

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM

Quorum noted

6:30 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)

There were no minutes to approve tonight.

Public Comment:

6:31 PM Ms. Adams said that she has seen movement in and out of Great Hill Gravel Pit and she was wondering if they were continuing reclamation or was there still a ban on materials being moved in and out.

Mr. Moynahan said that they had had a notice from the CEO that defined the materials that were being brought in and that they were still allowed to bring in certain materials. He added that the investigation was still ongoing but he did not believe it was closed. He invited the CEO to discuss this.

Mr. Marchese said that Mr. Moynahan was correct, that Great Hill was still fully operational.

Department Head/Committee Reports

6:32 PM Mr. Blanchette said that he had something from Chief Short, as he could not be here tonight due to attendance at a conference. He explained that Chief Short would like to replace the 2000 Ford Impala that had approximately 142,000 miles, which was purchased in 2004 and assigned to Chief Short. He said that it started with 28,000 miles on it and the vehicle was now rusting, burning 2 quarts of oil every 6,000 miles, and has continual minor repair problems. Mr. Blanchette said that, as of the most recent Town Meeting, there was enough money in the Cruiser Reserve Account to cover the cost of replacing this vehicle. He added that Chief Short sought four proposals that were all 2011 Dodge Chargers V-6 and the mileage ranged from almost 30,000 down to 25,000 and the cheapest one was a 2011 with a mileage of 27,500 for \$19,100. He added that, out of that, the Chief would get a trade-in of \$2,000 and there was a \$200 processing fee, so, the total expenditure would be \$17,300.

Mr. Hirst asked if there was any warranty on that vehicle.

Mr. Delaney said yes, that if he wasn't mistaken it was still under warranty for a 100,000-mile drive train warranty.

Mr. Hirst asked if there was anything else besides the drive train.

Mr. Delaney said that he believed there was the 36,000-mile warranty.

Mr. Beckert moved, second by Mr. Murphy, that the Police Chief be authorized to purchase the 2011 Dodge Charger with the lowest price for the final price of \$17,300.

DISCUSSION

Mr. Beckert said that, for everyone's benefit, there was a bill in the warrant for cumulative repairs to several of the police cruisers for over \$3,000, adding that he noticed mileage was 80,000+, 90,000+, and 140,000+ on this one.

Mr. Dunkelberger asked for the account balance.

Mr. Blanchette said that he did not know the balance but Town Meeting approved \$20,000 or so.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

There was no more discussion.

VOTE
4-0
Chair concurs

Mr. Fisher asked if the Board didn't normally ask for audience input on what the Board just voted on.

Mr. Moynahan clarified that they did not for this type of thing, that it was the business of the Board and this was already approved at Town Meeting for expenditures.

Mr. Fisher said that he believed, if it was the same money he was thinking of, that the Town did not want the money spent on a cruiser this year but put into an escrow account to accumulate.

Mr. Moynahan said that the Town voted to fund the Vehicle Reserve Account for \$18,000 toward the vehicle replacement plan the Chief came up with, which was a detailed plan of all planned expenditures and purchases of vehicles.

Mr. Murphy clarified that the Town did not vote to put anything in an escrow account, adding that the Town did not have escrow accounts, only reserve accounts. He explained that it was a reserve account that was available for expenditures upon proper application from the department.

Mr. Fisher said that the intention last month at that meeting was not to buy a vehicle this year but to put the money in so they could buy it next year.

Mr. Moynahan said that he did not recall that conversation but that he could be wrong, also. He clarified that they just had a 4-0 vote and as it stood right now, if there was any need to reconsider that, then it would be done at the next meeting of the Board. Mr. Moynahan asked if there were any other department head or committee reports.

There were none.

New Business (Correspondence List):

6:40 PM

#1

TO : Board of Selectmen
FROM : Barbara Thain
REF : Appointment and Reappointment Requests

This was a request to appoint and reappoint certain people to committees and boards.

Mr. Murphy moved, second by Mr. Beckert, that, to reappoint to the Board of Appeals, Peter Billip for a term to expire in 2015, Bill Hamilton for a term to expire in 2015, and Ellen Lemire (Alternate) for a term to expire in 2015.

VOTE
4-0
Chair concurs

Mr. Beckert moved, second by Mr. Murphy, to reappoint Glen Crilley, as a regular member, to the Conservation Commission, with a term to expire in 2015.

VOTE
4-0
Chair concurs

Mr. Beckert moved to reappoint Richard Russell to the Sewer Committee, term to expire in 2015...

Mr. Blanchette interjected, saying that he had a note from Ms. Rawski requesting tabling appointments to the SC, as she wanted to confirm what they were and that they just received today from Bill Hankin, who would like to be reappointed, as well.

Mr. Beckert withdrew his motion.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Blanchette said that they still needed to make appointments to the Shellfish Committee and added that they received notes from Dana Norton and Harold Place asking to be reappointed.

6:43 PM Mr. Beckert moved, second by Mr. Murphy, to reappoint Dana Norton and Harold Place to the Shellfish Conservation Committee, with terms to expire in 2015.

VOTE

4-0

Chair concurs

6:45 PM
#2

TO : Board of Selectmen

FROM : Crystal Lacey

REF : Request to be appointed to Shellfish Conservation Committee

Ms. Lacey was present.

Mr. Beckert thanked her for her interest in stepping forward.

Mr. Murphy asked her if she had ever done any clamming along the river and did she know Eliot's clamming beds.

Ms. Lacey said that she has been a commercial fisherman for 33 years and she dealt with sea urchins and scallops for 27 years. She added that she owned her own boat and clammed on the side.

Mr. Beckert moved, second by Mr. Dunkelberger, to appoint Crystal Lacey to the Shellfish Conservation Commission, with a term to expire in 2015.

VOTE

4-0

Chair concurs

#3

TO : Board of Selectmen

FROM : Charles Bradstreet

REF : Request to be appointed to Sewer Committee

By consensus, the Board agreed to take no action until hearing from Ms. Rawski.

#3B

TO : Board of Selectmen

FROM : Janice Hastings

REF : Request to be appointed to Sewer Committee

By consensus, the Board agreed to take no action until hearing from Ms. Rawski.

Both Charles Bradstreet and Janice Hastings were present.

Mr. Murphy said that he assumed they were both users.

Ms. Hastings agreed that they were.

Mr. Moynahan thanked them for their interest and said that the Board was going to wait to hear from Ms. Rawski, at which time they would then take this up. He added that they did not need to be present at that time.

6:47 PM

Mr. Moynahan asked to take Correspondence #15 out of order, as they had representatives from MSAD #35 present, and they were looking to detail some potential contracts with space at the school.

There was no objection.

#15

TO : Board of Selectmen

FROM : Dan Blanchette

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

REF : For Item #17 (Space Needs for Community Service)

Mr. Stewart (MSAD #35) thanked the Board for taking this out of order that he could pick his wife up at the airport at 9 PM. He said that he had come to tell them where MSAD #35 was in the process. He explained that they had a classroom on the ground floor that they have vacated, which they were going to do anyway because of declining enrollments, and so consolidate classrooms in another part of the building. He added that the classroom was still set up as a classroom as they didn't want to make changes until they were sure the Town was interested in setting it up as an office, adding that it would take them about a week to clear it out. He added that it would then be available to outfit it however the Town wanted it outfitted. He said that Ms. Muzeroll-Roy has looked at the room and viewed it as appropriate space for her offices, that she talked about putting in temporary petitions for her employees, and that she was interested in a more private space for her own office and they had a room available down the hall. He added that any alterations the Town did to the rooms would be at Town expense and the Town would have to agree to restore the rooms back to the way they were previously. He said that they talked about a fee of approximately \$1,500 a year to cover incidentals – some lights, heat, and custodial services – and they were looking for a medium-range contract of about three years, with the possibility of extending it, if necessary. He explained that the only reason they would have to take the space back is if enrollment increased and their projection showed no increase over the next three years and probably not out from that several years. Mr. Stewart said that they assumed that Ms. Muzeroll-Roy would want to bring in her own phone line, which would be fine with them, and would be at the Town's expense and set up as a separate account. He added that they had a wireless network in the building she could tap into and would not cost anything as they get that service provided free from the State. He added that there was a bathroom in the classroom, itself, and ground-level access from the parking lot, with a separate door, to this particular room. He said that he didn't know where the Town was in the process but MSAD #35 was ready to sit down and pen a contract. He reiterated that it would take then about a week to clean out the room and then they could turn it over to the Town and outfit it however they wanted.

