was probably ambiguous enough that the Board could do this and get away with it but the big question was why they would – to look at the statement the Board would be sending if they went this route. He discussed Eliot's form of government and that the residents were the legislative body of the Town; that they were the ones to decide whether they would spend money, or not, and it was not really the Board's decision – it was the Townspeople's. He said that it was pretty clear at Town Meeting that the public sentiment was to conform to the cap. He added that now the Board was giving them the choice of approving the Board's proposed cuts or approve spending more money and that seemed to him that that was taking the choice of how much money was to be spent right out of the hands of the public, where the right was vested and belongs. He also added that there was no groundswell from people asking the Board to revisit the cap and the Board, to him, appeared like a bunch of sore losers. He suggested that they could have put forth a recommendation along with the BC; that just because the Board had a right to do something didn't mean it was the best thing to do or the best judgment; that the Town valued the BC's recommendations.

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

Mr. Moynahan said that he thought it was certainly tough having the first one proceeding the LD1; that he thought it should be one option – in order to reduce the municipal budget and stay below the LD1 cap the Board recommends these following articles but, at some point, the Board had to let people know that, if they voted not to reduce these articles, then the LD1 cap would be exceeded. He added that he provided a different format to Mr. Blanchette, and to the other Board members, and he struggled with it all weekend – so, it wasn't a sore loser but actually a lot of hard work and effort going into some of these things; that it wasn't as simple as it looked. Mr. Moynahan said that right now the Board was posed with how they wanted to put this before the voters knowing that there was a chance that it would be rejected no matter what the Board put out there; that no matter what the BC recommended, there was no guarantee that voters would approve those things. He added that, maybe, the time frame may be inflated but he knew that the Assessor needed a dollar figure by a certain date, whether it was specific to departments or not, and that was the date he was going for. He said that he would take the hit on that for the Board; that he had made a commitment to have that done and they would be moving that forward. Mr. Moynahan said that he would like Board input because they did need to finalize something for Ms. Rawski; that their time was running thin for language.

Mr. Dunkelberger said that he would propose that the language they had in front of them would more than meet the needs, here, as far as giving people a choice; that they could either reduce it, as the Board had outlined, or they could choose to follow the guidance issued with the multitudes of recommendations provided by the BC at Town Meeting.

6:07 PM

Mr. Murphy said that it had not been brought out very strongly but voting for the override would, in fact, allow the Town to accept the whole list of appropriations that the Town voted for, and that was the dilemma that has been before this Board – that they had two things voted for which were incompatible; that the Board has done the best they could to make the choices still the people's – that they could accept all the appropriations that the citizens voted for with all the BC cuts, which came out to be more than the cap, or, they could vote to accept the Board's further reductions in the items/articles that they felt could safely be cut and actually get down to the cap, and meet it. He added that they could either take and accept the appropriations that everyone voted for, or, they could accept the Board's further cuts to get it down to the cap – those were the two choices.

Mr. Hirst said that he would like to hear from other people.
The Board agreed.

6:09 PM

Mr. DePaul said that he had not seen anything in writing from MMA or the attorney to uphold that it was legal but, even if it was legal, it should be looked at from an ethics point of view, and from that view, the residents spoke at the Town Meeting; that this came at the end of the Town Meeting, where they knew what was approved and not approved, and how each budget was lowered accordingly; that they all knew that, when they voted on the particular article, the budget might exceed the cap and further reductions might be necessary; that he thought they should look at this from an ethics standpoint. He said that he thought this was unethical to bring this up to a vote in this manner; that if they wanted to give people a choice and make sure it wasn't rejected, then give them two choices – one to cut the budget and these are the cuts, or, come up with another variation of the \$221,500 list and let the citizens decide which one they want to cut from; that the Board could probably work with the BC as he was sure they had some recommendations on how to get this \$221,500 figure, as well. He reiterated that he looked at it purely from an ethics standpoint.

Mr. Brandon asked if it was possible to accept the budget with the reductions that the BC, and as passed by the Town, as the baseline, then reduce that further to go under the cap.

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

Mr. Moynahan said that that was what they were doing; that they were working within the appropriated amounts from Town Meeting.

6:11 PM

Ms. Adams said, regarding Section 5, may be a little ambiguous because it said that it could be changed by a vote with the same procedure as the budget was done at Town Meeting, and that was done. She added that she didn't believe it was meant to keep bringing it up if it went one way or the other; that she believed that the citizens did speak and they said keep under that cap; that that was what they were looking for. She said that, if those cuts were not approved, they would go back to what was decided at Town Meeting; that she thought there was another process but she didn't think that they had an 'A' 'B' choice. She said that letting the people know that, if they didn't vote for the cuts, then they would exceed the cap again; that they would probably have to start again but she didn't feel it was appropriate to vote on the cap again.

Mr. Moynahan said that the process would be a lot more seamless if they didn't have to bring it before the voters because the Board made the reductions; that it got a little more complicated when they had to bring it in front of the voters once again. He added that they did the work to come up with reductions they felt were fair and equitable for all departments.

A member of the audience asked if it was possible to give two sets of reductions and not the ultimatum, basically, that the Board was because the people did have a representative vote. He added that he knew it was difficult to come up with reductions; that they could come up with alternatives; that he was confident that one would be adopted because the people wanted to move forward and knew they had to move on. He commented that they were not allowed to vote on the cap at the beginning of the meeting and could not know if they were under the cap during the meeting as they voted each article.

6:15 PM

Mr. (Jared) Simmons said that he would be much more comfortable with having this go forward if there were an option from the BC. He added that his perspective was that the BOS looked out for the Town population of residents, as well as Town organizations, and the BC was really looking out for the bottom line of the voters and the people. He said that, if the Board put those two options out and let the Town vote one way or the other, then he was comfortable with that no matter the decision. He said that it seemed that they should have two legitimate choices as opposed to either take 'these' cuts proposed by the BOS or exceed the cap.

Ms. (Jan) Saurman said that the confusion she had with his suggestion, and genuinely concerned as a voter, was that she didn't know, then, who was in charge of her Town – the BOS making the final decisions or the BC making those decisions. She added that she knew what she thought to be the case all these years as a resident, which was that it was the Selectmen; that in recent times the BC has taken on a more vocal and, she thought, different approach to what the role was, and she was not saying that was good or bad. She clarified that, if they gave her, as a voter, a list of reductions from the Selectmen and a list of reductions from the BC, then she was asking who was in charge of the Town. She added that she wanted them to appreciate that she would find that a confusing dilemma.

6:17 PM

Mr. Fisher said that he had two concerns. He responded to Ms. Saurman's question by saying that the people were in control, not the BOS and not the BC. He suggested that, if the Board decided to put three or four different things on, then of those choices, only one that received at least 50% would be the winner; not 10% here or 20% there, but 50% of the total.

Ms. Shapleigh said that, regarding Town Meeting, they were hearing how many people voted or the Town voted, the Town voted but she believed there were less than 120 people who voted at Town Meeting. She added that the percentage of the residents who voted was shameful. She said that when she came to Eliot 47 years ago, it wasn't partisan, and this has become a very partisan thing.

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

6:18 PM Mr. Murphy said that the final question at Town Meeting was voted by 104 people in the first vote and failed by two votes; that it was reconsidered by 84 people who differed by two votes. He added that he thought it was far more sensible to take this question to the whole Town so that 1,000 or 1,400 or 2,000 voters had a chance to have a voice in this rather than trying to solve it all by the group that came here. He said that behind everyone attending tonight he saw 300 people who were not here and speaking; that the Board had to think of that 300 and what was best for the Town, and that was what they tried to do. He said that taking this back to a referendum would allow all of the citizens to be involved in making this decision.

Mr. Dunkelberger discussed the proposal in front of them from the Administrative Assistant and watching the Town Meeting approve most of the items as proposed by the BC. He added that he had some concerns that they could meet the timeframe required much less the detail, and he pointed to the most recent letter, here, in which they (BC) talked about the Maine Statutes Subsection 5 on LD1 and didn't go down to Subsections 6 and 7, which clarified things. He said that he questioned the BC's ability to put together some well-researched proposals within the timeframe the Board put on themselves.

6:22 PM Mr. Dunkelberger moved, second by Mr. Beckert, that the Board of Selectmen take the Administrative Assistant's suggestion with regard to the voting for the referendum question – choice 'A' or 'B'.

Mr. Moynahan said that, in this document, Administration has comments about payroll reductions and no other item did; that Transfer Station had reductions in number of hours it would be open. He said that if one was going to state an impact then they all should state an impact, or none.

VOTE

4-0

Chair does not concur

Mr. Moynahan said that this would be the language presented and asked Mr. Blanchette to let Ms. Rawski know so that she could prepare this.

TO : Board of Selectmen
FROM : Public Works
REF : No Correspondence

Mr. Moulton said that he provided the Board the day they received their packets; that it didn't get in the Board's packet but it was provided that day.

Mr. Moynahan said that, if they were not provided prior to preparing the packets, then they would have to be bought up at the next meeting.

TO : Board of Selectmen
FROM : Fire Department
REF : No Correspondence

There were no items tonight.

New Business (Correspondence List):

6:25 PM

#1

TO : Board of Selectmen
FROM : Melissa Magdziasz, Planning Board and Sam Bennett, Business Development
REF : Requests for appointments to committees

Planning Board

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

Ms. (Melissa) Magdziasz said that she lived in South Eliot on Alvin Lane and had lived in Town for five years. She added that she was a small business owner, her husband was a roofer, and she took care of dogs. She said that, order to become a small business owner in Town she had to go through a process with Ms. Pelletier, the Board of Appeals, and the Planning Board and found the process very interesting. She added that she brought home the zoning ordinance and found that interesting; that she has always been involved in the communities where she has lived.

Mr. Moynahan said that they always appreciated people who showed an interest in serving on the Town boards.

Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen appoint Melissa Magdziasz to the Planning Board as an alternate, term to expire in 2017.

VOTE

4-0

Chair concurs

Business Development Committee

Mr. (Sam) Bennett said that he was very interested and still came tonight, but, he did get an offer to move in with some friends in Portsmouth in early September. He added that he has been going to the EBDC meetings and he has really enjoyed that but thought he would not be able to be on the EBDC because of his move to Portsmouth. He said that he had found the meetings to be really enjoyable and he would still like to attend meetings and provide input, not as an official member but to be there and be a part of it; that he grew up in Eliot and that he has been here for 20+ years, so it was his home, even if he lived in Portsmouth.

The Board agreed he was more than welcome to attend meetings and thanked him for his interest.

6:20 PM
#2

TO : Board of Selectmen
FROM : Underwood Engineering
REF : No Correspondence

Mr. Moynahan said that Mr. Pratt was here to give an update on his rate study work.

Mr. (Keith) Pratt said that they did, as a result of some of the sewer expansion work, do a rate study, which was ready for delivery to the Town; that he had that in draft form and it was his intention to deliver that next week or two after he had finished reviewing conclusions and recommendations with the Board to make sure they were on the right path. He added that they were recommending a rate increase based on set-asides for additional capital reserves on the existing sewer system; that their calculations suggested they should be setting aside about \$70,000/year; that they were currently setting aside about \$20,000; that the increase correlated to a 23% impact; that they were proposing to increase the consumption and quarterly charges equally. He added that the quarterly charge would go up from \$50 to \$61 and the consumption charge would go up from \$2.94 to \$3.62. Mr. Pratt said that they were also suggesting restructuring the meter charges a little different. He said that the currently assessed \$61 was for all meters regardless of size and they were suggesting that that charge apply only to residential (5/8" or 3/4") meters; that as the meter size increased they were recommending that those be charged an additional quarterly charge as, essentially, it cost the Town more to maintain a larger service and larger meter. Using the 2" meter as an example, he said that they recommended that the rate increase from \$61 to \$177/quarter so that person would likely see a 30-35% increase rather than 23%. He said that he thought there were only 6 or 8 meters that were bigger than 5/8ths or 3/4's. Mr. Pratt said that the other thing was that he had been working with Mr. Moulton on how they could approach some of the improvements on the sewer pumping stations that may need to be done anyway and he might include some potential rate ranges of impact if some improvements were done in various ways.

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

Mr. Dunkelberger discussed potentially using graduated per-unit-of-use fees.