Mr. Moynahan said that they were exploring the possibility of that and that was why the Board invited him in. He added that the Board was looking for some of the costs associated and contract language that would be, perhaps, provided by MSAD #35. He said that he didn't know if MSAD #35 had started any type of preliminary contract they would like the Board to review or, if the Board decided to move forward, if they would give the Board a copy at that time.

Mr. Stewart said that he thought Mr. Dunkelberger had come up with just a rough outline of a contract. He added that they could go to their attorneys to draft something but he didn't think that was necessary.

Mr. Murphy said that the question came up several days ago about this being a new use for this building, that this was a municipal use that was separate from the school and represented a new use added to the building. He asked if there was any kind of permitting or difficulty in allowing that and getting permission and, legally, for ADA certifications.

Mr. Moynahan said that he thought that would be separate and that the school had contracts and terms and that sort of thing and any other things to identify would be borne on the Town's end, explaining that he thought the Board was tasked to find that about ADA costs, etc., because those would not be borne by the school but by the Town.

Mr. Hirst said that the ECSD was already using the school for several purposes, which would be not unlike what they would be using it for if they moved the offices in there.

Mr. Stewart said that ECSD did have programs going on in the school and was why MSAD #35 thought it would be a good fit, as they were already using the school for program space and this would be office space, adding that he understood it to be a different use but was not aware of any hindrance.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Dunklberger said that, as far as creating partitions within that room, is that something they could do through the Public Works Department or would they need a contractor.

Mr. Moulton asked if they wanted to create partitions or use temporary petitions that were free-standing, adding that they could probably get temporary partitions from State Supply at a good price.

Mr. Moynahan said that those were things they could discuss another time but, specific to the school, did Board members have any more questions in what was proposed and the costs for the space at the school.

There were none.

Mr. Moynahan thanked Mr. Stewart for coming in to answer questions they had as they look to move forward one way or the other. He added that they had this as priority #1 on their Action List and would move on this fairly quickly.

6:55 PM
#4

TO : Board of Selectmen
FROM : Charles F. Rankie, Jr.
REF : Appropriations for Town Committees

Mr. Moynahan said that Mr. Rankie was asking that they have more reports in the Town Report, specifically addressing the Conservation Commission, and asked for thoughts from Board members on how or of to proceed with traditional reporting from boards and commissions or should they take this letter as advisory as they prepared for this year's budget season and potentially include some additional things.

Mr. Dunkelberger said that he thought that presented an excellent idea to have an annual report from each one of the boards.

Mr. Hirst suggested it would be in order to answer his letter saying the Board would look into his request.

The Board agreed.

Mr. Moynahan asked Mr. Blanchette to respond back to Mr. Rankie and include this with their budget prep, which was an Action item.

Mr. Dunkelberger asked Mr. Blanchette to include a thank you to Mr. Rankie for his excellent idea.

#5

TO : Board of Selectmen
FROM : Shannon Darr, Health Officer
REF : Request to hold over monies

Mr. Moynahan clarified that Ms. Darr was asking the Board to roll over funds from last year.

Ms. Darr said yes, clarifying that there was a budget of \$450 a year for expenditures, activities, etc. She said that she had not really tapped into that money for the past three years, explaining that the first year she just printed some cards and this past year she spent \$83 to provide some food items for the Heart-Healthy Behavior Presentation. She said that she would like to have an exercise program beginning with the elderly at Baran Place. She said that, originally, she thought she could provide those classes, herself, but she was no longer certified and it really required someone that had an insurance liability for teaching. She added that she was hoping that, by this date, she would have someone who could do this but that hasn't happened yet. She said that her hope was to provide these classes for people to attend and be able to compensate that person adequately but not, at least initially, charge or charge a very small amount for people to go. She said that she was trying to use this position to provide and promote healthy behaviors and that sort of thing. Ms. Darr said that there was approximately \$380 left from the account

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

that could be added to this year, she had some other ideas for health promotion around safe routes to school, walking to school – promoting walking, running, cycling safely in Eliot. She explained that, if she wanted to have someone in to do a presentation on these things, then she would like to have some money available to compensate speakers. She added that, coming tonight, she realized she probably should submit her name for reappointment.

Mr. Moynahan said that the Eliot Health Officer has explained why she would like to have the funds rolled over – for exercise for the elderly and youth safety and asked for thoughts from the Board.

Mr. Dunkelberger asked if this was to become an enduring program and if Ms. Darr was looking to permanently expand the budget to a little bit more than it is now.

Ms. Darr said no, that she would not want to expand the budget more than it was now. She added that she thought this could be seed money, initially, and probably there would be money left over but she didn't realize it would be any kind of an issue and she wanted to use it to get something going.

Mr. Murphy asked if the programs would be free to her clients.

Ms. Darr said that she would like to have it be free. She said that she had talked with ECSD and that they do charge a small amount for the things that they do. She added that she thought that part of the thought process was that, if people do pay a small amount, then they would be more committed to do it. She added that, for herself, she would prefer to do it for free, at least initially.

Mr. Murphy said that his only concern was that, if she took money, then she would have to manage those funds.

Ms. Darr agreed and said that that was all the more reason to roll the money over and provide the program for free.

Mr. Murphy agreed.

Mr. Hirst moved, second by Mr. Murphy, that the funds for \$380 be rolled over into the current year.

VOTE
4-0
Chair concurs

#6

TO : Board of Selectmen
FROM : Chief Muzeroll
REF : Request to hold over monies

Mr. Muzeroll reminded the Board of previous discussions around replacing firefighter protective gear at the 10-year mark and had discussed with everybody how that would fit into the Capital Improvement Plan (CIP). He added that the fiscal year 2012 was to require him to replace portions of 12 sets of gear, with a cost of approximately \$1,500 per person. He said that he did not spend any money in the last budget cycle because he was trying to square away some financing as they may go over to a different style of gear. He reiterated that he didn't spend any money, he had \$5,000 approved for this year, and he would like to take last year's money, add it to this year's money, which gave him a bit freer buying power to buy seven or eight sets of gear than one or two and save \$100 -\$200. Mr. Muzeroll added that he had \$900 floating out there somewhere to add into that account from the sale of a set of gear (large size) to South Berwick. He said that, with everything together, it would amount to \$10,900, which would be a good start in getting the gear replaced.

Mr. Dunkelberger clarified that that would be ahead of the game as far as replacement for everybody.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Muzeroll said that he hoped that and, to be up front, none of the firefighters were very steeped in the tradition of the type of gear or the brand name that they used, adding that he told his guys they would get quality gear but it may not say Globe on it. He said that it may be a different brand of gear and they might be able to help that long-term process of replacing gear. Mr. Muzeroll said that right now, if a person walked in the door and he didn't have gear to fit him head-to-toe, it would be \$2,350, which did not include over 200 hours of training.

Mr. Beckert moved, second by Mr. Dunkelberger, that \$5,000 from the Eliot Fire Department Special Equipment Fund from fiscal year 2011/2012 be carried over to fiscal year 2012/2013.

VOTE

4-0

Chair concurs

7:08 PM

Mr. Muzeroll said that the 1968 Chevrolet Pick-up Truck has been sold. He added that he advertised it all over the country and, as it turned out, the highest price that he got for it was \$4,500 from an antique truck dealer in Arundel. He added that he would like that \$4,500 applied to his truck reserve fund. He said that what would, he hoped, happen is that this \$4,500 and any money he could get out of the tank truck, which would only be a couple thousand dollars, added to that fund in the future would reduce his request for the next fiscal year budget.

Mr. Moynahan said that they had already received that money and that Ms. Spinney was holding it out by itself waiting to see if they wanted to put it in the fire reserve account, which was why Mr. Muzeroll was present tonight.

Mr. Dunkelberger moved, second by Mr. Beckert, that the proceeds of \$4,500 from the sale of the pick-up be transferred to the Eliot Fire Department Vehicle Reserve Fund.

VOTE

4-0

Chair concurs

7:10 PM

Mr. Muzeroll said that he had noticed over the last couple of years that they have had articles at Town Meeting about accepting funds for sale of equipment, adding that the Police Department have kind of a blanket article that said anything they sold the funds would go into their reserve account and he would like to suggest that next year's article be written for Police and Fire or a separate one for him so that whatever he sold would go back into the appropriate reserve account.

Mr. Moynahan asked Mr. Blanchette to add that as a second note to the Board's budget prep and have that in there so that the Board could potentially change that.

Mr. Murphy said that such action would be done through the BOS so that they would know what was going on and how much was involved.

7:12 PM

Mr. Muzeroll said that he had had a bill sent to him from 2-Way Communications via the Kittery Police Department for repair to the Eliot Fire Department's radio system at Kittery P. D. He added that he was not a happy camper, adding that Chief Callahan called him to tell him he was sending Chief Muzeroll a bill for \$1,100 for repair of Eliot's equipment, saying that he asked Chief Callahan who authorized him to do any repair, who authorized him to hire 2-Way Communications to do anything to his equipment. Chief Muzeroll said that Chief Callahan said that he had to do it and Chief Muzeroll said that he would not pay the bill, as it was an unauthorized commitment and he wasn't aware of it until after-the-fact. He added that he didn't know anything about it until he heard someone doing testing on his frequency and Kittery has a problem with their system and Eliot continually gets blamed for bad engineering. Mr. Muzeroll said that he didn't know if he had a whole lot of argument here. He added that he has spoken to 2-Way Communications and he was not happy with them because he thought they were the root cause of all the problems over there. He said that he was exploring other repair services, however, the bill has been shoved back at him and 2-Way wants to keep adding interest to it and don't want to talk to him about anything until he paid the bill. He added that he could not win all his battles but the problem he had right now was that

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

he had a bill for \$1,070 due to 2-Way Communications for what they told him they would not guarantee would fix this problem forever and he didn't have \$1,070 in any facilities account or radio repair account to cover this. He said that he would like to see if they could get this squared away and, if they had to back-door this in the future, then they could back-door it in the future. He added that they were fully aware that they were not allowed to touch anything without his permission ever again.

Mr. Beckert said that he thought on that line that they needed to pay the bill to get out from under this issue right now but he thought that the Board needed to have a discussion with Kittery, if it was through the Board or the Manager, to sort of lay down the guidelines.

Mr. Muzeroll said that he and Mr. Short have been trying to be very active in the regional dispatch committee and they felt like they were being dismissed, as Kittery went ahead and did whatever they wanted to and, either Eliot was on board or not and, if Eliot didn't like their services, then they could go somewhere else, and that was kind of the attitude he was getting from those people there. He clarified that it wasn't everybody, that everybody had a boss, they have had a change of regime and they were all A+ personalities.

Mr. Moynahan asked if in the current contract with Kittery did it speak of any equipment repair.

Mr. Muzeroll said that Eliot did not have a contract with Kittery.

Mr. Moynahan said that there was a contract for dispatch services.

Mr. Muzeroll said that that was incorrect, that it had expired.

Mr. Moynahan asked if there was any language in the past one that related to purchases, etc.

Mr. Muzeroll said that he did not believe there was anything specific more than they would provide Eliot with a dispatch service and it was more of a gentlemen's agreement and, to Chief Strong's credit, if there were any problems, then he took care of it and said, "Hey, I took care of it." He added that was fine and they couldn't always expect their service provider to do that as some of the repair has to be on Eliot somewhere along the line but he would like to know about it. Mr. Muzeroll said that this being what it was, if it was creating a problem with emergency dispatching for the Police Department or the Fire Department then, obviously, it needed to be taken care of – it would just be nice if Eliot knew about it. He added that, regarding contractual issues, they have had those discussions and he would expect somewhere along the line that when everything settled out, that he and Mr. Short would come back to the Board for some more discussion as to how much more money it would cost and things like repair language, notifications of a downed system, a back-up system should all be worked into that contract.

Mr. Dunkelberger said that, in his opinion, the Town of Kittery illegally obligated the Town of Eliot with regard to paying a bill. He added that, in doing so, Eliot was under no obligation to pay that bill. He suggested getting a letter from the Town Manager of Kittery explaining his error in committing the Town of Eliot to this course of action and assuring this Board that it would not happen again, in writing.

Mr. Muzeroll said that he had no problem with that if the Board would like to take care of that, then that would be great.

Mr. Dunkelberger said that he would like to get this in writing so that, if this came up again, then they would have a paper trail.

Mr. Beckert agreed.

Mr. Muzeroll asked for clarification as to whether they would pay this bill.

Mr. Dunkelberger said that he would not pay it until the Board had that letter in writing.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Moynahan said that the Board would have a motion or discussion about whether they would pay it in a minute as they were not quite there yet.

Mr. Murphy said that he thought that they had a department head who brought this Board a problem with an adjoining town and he thought it was up to this Board to interact with the Board of that town about this problem and what Eliot expected them to do. He added that he thought Mr. Dunkelberger's suggestion was right, that they should draft a letter to the manager saying that it appears to this Board that it was Kittery's mistake and they would like a letter back to that effect. He added that he didn't know if Eliot should pay it or insist Kittery pay it as a kind of lesson in how to work responsibly with Eliot.

Mr. Moynahan said that, with that, they had an invoice in front of them and asked the Board if they were choosing to pay them this time, or not, and waiting until they moved forward with conversations and letters from Kittery.

Mr. Murphy asked if 2-Way would stop some kind of service that Eliot would require.

Mr. Muzeroll commented that he understood what the Board was trying to do. He clarified that the language in this bill led the layman to believe that Eliot actually had a problem but Eliot always got blamed for problems.

Mr. Moynahan asked who the invoice was made out to.

Mr. Muzeroll said that currently it was made out to the Eliot Fire Department but, initially, it was made out to Kittery, he believed.

Mr. Moynahan said that whoever hired the company to do the work should really be on the invoice from Kittery.

Mr. Muzeroll said that this was getting down to did they really have a problem, did they not have a problem.

Mr. Dunkelberger said that it didn't matter whether Eliot had a problem or not. He added that the problem, or mistake, was in Kittery obligating the Town of Eliot – again, they initiated repairs, not Eliot. He said that they chose the company and the price to pay.

Mr. Muzeroll commented that he would like to do a little role-reversal – he could not dispatch because there was a Kittery problem and he had an emergent need – he asked what he should do – should he do the immediate thing and have someone come in and fix the problem and work the paperwork out to follow or should he call the appropriate people and tell them Eliot thought they had a problem. He added that he had another question – did they know it was an Eliot problem until they came to fix it.

Mr. Murphy said that he had tried to ask before if they were threatening to stop service if Eliot didn't pay.

Mr. Muzeroll said no.

Mr. Murphy asked if there was any danger of that.

Mr. Muzeroll said that there was always that danger but they hadn't gotten to that point, yet, but the interest was accruing.

Mr. Murphy clarified that they didn't give a date certain to pay.

Mr. Muzeroll said no.

Mr. Murphy said then that they had time to work with Kittery's Manager, as Mr. Dunkelberger suggested.

Mr. Hirst asked what the value of the radio equipment was and where was it located.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Muzeroll said that all the radio equipment that this was talking about was at Kittery Dispatch Center.

Mr. Hirst clarified that it belonged to the Town of Eliot.

Mr. Muzeroll said that it did.

Mr. Hirst asked what its rough replacement value was.

Mr. Muzeroll said that probably not more than \$5,000.

Mr. Moynahan asked if, at this point, the Board was choosing not to compensate or pay this bill until this Board had discussions with Kittery.

7:20 PM It was the consensus of the Board until the BOS had discussions with Kittery.

Mr. Moynahan asked for a copy of the invoice so that they could contact Kittery at the beginning of next week.

Mr. Muzeroll said yes. He asked what the Board wanted him to tell 2-Way, in fairness to the business because they have been put in a hard spot, here, as they were hired to do a job and Eliot was refusing to pay the bill and it had nothing to do with them.

Mr. Dunkelberger said that the fact was that Eliot didn't hire them. He added that it was his thought that Mr. Muzeroll could tell them that right now it was a Kittery issue, that it was not an Eliot issue, and the BOS from Eliot would talk with Kittery.

Mr. Muzeroll said that he would send them a blurb and that he didn't mind.

Mr. Moynahan said that it would have been much simpler if Kittery paid the bill, then had a conversation with Eliot saying that there were some repairs that were done, that it was Eliot's equipment and they would like to be compensated for it instead of putting a subcontractor in the middle.

Mr. Beckert said that it would have been a courtesy for Kittery to notify Eliot before they did anything.