Mr. Pratt said that that was done and that he thought there were a few local communities that did. He said that it was generally referred to as a 'conservation' rate because it was trying to promote conservation. He added that it did get a little challenging to manage and bill, particularly if they had different meter sizes, but that could probably be looked at for Eliot because most meters were the same size. He added that they didn't look at that in the rate study; that based on his experience less than 10% of systems actually do it.

Mr. Dunkelberger asked if that would help in getting them a bit more financially stable.

Mr. Pratt said that it would but thought that what would help more – the stability came from the fixed revenue and the fixed revenue was in their quarterly charges and, so, if they established what they thought the Town needed as a baseline, then they were probably better off looking at establishing what the minimum charges should be to make sure that the Town was really covered, adding that, if everyone started conserving, then the revenue would drop significantly but expenses tended not to drop.

Mr. Moynahan confirmed that Underwood's rate study looked at all the capital improvements that were needed for a period of time out and, then, divided by the number of years it would take to raise funds.

Mr. Pratt said yes, that they had done some desktop calculations on the Eliot system – the age of the infrastructure, a rough design life of the infrastructure, a rough cost to replace it then divided it by the number of years of its life left. He added that, through the capital reserve (rate revenue), fund that improvement by 50%, which allowed the Town flexibility in the future to consider other financing methods, either from grants or bonds, but they would still have a pretty good kitty to work with. He said that that was pretty common; otherwise, they would be looking at raising 100% of it through the capital reserves, and there were, sometimes, better ways to finance things.

Mr. Hirst asked if Mr. Pratt had a handout for the Board.

Mr. Pratt said yes and gave the Board handouts of essentially what the rate study would say. He added that he would issue this as a final draft so that, if there were any final comments, then they could address them.

Mr. Moynahan said that this was something long overdue and looked forward to having the final presentation to get it established and start taking care of their infrastructure.

Mr. Fisher asked Mr. Pratt if he said he didn't encourage a maximum and anything over the maximum ought to be more money.

Mr. Pratt said no; that he said that there were other ways; that, if the question was about stabilizing revenue, he thought that some of the quarterly charges could do that a little bit more reliably. He added that he thought that conservation rate structures were a good thing to do but he would want to look at other ways to stabilize the rates, first, in terms of fixed revenue before looking at a conservation rate.

The Board thanked Mr. Pratt for his presentation.

6:40 PM
#3

TO : Board of Selectmen
FROM : Attar Engineering
REF : Elderly Housing

Mr. Moynahan said that Mr. Wood was present and thanked him for his patience in being delayed while the Board dealt with some other challenges.

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

Mr. Wood said it was not a problem and thanked the Board for hearing them. He discussed the project. He said that it was a 38-unit, over-55 housing project at the end of Levesque Drive (next to the post office). He added that this project was going through the Planning Board right now; that they took it to the PB July 2nd and have their site walk and workshop scheduled July 16th. He said that, as part of the project because this was a Sea Dog Realty project (part of Eliot Commons), they would be seeking DEP approval for an amendment to their site location and development permit. Mr. Wood said that the reason he was present tonight is that this project would be funded, in the majority, by the Maine State Housing Authority (MSHA) under a QAP (qualified allocation plan) and, as part of that application, they were looking for community support and verification that the project complied with their approved TIF. He said that to explain that in more detail Dave Bateman was here with him, who has done a number of these projects. He added that, as a sideline, he has known Mr. Bateman for 28 years, is his next-door neighbor, one of his best friends, and they have done a fair number of projects together. He said that he would like to have Mr. Bateman summarize the QAP Program and what they would be looking for from this Board and the community.

Mr. Bateman said that he has been a resident of Eliot since 1981, however, he has never done a development in the Town of Eliot; that most of his work has been in the Greater Portland area. He said that one of the things he has specialized in since 1979 was working with the MSHA; that his company currently owned and operated over 600 units of elderly housing, and family housing, within the State of Maine, specifically with MSHA. He added that they also developed golf courses, hotels, many commercial buildings, particularly with Mercy Hospital. Mr. Bateman discussed his excitement about this project in Eliot; that this kind of housing was increasingly difficult to develop without the support of agencies like the MSHA. He said that communities like Eliot typically don't get a sniff at the limited amount of funds which were available on an annual basis. He explained that the QAP came around one time a year. He added that, for the last three years running, his company has been successful in obtaining at least one project each year; that last year they actually had two; that to give the Board an idea of how competitive it was, the winners were separated from the losers by one point; that it was an extremely significant allocation of funds but, because of the size of the State of Maine, it was very limited; that it was actually administered through the IRS through the tax credit programs. He said that this project was a \$6.5 million project and almost \$5 million would come from outside equity sold through tax credits. He said that, usually, there were only 5-6 projects funded, statewide, each year, so, when he said they were separated by one point, it really came down to how much support, locally, there was for any particular project. He said that there was a 73-point system and was ranked, specifically, by location – where was the project located, how much it cost per unit, what were the demographics, how much was the need; that it typically cost them about \$45,000 - \$50,000 to put one of these applications together so was not something taken lightly. He said that, when Mr. Forsythe approached him about this site, they looked at it very systematically because someone could have the best project in the world but, if it were not going to score well, then they have just wasted their time. Mr. Bateman said that because of the location of this project in what has really evolved in that development, in total, they had the things that, from a scoring perspective or MSHA perspective, were things that were integral to making a community center; that they had to have three different functions which were important to people's lives and had to be walkable. He added that when they took into consideration the post office or the medical buildings or banks, in a town like Eliot that was the closest they had that resembled a town center and it was providing these kinds of services which were walkable. He discussed the need and affordability limits. He said that one of the nice things about this project was that it was a 38-unit project but the rents would actually range from about \$781 to just under \$1,000 a month, which was all utilities, everything included, so, if they knew anything about the market rents in the area, then all of a sudden that became a very workable tool to keep resident. He added that the real key was that, as people aged, the whole notion and movement across the country was aging in place, being able to stay within their communities, and to do that there was a need for affordable places; that that was part of the real piece of this particular project. He reiterated that there was no magic to them; that they really needed, at the end of the day,

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

absolute community support and he thought that that was one of the things they wanted to speak to with the Selectmen tonight; to be able to take the temperature if there was a sentiment that this was something they would like to support, then he would recommend appointing a committee or at least a representative that he and Mr. Wood could work with directly to draft the various community support letters, which would obviously have to come back before the Board. He added that it was a lot of work and the deadline for this particular round, this year, was September 26th; that he had not seen a project approved in the past 5 or 6 years that has not actually had all its municipal approvals, as well. Mr. Bateman reiterated that they have taken this very seriously; that they were willing to put the dollars into preparing the various applications and moving this thing forward but that obviously depended on the level of support of the Board. He added that he would be very happy to provide the Board with a tour of various projects that they owned and managed at any point. He said that he was personally excited, as a resident of the Town, to be able to bring and be of assistance in bringing what was a highly desirable pot of money into a town like Eliot; that most of the small towns, and he has been working with them, such as Berwick, Cumberland, and Falmouth, and have been very successful in working in the outlying communities to do just that – to get their fair share instead of it being absorbed by the larger municipalities like Portland and Lewiston.

Mr. Dunkelberger asked if this facility took the place of the proposed hotel facility or was this in addition

6:48 PM

Mr. Bateman said that this would be in addition and, from a financial point of view, it was something that could happen a lot quicker than the hotel that he would say has been put on the back burner; that this project was more financially viable in a much quicker timeframe. He apologized for interrupting the question but the one thing he didn't tell them was timeframes; that if they were successful in this round of funding, then they would know before the end of the year; that it would be under construction by this time next year and would actually be occupied 10 months later.

Mr. Dunkelberger asked physically where the site was.

Mr. Bateman said that it was at the rear of the site.

Mr. Wood showed the Board on a site plan he had brought (end of Levesque Drive beyond the post office), describing the old field that held a retention pond that they turned into a water quality pond; that the three-story building just went up on the field; that it was a pretty good location; that Mr. Bateman saw this location and was pretty excited about it; that it was quiet back there but still within walking distance of all the amenities at the Commons – the restaurants, the post office, the bank, the medical buildings, etc.

Mr. Hirst asked if this was going to be sprinklered.

Mr. Wood said yes; that Mr. Muzeroll had the plans and the application for review and he didn't see anything that they couldn't work out.

Mr. Murphy asked what they were expecting of this Board.

Mr. Wood said that what they would like to do was to work with a subcommittee or a member of the Board to just draft the letter of community support that they would include in their application to the MSHA. He added that all the applications required a letter of community support; that it was part of the scoring process; that they would be happy to draft the draft and have a member review it and, then, bring that back to the Board for, hopefully, the Board's approval. He said that there was no liability on the Board, whatsoever, other than the letter of support.

Mr. Moynahan discussed the letter of support, asking if they wanted to encourage, support over-55 housing in Eliot. He added that he thought that the design was pretty

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

attractive; that the rates of rents was very attractive to keep people in their homes, between \$700 and \$1,000, an option for Eliot residents to stay there.

Mr. Wood asked the Board to remember that they were located in the C/I District and this was one of the only allowed residential uses so he believed the zoning supported this use in that district.

Ms. (Donna) Murphy said that she didn't remember which gentleman mentioned it that they would like the letter of support and using money from the credit enhancement TIF.

Mr. Wood said that there were a couple of different things going on; that the TIF was a different issue. He said that, just for scoring purposes for the QAP Program through the MSHA, a letter of support would help this project score. He added that, as far as the TIF, this wasn't part of the Route 236 TIF; that the Commons had its own TIF so this would be a part of the Sea Dogs Realty and Commons TIF.

Ms. (Donna) Murphy said that it was her understanding that they had a credit enhancement TIF and that that money was still to be used for projects for economic development.

Mr. Wood said that that was one of the terms of the TIF.

Ms. Murphy asked how many jobs this project would create for this community.

Mr. Wood said that, during construction, it would create about 60; permanent jobs probably 5 – 10; that they had 1 – 2 administration jobs, some visiting services and, then, there was the grounds and maintenance to take care of.

Mr. Fisher asked if they would have a problem with the current moratorium on sewer usage.

6:54 PM

Mr. Wood said no; that 2 years ago in December they received an approved allocation letter from the Board that increased the capacity at the Commons from 10,000 gpd to 16,000 gpd; that they received that as part of the development of the hotel. He added that this facility would use 4,500 gpd, which was less than the 6,000 approved; that he couldn't do both projects at once. He said that they have been marketing the hotel since it was approved and, due to the economy and number of rooms that have been constructed in Portsmouth and the new hotel in York, they haven't had any luck. He added that their approval for the hotel was still valid but they would use 4,500 of 6,000 gallons that were allocated for this project. He said that, if he saw a buyer for the hotel tomorrow, he would probably come back to the Board and the SC and ask for an increase. He said that he knew they had a moratorium but they couldn't have a moratorium forever. He said that this project, if funded by the MSHA, was pretty well a guaranteed construction start, which was different than a hotel; that they have been actively marketing that hotel all over New England and pretty much all over the East Coast; that they just haven't found the developer to partner with for the hotel.

Ms. Saurman said that they mentioned that one of the advantages to having that would be for Eliot residents to stay in their own Town as they got older and asked if Eliot residents received preferential placement.

Mr. Bateman said that they could not provide preferential treatment under the Fair Housing Act; however, what they could do as they marketed it, and they did this in many communities, was to market first to the local communities but, as a rule, they couldn't market absolutely within the Town.

A member of the audience asked what the tax benefit was to Eliot.

Mr. Wood said that he didn't think he had calculated that. He added that they had a 30-year, 95% TIF on this project, as a whole, and that meant that the difference in the increase in assessed value due to any construction they did for the next 30 years, from

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

when the TIF was approved, went back to the developer; that the tax increase was the difference in the approved TIF for those 30 years; that it was 5%.

6:57 PM

Mr. Pomerleau said that he had somewhat followed the PB on some of this initial stuff and he didn't really think it would be appropriate for the Town to submit a letter of support until it has gone through the PB process completely; that he knew there were some wetland issues and a change in the height of the building. He added that he didn't know why the Town would support it before it received final PB approval; that it wasn't a financial benefit to the Town, tax-wise; that more housing available was a positive.