Mr. Moynahan said that he and Mr. Blanchette would get together, review that, then contact Kittery at the beginning of the week

#7 TO : Board of Selectmen
FROM : Business Development Committee
REF : Request to hold over monies

Mr. Moynahan said that this was something from the Eliot Business Development Committee and that they were looking to move forward with a "Welcome to Eliot" sign at the South Berwick Town Line. He added that they were looking for the Board to roll over \$800 from unexpended funds from last year to accumulate this year.

Mr. Dunkelberger moved, second by Mr. Murphy, to allow the Business Development Committee to roll over \$800 in order to erect a "Welcome to Eliot" sign at the South Berwick/Eliot border on Route 236.

VOTE
4-0
Chair concurs

7:25 PM
#8 TO : Board of Selectmen
FROM : Joel Moulton, Public Works Director
REF : RFP Approvals

Mr. Moulton discussed the stainless steel spreader, saying that it was included in his 2012/2013 budget and asked for Board approval to expend from his budget for this purchase.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Moynahan clarified that this was a budgeted item and Mr. Moulton was looking for the Board to allow him to expend those funds.

Mr. Moulton agreed.

Mr. Murphy asked who the Town Mechanic was.

Mr. Moulton said that it was Steve Robinson.

Mr. Beckert moved, second by Mr. Murphy, that the Director of Public Works be authorized to spend \$5,500 on a stainless steel spreader from S. A. McLean, Inc. of Limerick, Maine.

VOTE

4-0

Chair concurs

Mr. Moulton discussed a Guardrail Repair RFP, saying that it was included in his 2012/2013 budget and asked for Board approval to expend from his budget for this purchase.

Mr. Moynahan clarified that Mr. Moulton sent out a full RFP with only one bid back and that it was a budgeted expense within his budget for this year.

Mr. Moulton said yes.

Mr. Murphy said that the date of the sample contract was December 20th of last fall and, internal to the description it said that all pricing was good for 30 days from the date on the contract, and asked if Mr. Moulton verified that the price was still valid.

Mr. Moulton said that he had.

Mr. Beckert moved, second by Mr. Dunkelberger, that the Public Works Director be authorized to go under contract with 125 Fence of Barrington, NH for the lump sum cost of \$34,317.00 toward the Guardrail Repair.

VOTE

4-0

Chair concurs

7:28 PM Mr. Moulton discussed the Pavement Striping RFP, saying that it was included in his 2012/2013 budget and asked for Board approval to expend from his budget for this project.

Mr. Hirst asked about a certificate of insurance.

Mr. Moulton said that he had them.

Mr. Beckert moved, second by Mr. Dunkelberger, that the Public Works Director be authorized to enter into a contract with Poirier Guide Lines of Athol, Mass for the lump sum cost of \$5,924.16 for the roadway striping for 2012/2013 and enter into a contract with Kaz's Fine Line for a lump sum cost of \$3767.50 for miscellaneous striping.

VOTE

4-0

Chair concurs

7:30 PM Mr. Moulton said that he was looking to add to his Transfer Station fill-in personnel list, which is used for when people were on vacation, etc., adding that he has filled in, himself, a few Saturdays because people on the fill-in list had other obligations. He added that he had two people who were interested in assisting as part-time as necessary: Brian Holt (current seasonal employee) and Ronald Pierson (application attached).

Mr. Dunkelberger said that having a larger pool to draw from seemed to make a lot of sense to him and asked if there was any down side to that.

Mr. Moulton said no.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Moynahan discussed that, every year the Town has rules for seasonal employees coming in so this was not something that would obligate them.

Mr. Murphy asked how often these fill-in employees would work – a day, or for a week, or for a month.

Mr. Moulton said for a day, as needed, so if someone called in sick or asked for vacation, he would go through the call list until he finds someone.

Ms. Adams commented that she has always wondered how people got jobs in Town when nothing was posted on the Town website or in the paper. She added that she was wondering if something like this should go out to the population of Eliot to see who was interested in these kinds of positions. She said that she would not know to go to a department head and say she was interested in this but would have to apply officially through the Town. Ms. Adams said she was concerned that people were hired because they knew someone rather than opening it to everyone, adding that they might find they have more people to choose from.

Mr. Dunkelberger asked Mr. Moulton if there were any objections to putting it out there to see what kind of response he could get.

Mr. Moulton said no, not at all, and the larger the pool the better.

Mr. Moynahan said that they would proceed that way, then.

7:35 PM
#9

TO : Board of Selectmen
FROM : Yearly COLA from Ecomaine
REF : Town of Eliot Tipping Fees

Mr. Moulton said that this was an anticipated increase in the Municipal Waste Handling tipping fee.

Mr. Moynahan clarified that this was part of the contract.

Mr. Moulton said yes.

Mr. Hirst asked if they had a copy of the agreement.

Mr. Moulton said yes and that he would get a copy to the Board.

#10

TO : Board of Selectmen
FROM : DOT
REF : Yearly Report on Rural Initiative Funds

Mr. Moynahan said that this was from the State Department of Transportation Community Services Division and was about the Urban/Rural Initiative Program (URIP).

Mr. Dunkelberger said that, to summarize, he thought this had to do with the money the Town receives from the State to support capital improvement to Eliot's public roads for an estimated amount of \$48,120. He added that making the payments quarterly made no sense at all because they didn't maintain roads that way.

Mr. Murphy moved, second by Mr. Beckert, to sign the certification application to receive quarterly payments from Maine Department of Transportation Community Services Division through the Urban/Rural Initiative Program.

VOTE
4-0
Chair concurs

7:40 PM
#11

TO : Board of Selectmen
FROM : DOT
REF : Notice of Layout and Taking

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

This was informational.

#12 TO : Board of Selectmen
FROM : Southern Maine Regional Planning Commission
REF : Report from Eaton Peabody

This was informational.

#13 TO : Board of Selectmen
FROM : Southern Maine Regional Planning Commission
REF : Annual Report

This was informational.

7:43 PM
#14 TO : Board of Selectmen
FROM : Vicki Mills
REF : Settlement Agreement dated 5/28/10

Mr. Moynahan said that Ms. Mills was present and asked if she would like to speak.

Ms. Mills said that, basically, the Board agreed to enter into a Consent Agreement (CA) with the developers on Old Farm Lane. She said that, originally, the Board was going to enter into that CA without any consideration or compensation to her and that left her with an illegal subdivision on top of her. She said that, at that point, her lawyer was going to take the Town back to court so, then the Town decided that maybe the developer should look at coming up with an agreement with her. She added that that was pretty much contingent on the Town being able to proceed with their CA with that developer. Ms. Mills said that the developer, to date, has not satisfied the terms of that settlement agreement with her. She added that their attorney gave her attorney a line of **** every so often and it just continues and she was coming up on two years. She said that the Town has paid no attention to that settlement agreement in that they never should have allowed, in her opinion, that developer to continue to build, issue permits, issue occupancy permits without the terms of that settlement agreement being satisfied first.

Mr. Murphy asked what hadn't been satisfied as, in reading this, he tried to figure out, and couldn't, what they hadn't done.

Ms. Mills said that what they hadn't done was to look at the terms of the settlement agreement and make sure that it was satisfied before the Town proceeded to let them develop – continue to develop and give them occupancy permits and whatever. She added that they still owed her three deeds; one deed was actually deeding back a parcel of her land that they stole from her. She said that she paid her attorney, shortly after the consent order, \$8,000 to draw up those deeds that they were supposed to sign. She added that they came back with deeds that they wrote that had all kinds of stipulations and things in them that had never been discussed at mediation and were not part of the agreement so, two years, and they all were still battling and they have not...

Mr. Murphy asked if she had presented a copy of these deeds to the Board so that the Board knew what was going on. He added that he did not think the Town has been aware of this and asked Mr. Blanchette if they had been informed of what was going on between them during this period.

Mr. Blanchette said that he had not been informed.

Ms. Mills said that she had actually talked with the CEO when he originally took over from Mr. White because Mr. White would have had knowledge that they had to do certain things. She said that the CEO said that he had talked to the Town attorney who told him it was a civil matter. She said that the basis of the Town entering into a CA with the developer was that settlement agreement so she didn't feel that the Town could just ignore that. She added that, if they read the court order, it specifically said that if either party were in violation of that order then the Town could assess a fee. She said

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

that there was nothing in that that they would have assessed a fee to her on and, if they read the order, the only thing they could have assessed was: one, if they didn't pay the Town's attorney fees and two, if they didn't satisfy the terms of the settlement agreement. Ms. Mills said that they have 13 house lots that they have sold or were in the process of selling without abiding with any of the ordinances and they couldn't abide by the settlement agreement that gave them that.

Mr. Moynahan asked if Mr. Marchese had anything he wanted to share at this time.

Mr. Marchese said that he would like to add that the letter was initially drafted by him, that the Town attorney, Phil Saucier, reviewed and edited the letter, and the Town's attorney was fully behind his opinion stated in the letter.

Mr. Dunkelberger asked for clarification of his opinion.

Mr. Marchese said that, in his opinion, it was not the Town's position to intervene in a private settlement agreement, that the settlement agreement is only referenced in the CA for informational purposes only.

Mr. Dunkelberger said that the way he looked at this was that it needed to go back to court because "This Consent Order, incorporating also the Settlement Agreement referenced above, creates obligations which run with the land and shall be binding on the parties and their respective heirs, successors, and assigns; ..." He added that he was not a legal eagle on this but the way he looked at this was that the enforcement piece was not up to the Town but the court. He said that he thought it would probably require some more discussion with a lawyer.

Ms. Mills said that she would like to add that it was the Town attorney that originally told Richard Mabey that he could sign off on that illegal subdivision, according to Mr. Mabey, the same subdivision that went before the Planning Board and was denied because they couldn't meet the ordinances.

Mr. Moynahan said that this was a fairly complex issue they had in front of them and there was discussion as far as putting it back in the courts for enforcement assuring that all parties were taken care of properly but he was not a legal guy, either. He asked if the CEO had been in contact with the attorney once before to talk about who enforces the settlement agreement or anything like that.

Mr. Marchese said that that had not been discussed.

Mr. Murphy said that it was his understanding that, when it came to CA's between the Town and the party, the Town could enforce those, but a Consent Order of the court had to be enforced by the court or through the court. He added that the Town really didn't have the authority to go in and enforce something that was really under the jurisdiction of the court. He added that he suspected she would probably have to have a lawyer go to court and say that the Consent Order was not being followed and have the court take action against these other parties.

Ms. Mills clarified even though there was a paragraph that said the Town...

Mr. Murphy said that he looked at that and that it wasn't very clear that the responsibility was actually the Town's. He clarified that she was talking about the settlement agreement and not the court order.

Ms. Mills said that she was talking about the court order; that she believed it said in the last paragraph that the Town could assess.

Mr. Beckert said that paragraph five in the court order did say that: "In the event Defendants violate any of the provisions of this Consent Order, the violating Defendants shall pay to the Town a stipulated penalty in the amount of \$2,500.00 plus the Town's costs of enforcement, including reasonable attorney's fees, which shall be in addition to any other remedies available to the Town at law or in equity." He said that it looked to him, on the surface, that the court was directing the Town to monitor this.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Murphy said, "But two attorneys" and "remedies available...at law or in equity.", adding that it seemed to him that they were instructing the Town to bring suit against the violators – the Town's costs of enforcement.

Mr. Moynahan said that that was the role the Town was responsible for playing and they sought remedies from the parties through attorneys and that sort of thing. He added that he thought this warranted more discussion with an attorney, especially with that paragraph #5. He asked Mr. Blanchette to set up something, a conference call with the entire Board to do this or they could do it on their own just to get an answer for the Board, however the Board wanted to proceed.

Mr. Beckert asked Mr. Marchese if Mr. Saucier addressed paragraph #5 in any way, shape, or form.

Mr. Marchese said he had not.

Mr. Moynahan said that he thought that was what they would needed to do and asked the Board if they wanted a conference call with the attorney or get an answer from the attorney as it related to paragraph #5 and the issue that was in front of them.

Mr. Hirst said that he thought it should be in writing.

Mr. Dunkelberger agreed they should have a written opinion with regard to where the Town stood in enforcing this court order.

Mr. Moynahan asked Mr. Blanchette to contact the attorney to get some clarification as far as the responsibilities of the Town and get it in writing and be in touch with all the parties involved.

Mr. Murphy said that he thought that the lawyer shouldn't be asked in a general way but in a specific way, citing specific points of non-performance that Ms. Mills brought forward so that they knew there was something definite and not a legal thing they were asking for but a real thing – there was something definite that had gone wrong and what does the Board do or who was supposed to correct these wrongs.

Ms. Mills said that, given the history with this past case, she would feel more comfortable if the Board spoke with the attorney, themselves, documented their questions to him, and asked for a reply from him in writing, as well as the discussion with him because a lot of the issues they have had have been from code enforcement officers – not just Mr. Marchese – but previous ones saying that they talked with the Town attorney and this is what he said. She clarified that she has no record of what they asked because that might determine what he gave for an answer.

Mr. Moynahan said that the Board agreed by consensus to have an opinion in writing as it related to this whole issue so they will have something in writing.

Ms. Mills said thank you.

Mr. Moynahan said that he didn't know if Mr. Marchese and Mr. Blanchette could get together and clarify specifics as far as what Ms. Mills had for concerns and including paragraph #5 so they were specific to the attorney about what the issues were.

Mr. Marchese and Mr. Blanchette agreed.

7:55 PM
#15

TO : Board of Selectmen
FROM : Dan Blanchette
REF : no correspondence – ECSD space

Mr. Moynahan explained that they talked at their last meeting about priority regarding their AIL, so they were putting that together and created some specific points for discussion on how or if to proceed as it related to ECSD space. He said that they had a representative from MSAD #35 in already detailing potential terms of space available at the Eliot Elementary School. He added that some other points they could discuss were cost/benefits of a rental at the school versus the current location. He added that he thought that Mr. Blanchette could identify where they were with those now that they knew what the school expense would be; fit up costs and funding sources for those and

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

that there were potential questions raised about ADA and, maybe, they could ask the CEO to clarify if the Town would be required to increase the bathrooms to ADA standards there; insurances, where it was a non-Town owned building and if there might be any issues they would have with their own insurance; service impacts to residents – enhanced or decreased would warrant some discussion; and department head input from the current location and ECSD – they should be brought in to discuss anything the Board was looking to do. He suggested they take them in order.

Cost/benefits:

Mr. Moynahan said that, at the school, the cost was \$1,500 a year and asked Mr. Blanchette what they were paying for operational fees at the current location.

Mr. Blanchette said that Ms. Muzeroll-Roy said that she contributed about \$1,600 this past year to heat and electricity.

Mr. Hirst said that in the budget for ECSD this year was \$6,200 as the estimate for costs associated with being in the Fire Station, so he would judge the savings by going from the fire station to the school should be \$4,700 or thereabouts, which could be used for the rehab.

Mr. Moynahan said that that was something they would have to define a little better as far as what she spent last year in utilities and that sort of thing. He added that they should probably have a true, hard cost of what those costs would be if they were to stay in a Town-owned building and should identify any potential savings.

Mr. Hirst said that, based on what he said and if the budget was correct at \$6,200, then that was the difference.

Mr. Moynahan agreed and tasked Mr. Blanchette to find those specific costs that would be helpful in moving this forward.

Fit-up costs/funding sources:

Mr. Moynahan asked how the Board would define these, adding that there was discussion earlier as far as petition walls, temporary petition walls, and asked if the Board wanted to have a couple of members price out that type of thing and see what the fit-up would be and talk with an electrician to see what the phone and that sort of thing would cost.

Mr. Murphy added that they should talk with Ms. Muzeroll-Roy to see what kind of walls she was expecting, whether they were 4 feet high or 8 feet high, etc.

Mr. Moynahan said that they should at least identify the costs associated that. Mr. Beckert asked what they had in the Fire Station now, that they were in the big conference room and asked if that had been divided off in any way, shape, or form.

Mr. Muzeroll said only in that their employee spaces were divided between the desks with hutches (work stations).

Mr. Hirst said that they had been working on this for a long time and time was of the essence. He added that people came back to the school around the 25th of August so it seemed to him that they should move forward with this with all possible haste and fund it, at least in part, from that savings and, if there was anything else that would cost, then he thought they should ask Mr. Blanchette if they could find a way to fund it and they should involve Ms. Muzeroll-Roy in the discussion.

Mr. Moynahan agreed that, before anything happened, they needed to have the department heads involved and have a clear, defined road they would do – were there going to be modifications and what would the costs be. He added that he did not think this would take months to do, that Mr. Hirst said that they had been working on this for a long time but this was put on the AIL now, explaining that there was a building that was proposed and everything held off until that and so that was what the Board did prior

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

to and now they were here and looking at this and they have just started. He suggested that two Selectmen and Ms. Muzeroll-Roy define what potential costs would be for fitting it up – the petition walls, the wires in walls, contacting an electrician they have used in the past and define those. He said that Mr. Blanchette would give the Board what the true cost are currently and they would weigh that against what the cost of the school would be. He reiterated that it would not take long to do the fit-up for what they were talking about doing.