Mr. Wood said that they went to the BOA for a variance, that was denied, and so they reduced the height to 35 feet, so he didn't believe there was an issue with the height and he believed that any issues they had with the wetlands were resolved at the last PB meeting. He said that they could receive approval from the PB next Tuesday on the 16th and they knew that, in drafting a letter, getting it to the Board and having them approve it might take a little while, which was why they were here tonight. He added that he guessed he didn't see any risk in at least working towards a letter of community support with the Board now.

6:59 PM

Mr. (Mike) Dupuis, SC, in reference to Mr. Wood's letter, said that it was the Board's approval on December 27, 2011 for the increase from 10,000 to 16,000, which indeed was part of their allocation of gallons per day.

Mr. Moynahan said that there was flow available for any other project.

Mr. Dunkelberger said that, although he wasn't a big fan of the 95% TIF, the fact was that, at least through the length of the TIF, the Town would get 5%; that after the TIF went away at the end of the 30 years, the Town would receive the full appraised value of the facility, at that point, so that would be a big jump in contributions to the Town's tax base. He added that there were significant ripple effects once people started coming in, with the emphasis being on walking distance; that they had a lot of potential customers, now, for the businesses that were in that area. He said that he would like to see the Board support this project.

The Board agreed.

Mr. Moynahan said that they were looking for someone from the Board to work on the draft letter.

Mr. Wood said that that would probably be easier for them and also for the Board, recognizing the Board's busy agendas. He added that that way they could draft a letter with one member and then bring it to the whole Board for their comments and review or approval.

Mr. Murphy and Mr. Moynahan volunteered to work with Mr. Wood and Mr. Bateman on drafting the letter.

The Board agreed by consensus to move forward with the letter that would come before the Board before it was submitted.

At this time, the Public Hearing for the General Assistance Ordinance was scheduled to be heard.

#7

TO : Board of Selectmen
FROM :
REF : Hearing on General Assistance Ordinance

7:00 PM

Mr. Moynahan opened the Public Hearing

There was no one from the public who wished to speak.

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

7:01 PM Mr. Moynahan closed the Public Hearing.

Mr. Moynahan said that the Board had an ordinance before them that they could either vote to adopt in its present form or amend in light of any public discussion, which did not occur.

Mr. Murphy said that he had a question. He said that, in the last sentence of the first paragraph, he didn't quite know why they said to not start using Appendices B-E until October 30th. He asked if that meant that payment could only be made after they reimbursed the applicant's payments for the preceding month; that it was supposed to start and become effective October 1st but they said not to start using Appendices B-E until October 30th – why not October 1st.

Mr. Blanchette said that he would get clarification on that; that it had always been his experience that those appendices have changed as of October 1st and started using them October 1st. He added that it might be the reporting; when they reported to them on a monthly basis, they reported to them after the end of the month.

7:05 PM Mr. Hirst moved, second by Mr. Murphy, that the Board of Selectmen accept the document labeled H7 having to do with the General Assistance Ordinance.

DISCUSSION

Mr. Dunkelberger asked, in Section C – Housing Maximums, where they were deriving those numbers from.

Mr. Blanchette said that those numbers came from the State, and the Town used them; otherwise, the Town would have to do their own housing survey.

Mr. Dunkelberger said that that contributed to the overall maximum as indicated. Mr. Blanchette said that was correct.

Mr. Murphy said, that under Overall Maximums – Appendix A, he noticed that there were two areas in York County - the York/Kittery/South Berwick HMFA (Berwick, Eliot, Kittery, South Berwick, York) and, on the next page, there was the rest of York County, except four towns not included in the list of towns. He asked if they knew why those four towns were omitted.

Mr. Blanchette said that he wasn't sure; that it could be four of the towns that bordered another county and may be included in another area.

Mr. Dunkelberger asked if they were still limited to 9 months out of 12 and did they have an effective instrument to track that.

Mr. Blanchette said yes to both.

VOTE
4-0
Chair concurs

7:07 PM Mr. Moynahan said that #4, #5, and #6 were all going to be discussed together.

#4 TO : Board of Selectmen
FROM :
REF : Town Manager – Job Description proposed

#5 TO : Board of Selectmen
FROM :
REF : Town Manager - Transition

#6 TO : Board of Selectmen
FROM :

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

REF : Town Manager – Create Hiring Committee

Mr. Moynahan said that the first document was the Town Manager job description, which was prepared by three members of a committee; that this has been provided to all the residents during public hearings. He added that this was a working document and should be looking at it for any further suggested changes or thoughts moving forward. Mr. Moynahan said that the second document, from Mr. Crawford, indicated that the Town Manager plan was actually in place now; that when they voted it at Town Meeting, it became effective then, so, their thoughts with it taking a year from that vote 90 days prior to Town Meeting was not the case. He said that, at any point when they were ready, actually hire a Town Manager. Mr. Moynahan said that the third piece was the hiring committee. He added that he thought they needed to establish one; that they might advertise to the public and business owners and professionals, adding that he thought that they should have at least one BOS member; maybe a town manager of a surrounding town. He said that he thought that, with a town manager, Town staff, department heads and, maybe, even committee members should not be involved with the first hire; that this was a professional approach the first time through to seek professional people in the local community; that he wasn't discounting any of the Town staff or department heads but they were who the town manager would be directing and supervising. He added that those were his thoughts and would certainly like to be involved in the hiring committee.

Mr. Beckert asked who was on the committee that developed the job description.

Mr. Moynahan said that it was Vickie Mills, himself, and Mr. Blanchette.

Mr. Beckert said that he would like to see Vickie Mills on the hiring committee; that her experience in HR was invaluable; that she did a good job in the job description. He reiterated that he would like to see Ms. Mills on the hiring committee, along with Mr. Moynahan.

Mr. Moynahan said that he would love to be on the committee; that this was why he chose to do this again.

Both Mr. Hirst and Mr. Murphy indicated their interest in being on the hiring committee, as well.

Mr. Murphy said that he thought that the town manager description could be revised and improved somewhat.

Mr. Moynahan said that the Board should start working on that individually and, when they had those potential changes, then they should collaborate again to make sure they had a good document to work with.

Mr. Beckert asked if this document, as it stood now, had gone to Ms. Linda McGill for her review.

Mr. Blanchette said not yet as he didn't feel it was a final draft, yet.

Mr. Beckert said that he felt that, before they had a final document, it should go to Ms. McGill for her review.

Mr. Moynahan agreed prior to it being voted and adopted; that he thought it was premature if they had something close to a final document to provide for citizens.

7:11 PM

Mr. Dunkelberger said, regarding the job description, that the only thing he would add was that there was a paragraph with the sentence: "Attends all regular and special meetings of the Board of Selectmen as required." He said that he would remove "as required", as he felt the town manager should attend all Board meetings. He added that that was his only recommendation but felt they needed to move forward right now.

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

Mr. Moynahan agreed, saying that a first task of the hiring committee would be for them to come up with their potential changes, as well, for the Board to review; start getting salary ranges from other communities, and get some language for advertising for approval from the Board so that, when the time was right, they would be ready to get into that whole process. Mr. Moynahan said that Mr. Beckert had indicated Vickie Mills and himself (Mr. Moynahan) for the hiring committee and at least one other of the Board members who have volunteered. He asked if it would be wise to reach out to town managers in surrounding communities to see if they would be willing to assist.

Mr. Dunkelberger said that another choice might be Randy Stewart, who was the business manager of MSAD #35, in that the Board needed to talk to a lot of the financial aspects and background and probably get some familiarization with how the candidates would work with the schools.

Mr. Dupuis suggested Mr. Richard Donhauser, with his background with the Town and understanding of the financial issues, such as State funding and bonding.

Ms. Saurman said that the Board suggested an average everyday citizen on the committee.

Mr. Moynahan asked if she would be interested.

Ms. Saurman said that she would be interested, yes, but she was wondering if they would put that out to the public and ask for names and letters and then, the Board would decide.

Mr. Moynahan said that that was one of the questions on his list.

Mr. Beckert said that his thoughts on a local town manager, thinking out of Eliot and saying that it would have to be someone who would tell them right front that he or she would not work on it and then apply for it afterward, suggested Jonathan Carter; that he lived in Kittery but was the town manager in Wells. He added that that was another option to have a professional on there that knew how to deal with municipalities.

A member of the audience suggested, as the Board had taken enough of a hit, trying to avoid people who had very special interest in the Town in the Town; she thought that would be really important to pick as objective people as they could.

Mr. Pomerleau said that, having been through this many, many times over the years he could give them some suggestions as to how they did it in the Department of Labor when they wanted to hire managers; that they actually had a two-step process where they would get people much like the Board described that were well-qualified and versed in the duties of the town manager, at the first level, to do the preliminary interviewing and narrowing it down to, say, the top three candidates and, then, it would be passed on to people like the Board, as the executive group, to choose from that group, at that point, from the preliminary screening committee as to who the final manager would be so that the Board could incorporate any or all of the above, which of all the people they mentioned would be a large group and might be difficult; that a professional and a technical person would be a benefit.

Mr. Moynahan said that that was what they did when they hired the DPW Director; that they had five on the hiring committee and had a complete and detailed job description, then, brought it to this Board with the final candidates. He added that that was typically how the hiring process was done.

Ms. (Cindy) Saklad asked if there had been any consideration to hiring a professional service to conduct the search.

Mr. Moynahan said that the Board has thought about that in past discussions but he didn't think they had enough funds to hire someone to do that, quite honestly. He added

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

that it was the first go-around and thought they might want to be more intimate and personal; that other towns have succeeded well.

7:18 PM Mr. Dudek asked, regarding the form of government in Eliot, if they had a written document that defined the model.

Mr. Moynahan said yes; that it was defined by the State of Maine; the Town Manager/Board of Selectmen form of government. He added that, when the charter commission came in, that would better define roles and responsibilities, as well.

The Board discussed the make-up of the hiring committee.

7:21 PM Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen set up a hiring committee for a town manager, limited to a maximum of seven members, no more than two Board of Selectmen members, that they solicit for a period of two weeks for interested members of the public; that they also contact Mr. Carter, who lives in Kittery, to see if he would be willing to serve on the committee as a town manager and that Vickie Mills be a member of the committee.

DISCUSSION

Mr. Murphy asked it be included that this committee would be selected by the Selectmen.

Mr. Beckert agreed that the Selectmen would choose the committee.

VOTE

4-0

Chair concurs

7:23 PM
#8

TO : Board of Selectmen

FROM : RHR Smith

REF : Audit Proposal

Mr. Moynahan said that this proposal outlined what the scope of work would be and what the Town's responsibility would be; that their total was \$9,500 and was very similar to last year.

Mr. Hirst said that he didn't know if they had any timeline, here, but this year the Board didn't get the audit until extremely late, almost a year after the end of the fiscal year that was audited; that he thought that was unreasonable and he understood that part of the problem was that they didn't have the capability, staff-wise, to produce the financial statement that the auditor had to start with; that he wondered how the Board might suggest that they approach that.

Mr. Moynahan said that he thought they should communicate with the company that, if there was something the company was missing, then they should communicate to the Board that they were not receiving what they needed; that they should identify, early on, that they were not receiving documentation they needed and put the directors on notice to make sure the staff was producing the necessary information.

Mr. Beckert said that he thought that they started the process late; that they hired Mr. Donhauser to prepare those financial statements and they started that late so the Board may have collectively contributed to it being late, adding that that shouldn't happen this year.

Mr. Hirst suggested the Board establish a timeline in the proposal by which RHR Smith would have completed his work and have the report to the Board; that he didn't think that was unreasonable.

7:25 PM Mr. Murphy said that he would like RHR to talk with the Board, not do it by a letter in response to this proposal, to discuss how to better improve the process.

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

Mr. Moynahan said that Mr. Hirst had asked about bringing them in before, as well, but he thought that they were waiting to hear from RHR Smith on availability.

Mr. Blanchette said that they were scheduling and it appeared that it may be the next meeting.

Mr. Moynahan said that they could take up the management letter (#9), as well, then, at the next meeting; that they could have any questions for both prepared for that meeting. The Board agreed.

#9 TO : Board of Selectmen
FROM : RHR Smith
REF : Management Letter
As agreed above, this will be taken up at the next meeting.

#10 TO : Board of Selectmen
FROM : Attorney Joan Fortin
REF : Tax Increment Financing

Mr. Moynahan said that this was a follow-up on what could still be done within the confines of the existing Tax Increment Financing (TIF) and what it would take to dissolve a TIF, if that was an option. He added that she explained four items that could continue, as the district sat; that they would not have to hold a public hearing to dissolve the TIF, although she recommended they do hold a public hearing. He added that they had a group discussing next steps for potential projects, so, this would be helpful for that group.