Mr. Beckert said that he thought that even considering leaving them in the Fire Station after statements were made in the past that it was a safety issue having the ECSD in there would be “shame on us”. He added that they have had this space offered to them by the school department and he thought it was a very reasonable yearly lease of \$1,500. He said that the cost to retrofit the space in the school would be minimal, it was up front if they signed the lease. He said that he thought this was a no-brainer. Mr. Beckert said that he thought the Board needed to make a decision to move the ECSD into the EES and work with the ECSD Director and school department and come up with a configuration that was required to put them in. He added that he didn't think that, at this point, there was any other alternative.

Mr. Pomerlau asked that the Board please respect the message sent by the voters when this building was up for referendum and were overwhelming against a new building and, when the Board thought why they would do that then don't believe for a moment that it was based on any premise that they would remain in the Fire House. He added that it was based on the premise that there was suitable space at the school in a building they were already paying for and he thought that was what the voters wanted them to do. Mr. Pomerlau said that he thought cost comparisons were irrelevant – the Board put the cart before the horse with the Fire Station unless the Board had some commitment to that being a long-term permanent home for the ECSD and asked what difference did it make what it cost if they were not prepared to do that.

Mr. Murphy said that he thought they should proceed as they were going. He added that he didn't think they needed to compare the Fire Station versus the school, that proceeding with the school is sufficient and he thought they were heading in that direction.

8:03 PM

Mr. Muzeroll said that he has done some investigation and he knew they had had discussions in the past about the safety of the occupants and clients coming in and out of the Fire Station and some of that has been resolved and would continue to be resolved on a temporary basis. He said that he wanted to say publicly that there have been people within this community that have stated that he wanted to throw the ECSD out of the Fire Station as soon as he could and that was not the case. He added that he certainly wanted what was best for ECSD and the Town and what was best for the client coming in there. He reiterated that he was in no hurry to get them out of there, that he just wanted what was best for them, and he knew that that was what the Board was trying to do, too. Mr. Muzeroll said that a couple of things came up, cost-wise, no matter where they go and one was that the flag had been raised now by ADA Compliancy in public buildings, explaining that they have some public access going on this community now that may not meet the ADA requirement. He added that whatever happens to these classrooms or adjacent space would not be cheap and that there were certain parameters and legal obligations that the Town would have to meet. He said that the Town did not have the authority to enforce ADA compliance but were legally obligated to make sure it happened. He said it was a catch-22, saying the CEO could not sue the Town for not following it but he or Chief Short could file a complaint that would cost the Town an awful lot of money, in the long run, for not fully following ADA Compliancy. He said that to make a fully-compliant unisex bathroom it would cost them \$15,000 and that was \$15,000 that they would never get back at the end of that term if, for some reason or another space opened up, and they would have given anything they did to the school department as a gift unless the Town wanted to rip it out and put it back the way it was because Mr. Stewart said tonight that, if they move out of there, they would have to put it back the way it was, which didn't make a lot of sense to him because they were bettering the facility but that was what they wanted in their contract. Mr. Muzeroll said there were some other minor things but he knew that everyone was in a hurry to get things moving, here, and he wasn't in a hurry to get them

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

out but he wanted to make sure it was done appropriately, that it was his tax dollars, as well. He said that he and Ms. Muzeroll-Roy had talked about temporary restraints but they didn't know what was going to happen but he had looked over the building to restrict and minimize interaction between clients and firefighters going in and out, that they had talked about shutting down the rear steps in the wintertime, if need be. He added that there were a number of things they had discussed and, personally, from the Fire Department's point of view and he's had this discussion with his officers and the trustee, they were in no hurry to throw them out of the Fire Station, that they just wanted what was best for everybody. He said that he didn't know if it was a permanent solution and he didn't think it was but he didn't believe it had to be done next week nor did he think it could be done next week. Mr. Muzeroll said that, as far as the budget items went and he knew Mr. Hirst's concern, that he had spoken of it before, he said that he was not speaking for the ECSD Director but he believed that \$6,200 was not necessarily for funding operation of the Fire Department as that was pretty much more than what his utilities cost were so that funding may have been for what it would cost to operate in a stand-alone building.

Mr. Moynahan said that Ms. Muzeroll-Roy could not attend tonight because she was on vacation but it was important if they were going to be considering relocating a department head that they have the department head in front of them to communicate how the Board was looking to move forward to work together. He suggested to Mr. Blanchette that the Board be assured that she could be at the next meeting so that they could move in the proper direction and maybe they could get some better answers on any financial issues or concerns that the Board had answered.

Mr. Hirst asked if a motion would be in order.

Mr. Moynahan asked for clarification.

Mr. Hirst said for passing or failing.

Mr. Moynahan asked passing or failing as far as...

Mr. Hirst clarified that either the motion passed or it didn't pass – a motion to move the ECSD into the school.

Mr. Moynahan said that he could make a motion if he liked.

Mr. Place said that he would think the Board would want to plan out the cost of the bathroom, first, and anything else they might need to do to bring the rooms up to standard.

Mr. Moynahan said that that was why he had some things written out just for topics of conversation to see if there were some things the Board wanted clarity on.

8:09 PM

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen form a subcommittee of Mr. Dunkelberger, Mr. Hirst, and Mr. Blanchette to investigate the very questions that have been raised tonight, utilizing resources available and involving the Eliot Community Services Department Director, with the idea that the Board of Selectmen was moving forward to put the Eliot Community Services Department into the Eliot Elementary School and have this information presented at the next meeting.

VOTE

4-0

Chair concurs

Mr. Fisher said that he wanted to volunteer his time as an electrician and general contractor in any of the decisions the Board would make.

The Board thanked Mr. Fisher.

Mr. Pomerlau asked if the space at the Fire Station was ADA compliant.

Mr. Muzeroll said yes, it was fully compliant.

#16

TO : Board of Selectmen

FROM : Budget Schedule

REF : No Correspondence

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Blanchette clarified that this was just for discussion and said that they needed to have the warrant done by beginning to mid-April, that that was the deadline.

Mr. Moynahan said that, in bringing this agenda together, they were going to try to come up with a pretty aggressive budget schedule so that they were not having six meetings with department heads and repeating themselves over and over. He added that it took such a lengthy time this year because they were not able to define the way they were going. He said that they would open the discussion among the Board to define it, tonight, with maybe a two-month process from start to finish, that and how that was arranged was all up to the Board as to how they would do that and, then, live within those parameters so that they were not – the BC was waiting for a budget at the end of it, there was no direction, and the budget process took a lot longer this year than it has in the past. He said that he, personally, didn't see any need for it to take that length of time so, if they could create parameters from a time standpoint that would define how they were going to do a budget, collectively, from there – this was just for conversation on how the Board wanted to move forward.

Mr. Beckert said that it was his understanding that the department heads would prefer to have six months actual expenditures under their belts so that was July until the end of December. He suggested they could, if the Board wanted to do it in two months, set the budget up to do in January and February, which was reasonable, with permission granted for the other committees to meet as many times as they needed to work on the budget.

8:11 PM

Mr. Murphy said that he was going to bring it up later but he had a suggestion that the Board set up periodic meetings with department heads to examine the actual expenditures that occur each month against the voted budget of warrant articles at Town Meeting for each department. He added that he suggested the Board continue doing that every two months so that at the end of the second month (the end of August) when the Board received from Ms. Spinney the report of the expenditures against the warrant articles they would know how much money has come in and begin comparing it with the rate of expenditure. He said that he assumed that many department heads already did that but there was some indication this past year that some department heads were not doing that and they were surprised when they were running short of money. He added that they shouldn't have been surprised at all. He also said that he thought it would be informative to the Board and to the public. Mr. Murphy said that some department budgets were kind of lumpy – that there may be small amounts of spending to begin with of the new fiscal year or they may have been waiting for new monies to catch up on things that they needed. He added that it should get them to know that the Board was looking and how much they were spending and the rate at which they were spending on different line items within their budgets. He said that by the time they got to the end of December the department heads would be practiced in that and would be able to see how the pattern might be for the final six months.

Mr. Moynahan said that they were planning to schedule meetings with all department heads and this would be a critical piece of any meeting with them. He added that, in Correspondence #15, he had some policies for reporting for department head reporting, which could also be enhanced to include that type of meeting schedule, as well.