#11 TO : Board of Selectmen
FROM : MSAD #35
REF : Budget Information
Mr. Moynahan said that this was information from MSAD #35.

Mr. Dunkelberger said, just to clarify, that they were expecting payments of \$26,000 a quarter.

Mr. Blanchette said he believed it was \$26,000 a month for the school.
Mr. Beckert said that that put it up around \$675,000 to \$676,000 a month.

7:30 PM

#12 TO : Board of Selectmen
FROM : Dept. of Environmental Protection
REF : Approval Letter

Mr. Moynahan said that this was a DEP approval letter for ECOMOVEMENT and was informational.

#13 TO : Board of Selectmen
FROM : Dept. of Environmental Protection
REF : Municipal MS4 Stormwater Program Audit

Mr. Moynahan said that this was from Ms. Pelletier, Planning Assistant, regarding the program audit conducted on June 4th by the Maine DEP; that there were no major deficiencies.

#14 TO : Board of Selectmen
FROM : Robin Walker
REF : Officers Simeoni and Grogan

Mr. Moynahan said that this was a letter from Ms. Walker speaking very highly of Officers Simeoni and Grogan and what they have done with her in her situations; that

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

he made this available to the Police Department and anyone from the public; that it was very well-written.

Mr. Dunkelberger added that there were two pages of accolades for the Police Department.

#15 TO : Board of Selectmen
FROM : Central Maine Power
REF : Town Pole Permit

7:35 PM Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen approve the Pole Location Permit #301114783.

VOTE
4-0
Chair concurs

#16 TO : Board of Selectmen
FROM : Central Maine Power
REF : Location Permit Application

This was informational.

7:40 PM
#17

TO : Board of Selectmen
FROM : Grant Hirst
REF : Concerns of Harbor Master

Mr. Hirst said that the Mr. (Harold) Place spoke to him about two issues. He added that the first one was that someone had tried to come into this building (Town Hall) in a wheelchair and got trapped by the front door and Mr. Place had to help the person. He added that for several years Ms. Rawski has suggested the Board consider an automatic door opener for the handicapped; that he believed she got a quote several years ago for a couple thousand dollars. He added that he knew they had money issues but he wanted to bring it up. Mr. Hirst said that the second issue had to do with the five Town floats at the Boat Basin, adding that Independent Boat Haulers modified the floats before they were put in the water and it was determined that the floats were probably unsafe and, by request they were asked to remove those modifications and did so; that he thought that was where everything stood currently. He added that there was an issue, apparently, with people in wheelchairs on Town floats trying to enter or exit a float, and that was a concern that Mr. Place had.

Mr. Moulton said that they were reconstructed according to what was pre-existing, so they were built to State specification and just replaced with different wood. He added that the State mandated the float so, if there was any issue, he would think they address that when they supplied them.

There was discussion regarding ADA compliance and safety.

Mr. Hirst said that Mr. Place had also mentioned the possibility of putting in a street light down there and, since there was no power to that little shack, he guessed they would have to use solar, if they were to do that.

Mr. Grogan said that adding lighting down there would be a great benefit, as they were constantly down there moving people along at all hours of the night; that there were areas where they just couldn't see.

Mr. Moynahan suggested that both departments could start looking at CIP plans and combine efforts; search out any grants that might be available.

7:42 PM
#18

TO : Board of Selectmen

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

FROM : Holly Roberts
REF : Brewery seeking Site Location

Mr. Moynahan said that this was a request looking for a location for a brewery within the surrounding communities; that water and sewerage was a requirement.

Mr. Hirst said that he believed this was the fourth brewery that has looked for space in Eliot in the last six years.

Mr. Murphy said that there were a couple of locations on Route 236 that might be useful; that he has begun talking to the owner of one of them.

Mr. Dunkelberger suggested they forward this memo, as well as Mr. Murphy's information, to the EBDC.

Ms. Saklad asked if it would be possible to keep a readily accessible list available to the public of the number of businesses wanting to come into Town and having to be turned down because the Town didn't have water or sewerage. She added that she thought that that was part of the problem last time around regarding where would the businesses be coming from and how to guarantee they would be there. She said that, as far as she knew, the slate was blank and, yet, now she was hearing that in the past few years there actually have been requests for businesses to come in; that now people were realizing that the risk might be less than originally thought if, in fact, there were businesses that have sought information from Eliot. She said that she knew someone in Town who told her that he got a couple of requests a month from people wanting to know about businesses locating in Eliot; that that was surprising to her and she wondered why they didn't know more about that; that that would be good information for Eliot citizens to have.

Mr. Moynahan said that she raised a good point, saying that maybe they should better define the EBDC so that people could get on the Town website for a link to inquiries about this, adding that he thought the first step would be directing someone to the right people; that they could keep track of things and communicate back to the Board about anything they might be lacking in the Town.

7:46 PM Mr. Brandon said that he thought it was very important to have this information available to the public; that they needed to know that there were people interested and details regarding the businesses interested in locating in Eliot.

Ms. Shapleigh said that much of the information was private, just as someone looking for a house, their information was not public. She added that, as a broker for 42 years in Eliot, she has had many people who wanted to move out on Route 236, or come into the Town, and as soon as they are told there was no sewer they were gone. She reiterated that she was not at liberty to tell who was inquiring but she could tell people that the nice building down in Kittery on the corner of Route 1 and Walker Street could very well have been on the corner of Beech Road and Route 236, but Eliot didn't have sewer.

7:47 PM Ms. Davis asked if they could address the second item on the BC letter regarding the disposition (Contingency Reserve versus General Fund) of the \$24,000 reimbursement from the officer who moved to Sanford.

Mr. Blanchette clarified that the General Fund comprises many other funds, including the Contingency Fund so, to say it was being put into the General Fund, one had to be a little more specific. He said that it was customary for certain things, when they got certain reimbursements, to go to specific funds; as an example, FEMA money went to departments that spent those funds and when they had insurance reimbursement those monies went to the departments that expended the funds to repair the damage the insurance covered, etc. He added that to say it was or was not going to the General Fund he didn't think that was what the BC intended to question because it was going to the General Fund. He explained that the General Fund was basically the Town's big

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

checking account and, within that, were all the other funds. He said that the Board voted to put it in the Contingency Fund at a previous meeting and he believed the authority for that was under Article 43.

Mr. Murphy read Article 43 and said that this article was nearly identical to the articles over the past many years; that this was just a way to allow the Selectmen to accept monies that came back to the Town without any Special Town Meetings to accept or reject. He reminded people that the officer who left and left the Police Department stranded caused overtime to fill in for that person's absence and it was paid out of Contingency Funds; that when they got reimbursed from the town he went to it seemed reasonable to reimburse the Contingency Fund for what the Town paid out on a police matter.

Old Business (Action List):

7:52 PM

Mr. Moynahan said that he needed to update this list; that if anyone wanted anything added to let him know because he would be working on it this week.

1. Route 236 Sewer Expansion Project reports, updates, and schedules – Questions from Route 236 Ad-Hoc Committee - Mr. Blanchette
2. Sewer Contract/IMA – Schedule IMA/Kittery Meeting for presentation - Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette
3. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short
4. Community Service Space: Relocation to Elementary School – explore school space – fit up costs, service impacts, insurance, MSAD #35 contract, CSD Director – Mr. Dunkelberger, Mr. Hirst, & Mr. Blanchette
5. Town Manager – schedule workshop; include Comp Plan Implementation Committee
6. Dispatch Service/Ambulance Contract – Contract with Kittery, request from same, costs – BOS, Mr. Muzeroll, Mr. Short
7. Policy creation/review – debit card, video-streaming, website management
8. Employees – cross-training, charting earned times, job descriptions - BOS
9. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review - BOS
10. Budget Preparation - BOS
11. Auditor – financial statement, management letter, finance director, personal property tax, fixed asset management - BOS
12. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
13. Legal issues – pending and Consent Agreements – Eliot Shores, PSNH/Sierra Club, Mr. Bogannam - BOS
14. Sewer User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
15. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews - BOS
16. Research grant opportunities – AED's for Town buildings
17. Comp Plan follow-up
18. Pending new unions

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

19. Special Town Meeting: February – IMA, TIF Funds (ERS #7)
20. York County Transitional Budget – Funding source
21. June Town Meeting preparation – Municipal Fee Schedule

Selectmen's Report:

7:53 PM Mr. Murphy said that Inland Fisheries have submitted their area fish-stocking report. He added that, in 2012, they stocked four different types of fish around Maine – Rainbow Trout, Brown Trout, Brook Trout (York Pond), and land-locked Salmon – and discussed some details about the types and numbers distributed to specific locations.

7:55 PM Mr. Dunkelberger, discussing the pending budget cuts, said he had some concern about items that might or might not be cut from the Administrative budget.

Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen exempt video-streaming from being cut from the Administrative budget.

DISCUSSION

Mr. Hirst said that his concern was that very few people looked at it, based on the reports they got from the vendor; however, for those people who did look at it, it was a vital thing and he thought that they needed to keep it. He added that he wished more people would look at it.

Mr. Dunkelberger said that he personally used it; that it allowed him to stay connected; that he has been able to watch most, if not all the past several meetings, to include the Town Meeting, live and that allowed him to stay caught up; that he may not be present to vote but he could see what was going on. He added that he fully appreciated having that.

Mr. Beckert said that, against his better judgment, he still went back to that they did away with the niceties when they had to make cuts. He added that 16-18 people used it at any given point and, when they had to start cutting personnel and hours, they could operate the Town without video-streaming.

Mr. Murphy said that he would leave it up to the department head.

Mr. Pomerleau discussed his support of video-streaming's full use but wondered if there might be some middle ground; that at the very least the Selectmen should be streamed.

Mr. Murphy said that the video-streaming was one cost bought all; that they were paying \$250/month and for that the Town got as much as they wanted to have.

VOTE

2-2

**Chair concurred with the opposition
and video-streaming will not be hands
off.**

Mr. Moynahan said that this would be left up to the department head to decide.

8:00 PM Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen approve, of the Administrative cuts, that \$17,000 come from the Assessing Department.

DISCUSSION

Mr. Murphy said that he was not in favor of it.

Mr. Hirst said that he was ready to vote.

Mr. Dunkelberger said that his intent was, and he knew that Mr. Blanchette had done a nice job as far as making cuts but he also knew that he did have some bias on some

BOARD OF SELECTMEN'S MEETING
July 11, 2013 5:30PM (continued)

different things, which was why he was kind of forcing the issue. He added that he would like to make sure that Mr. Blanchette was aware of the intent of the Board with regard to those cuts as they discussed.

Mr. Moynahan said that, if something were to be voted on in this manner, then the union would be well-aware that the specific cuts were directed from the financial overseers.

Mr. Dunkelberger agreed.

VOTE

2-2

Chair concurs in the affirmative and the Board will direct the \$17,000 from that department.

Mr. Moynahan said that they certainly had flexibility with privatizing and the like moving forward.

Other Business as Needed

There was no other business tonight.

8:01 PM

Executive Session

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen enter into executive session as allowed by 1 M.R.S.A. § 405.6.C-D "Discussion...disposition of publicly held property...tax acquired property."

VOTE

4-0

Chair concurs

8:16 PM

Out of executive session.

Mr. Beckert moved, second by Mr. Dunkelberger, that the Board of Selectmen sell property located at Map 70, Lot 12 back to the previous owner for the sum of \$25,000, which included back taxes and any fees, and that the amount be paid in full over a period of time, not to exceed 16 months.

VOTE

4-0

Chair concurs

The Board will hold a meeting next week.

Mr. Pomerleau asked if the Board could have what the Town was facing for tax increases (mil rate) with the cap in place.

8:18 PM

Mr. Blanchette said that he could give an estimated rate right now; that he would not and could not give a definite rate right now or at the Public Hearing. He said that the two estimated tax rates were \$13.15 if the Town voted for the cuts and, if they voted to exceed the limit, then it was \$13.40. He explained that, until the Assessor went to commitment and double-checked the revenue sharing and other things, there was no definite figure.

Adjourn

There was a motion and second to adjourn the meeting at 8:19 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John J. Murphy, Secretary