Mr. Dunkelberger said that he fully understood why the department heads wanted to wait until the end of December before getting a good feel on what their budget was looking like this year and start planning for the following year, however, that didn't mean that they shouldn't be meeting, as a Board, the months prior to that about what they would be looking for. He said that he would propose they get three years' expenditures in order to give them a better idea because everyone knew as well as he did that the weather situation has changed driving expenditures differently in the past year and he didn't know, with only one year, if they could actually define that. He discussed the kind of format they might want it in, saying that they had talked about a zero-based budget and he didn't know one way or the other and wasn't proposing anything here but what he was suggesting was that no later than 1 November, and he was thinking mid-October, that they, as a Board, start preparing their guidance to the department heads on preparing the budget for the following year. He added that he

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

thought they needed to include the BC early on in the process so that the Board was gathering information that they could know also.

Mr. Hirst said that he attended the BC meeting the other night and they were following a parallel course, adding that they had a three-page set of rules of what they were supposed to do and they were supposed to start in September and that was for the June 30th /July 1st fiscal year. He added that they wanted to meet with the Board and sort of get together on the timeframe and the date certain for certain things to be done.

Mr. Moynahan agreed they would have that moving forward.

Mr. Muzeroll said that the four department heads got together and requested that they didn't start finalizing the figures until after the six months. He added that, for him, that didn't mean that was the first time he would look at it, however, one of the frustrations he had was that it was taking too long to get through it. He said that he would rather be more aggressive – February 1st – let's hammer it out right now, no interaction from anybody else, between the board and BC and the department heads; let's get it over with and move on so that there was none of this stuff come Town Meeting that they didn't have time to do this or last-minute negotiations. He said that he didn't care if he had to negotiate with Mr. Beckert down at Dunkin' Donuts, he wanted to get it over with, get it done, and go on to other stuff.

Mr. Lentz commented on the Board's AIL #12. He said that he would think for the department heads the more information you give them of what the Board expected and the BC expected the better off the Board would get through to them and not have the experience they had last year. He added that included a consistent budget format, timelines, and he agreed with the Chief in that he wouldn't wait until the last minute and would start working on it right now, saying that he was sure the other department heads were doing that. He said that the more the Board gave them up front the better off they would be and asking the board to meet with the BC and get this all settled out.

Mr. Moynahan said that they did, for the first time this year, have all the departments have the same format for submitting their budgets, adding that they did need some more things but, over time, the side-by-side looks would get so much easier than what they had been dealing with, that they were making strides. He said that there was no action on that but what something they needed to continue to ponder on how they were going to dictate it, saying that they had a date certain for the end of October, which was when they were going to start, and they would move forward from there.

Mr. Dunkelberger said that in their Action Item they talked about having a meeting with the BC in on this and it was probably not a bad idea to do that to kind of lay that foundation and agree on at least some initial timelines.

Mr. Moynahan agreed for the timelines but not goals or budgets because those were two totally different things.

Mr. Dunkelberger agreed that they were not there yet on goals and budgets.

Mr. Hirst said that, if they could establish process and define expectations, then that would make it ever so much easier for everybody.

Mr. Moynahan agreed and said that that was exactly where they were headed.

#17

TO : Board of Selectmen
FROM : Schedule Department Head Meeting
REF : see Correspondence ##15

Mr. Moynahan, discussing scheduling department head meetings, said that, if the Board wanted to wait for the two months of finances, then they certainly could. He said that he had Mr. Blanchette put this in because they had been talking about including in the policy what they expected department heads to share with the Board. He added that there were monthly reports that department heads were supposed to submit described on page 4. He said that the Board could probably do a better job of requiring that from

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

them but, as Mr. Murphy just indicated, finances could also be tied to that. Mr. Moynahan said that he put this in here so that they could tweak the policy, if they wanted to, and that, already, they have an expectation of department heads to provide them with reporting monthly and, if the Board wanted to tweak that, then they certainly could and alter what their expectations were based on this language. He added that, at a minimum, the Board should require that they were getting the reports consistently. Mr. Moynahan asked the Board if they wanted to schedule department head meetings now and did they want them one at a time or two at a meeting, etc. He added that it might be smart to have these in executive session in the event that there were some employee issues that needed to be discussed and that sort of thing.

Mr. Hirst asked if he would suggest doing them one at a time. Mr. Moynahan said yes but they could schedule more than one in a meeting. He asked if they wanted to do that at their next workshop meeting, which was not yet planned but was held about every third Thursday or at a regular meeting that was a workshop or did they want them later after the two months of reporting.

Mr. Muzeroll said that he would much rather have it be not after a regular Selectmen's meeting rather than looking at 9:30 PM or 10:00 PM after a Selectmen's meeting that was lengthy and people were looking at their watches, him especially.

Mr. Moynahan agreed.

Ms. Adams said that she would like to request that the Board reconsider having it an executive session.

Mr. Moynahan said that they had not made a decision on that. He added that there were concerns, saying that if there were discussions about personnel it would be executive session.

Ms. Adams said that she would like to request they have that in open meeting and, if the Board needed to discuss personnel, then go into executive session after meeting with department heads.

Mr. Moynahan said that that was fair and the Board agreed that was what they were talking about.

Mr. Beckert said that the Board had to do the warrant, anyway, on Thursdays, even if they had no meeting, and he didn't have a problem having a meeting on Thursday after work.

Mr. Moynahan clarified that they could have a workshop meeting on their off-Thursday and that department heads could be the first agenda item.

The Board agreed by consensus.

8:27 PM
#18

TO : Board of Selectmen
FROM : Auditor, Final Report
REF : No Correspondence

Mr. Blanchette said that Mr. Donhauser would be available next Thursday to interpret the report and he should have his management letter at the same time.

Mr. Moynahan suggested that, next Thursday, they have a special meeting with the audit and financial statements and department heads, as well, which would fill up a decent amount of the evening.

The Board agreed by consensus to have a special meeting next Thursday and to start at 5:30 PM.

Ms. Lemire asked the Board if they were going to have meetings on the third Thursday of the month on a regular basis.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Moynahan said that it was up to the Board but that they would have additional meetings, for sure.

Ms. Lemire said that they had had this discussion before but wanted to remind the board that she was a member of the Board of Appeals that also met on that third Thursday.

Mr. Beckert asked if they had work every third Thursday.

Ms. Lemire said no, that they did not have a meeting this month, and that they had only had three this year, but she couldn't be in both places at once and that was all.

Mr. Beckert said that she could leave her recorder with Mr. Blanchette.

Mr. Moynahan said that they would figure it out as they went along as there were no defined schedules yet.

#19

TO : Board of Selectmen

FROM : Kate Pelletier

REF : Request by Mike Moynahan to remove property from the Resource Protection District, For Item #19

Mr. Moynahan recused himself from this agenda item and asked Mr. Beckert to Chair this agenda item.

Mr. Beckert said that this was a Memo from Ms. Pelletier, Planning Assistant (PA), regarding a request from Mike Moynahan to remove property from the Resource Protection District and reverted back to zoning prior to the 2009 vote of the Town. He said that this came up before he and Mr. Hirst came on the Board, adding that Ms. Pelletier has done some research and talked with the Town attorney and asked her to fill the Board in on what she found.

Ms. Pelletier said that the Town was subject to the mandatory Shoreland Zoning Act, as are all towns in Maine, and they have been since 1988. She added that the Town adopted some new standards in 2009 that complied with the State rules contained in Chapter 1000. She explained that, at the time Mr. Moynahan's property was classified as Resource Protection because the wetland associated with it was a moderate to high value fresh water wetland and the rules require that those properties be zoned Resource Protection, which was the most restricted Shoreland Zone and requiring a 250-foot buffer as opposed to 75 feet in the in others. She said that Mr. Moynahan claimed that he was not notified by the municipality, which the Eliot Town Clerk confirmed. Ms. Pelletier said that they did publish the hearing on that, saying that the PB had a public hearing and confirmed that the Town did publish notification of that. She explained that the State statute tells them that failure of any municipality to notify the landowner was not cause for removal from the Resource Protection Zone. She said that when she spoke to the Town attorney he said that if something like this was appealed then the judgment would probably say that the Town would need to re-notify people that were subject to those requirements but that the requirements would still stay intact. She said that in May of this year the State revised the rules, yet again, and that gave the Town the option to remove properties in the areas shown on the map in their packets, they were considered optional now, clarifying that they could remove them from Resource Protection and put them back into Stream & Wetlands. Ms. Pelletier said that if the PB decided to go ahead with an ordinance amendment, then the Town would not be subject to the Resource Protection for Mr. Moynahan's property. She added that the PB would have to vote on that to decide to proceed with an ordinance amendment, then go to the Town Meeting for a vote by the Town body as any other ordinance amendment would. She added that they didn't seem to have any other options at the moment.

Mr. Beckert asked if the Board of Selectmen had the authority to change zoning back on any property.

Ms. Pelletier said no.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Beckert clarified that it was not within the Board's jurisdiction to even deal with this.

Ms. Pelletier agreed and said that, if the Board removed it from the Shoreland Zone all together, then the State would just come down and impose the Shoreland requirements on them anyway and she believed the only way to do it was via an ordinance amendment.

Mr. Murphy said that, for those that might be interested, there were copies of the statutes involved, courtesy of Ms. Pelletier, and changes to Chapter 1000 § 13A and 15. Mr. Dunkelberger asked if there were any other property owners that were in a similar situation.

Ms. Pelletier clarified if he was asking about whether there were people who were put into Resource Protection or people asking to be taken out of Resource Protection.

Mr. Dunkelberger said that he was assuming that they may not even know they were in Resource Protection.

Ms. Pelletier said that she didn't know.

Mr. Dunkelberger said that, if they were to let the PB pursue this, then he would encourage the PB to contact those property owners that were currently in Resource Protection to see if they were interested in getting it changed.

Mr. Murphy said that the CEO had a lot to say on this.

Mr. Marchese said that he was unaware that the PB had been working on this, saying that he had been asked by the BOS to do some fact-finding on Mr. Moynahan's issue when it first came up. He said that he has been working on this with Tom Burns, the GIS Mapping Director, that they had been working on a better map the stream protection zones. He said that there was a whole list of fragile areas in Town that fell under the Shoreland Zoning. He added that they were also trying to put together a list of landowners that were affected by these zones so that mailings could take place. He said that he had been in contact with York and gotten samples of letters that they have sent out for putting landowners on notice that their property was in Resource Protection and what they needed to do or where to go to find out how that impacted them. Mr. Marchese said that he has not gotten actual mailings from Mr. Burns; however, he would be meeting with him in less than 12 hours and reviewing that tomorrow morning.

Mr. Beckert clarified that the PB was not working on this issue at this point in time. He said that all Ms. Pelletier was tasked to do was do the research and discuss with the attorney this particular situation on Mr. Moynahan's property and whether there was anything the Town could do through the BOS. He added that she did say that they did just get notification through the State to the PB that the option was there to change those properties back but that was something that the PB had only briefly discussed as a correspondence item at their last meeting, adding that the PB hasn't decided how they wanted to proceed with that particular issue.

Mr. Dunkelberger asked if he might urge the CEO to work with the PA to incorporate potential avenues to appeal if a particular property owner did not agree with the Resource Protection sticker.

Ms. Pelletier said that she thought that the way the PB originally approached it was that they very consciously decided to go with the State minimum requirement so as not to shock people too much. She added that she didn't know anybody who owned property in Resource Protection that wanted to be in Resource Protection.

8:40 PM

Mr. Beckert said that it was his opinion that this Board had no authority to make any changes as it currently stood. He added that they would have to go through the PB, through Planning approval, and on to the Town for a vote.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Murphy said that he would think that the Board would encourage the CEO to continue working to develop those lists and the various levels at which these people were involved in these protected lands.

Mr. Beckert agreed that would be useful for the PB.

It was the consensus of the Board to have Mr. Marchese move forward with that.

Mr. Marchese clarified that, in the future, would it be the PB that would consider holding public meetings to discuss the issues involved with being in a specific type of zone.

Mr. Beckert believed that was so and said that Ms. Pelletier was nodding yes; adding that he thought where it was a land use issue it came under the PB's jurisdiction.

Mr. Moynahan, speaking as a resident, said that, in defining these on the State level, who defined each individual property that met the criteria for a wading bird & wild fowl habitat. He said that Representative Descharme, who was an Audubon Director and a specialist in wild birds and all that, indicated that the property around his property and surrounding areas did not even meet the definition for wading bird & wild fowl habitats so they were improperly put in those land zones to begin with. He clarified that he was not looking for anything other than an explanation for that. In addressing the State statute regarding 30 days after adoption, he said that when people didn't know they were being put in Resource Protection until 2010 and the violation letter came, which was some time afterwards, and that the structure was built in 2008, it was really not a good situation. He added that notification to landowners was a very key component and to make sure the material and the zoning that was issued was proper based on the State's guidelines – if the State was going to be involved, then the State should stay involved from day one, saying that they set the Town, and others, up for failure; they enforced it but did not administer it and that was just bad politics and bad enforcement.

Mr. Beckert said, through Ms. Pelletier, that the requirements on how those properties got put in those zones came from the State and the DEP.

Ms. Pelletier said that the Board of Environmental Protection through the DEP decided these things and the map that she put in the Board packets was the one they were going by, saying that those areas had been deemed moderate to high value fresh water wetlands. She added that they were still saying that Mr. Moynahan's property was still considered that.

Mr. Moynahan said that the Inland Fish & Wildlife who have never been down here, who have never seen the property were the ones who made these maps. He said that no one had ever gone in to that location to determine whether or not they met the criteria.

Ms. Pelletier commented that it would be a costly venture going to visit every single property involved.

Mr. Moynahan commented that when they took 175 feet of somebody's property then he thought that they owed it to those landowners that this was land taking, point blank. He clarified that he just wanted to share what he knew.

Mr. Beckert said that he understood, adding that he didn't think anyone disagreed with him.

Mr. Dunkelberger agreed that Mr. Moynahan wasn't the only one and that when this first came before the PB he wasn't the only one who expressed that same opinion.

Ms. Pelletier clarified that there were a lot of areas in Town that were considered Resource Protection that were not SSA within those areas but were classified Resource Protection for different reasons, so not everyone who went in to that zoning is shown on the maps the Board had.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Beckert said that he thought that the best the Board could do right now was to let Mr. Marchese keep going in the direction he was going in and the PB could take up the issue, adding that it definitely needed to be considered and corrected, if that could be done, if the Town approved correcting it.

At this time, Mr. Beckert turned the Chair back over to Mr. Moynahan.

#20 TO : Board of Selectmen
 FROM : Eric Hamlin
 REF : Informational

This was informational regarding a Project Amendment Application for a proposed use by ARC at their location on Route 236.

Mr. Moynahan said that these folks were the same folks that were involved with Great Hill so they should make sure that the State involvement didn't impact, negatively, the Town's need? level.

Mr. Hirst commented that he was typically confused and discussed Item #17 discuss department head meetings see Correspondence #15.

Mr. Moynahan clarified for Mr. Hirst.

Mr. Hirst asked if they needed to address Paragraph 2: Administrative Policy for Full Time Departments.

Mr. Moynahan said that, if the Board wanted to address this, then they could at any time.

Mr. Hirst said that it seemed to indicate that this was something that needed to be reviewed and adopted, annually, at the first or second meeting of the new Board.

Mr. Blanchette said that he was going to ask Mr. Moynahan to have it on for the next Special BOS meeting next week.

The Board agreed to have that as an agenda item for next week.

Old Business (Action List):

8:47 PM

1. Sewer Contract Committee – Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette – IMA Update

Mr. Moynahan had tried to get this on the agenda, also, as far as where did they go with the sewer contract with Kittery, now. He added that they had a subcommittee that presented it and their engineers had endorsed it. He said that the original indicated 200,000 gallons of capacity, however, Kittery was still looking to alter the existing contract and he believed they were actually talking about going to mediation if the Town did not change the contract they currently had. He added that they have had a review committee on this, that it was a flow-based tabulation versus the way they were doing it. He added that he believed the SC had reviewed this document, also. He said that, with this contract, they would have to have a Town vote because there it was such a substantive change to their original contract, asking Mr. Blanchette to clarify that was correct.

Mr. Blanchette agreed that that was his opinion, yes.

Mr. Moynahan said that, so where the voters did not vote for the TIF and a portion of that was the enhanced IMA with Kittery, they still had a current contract with Kittery that needed to be addressed. He explained that, all along, they had been looking at addressing the current contract in addition to what it would look like with the additional capacity so that they had been working on changing the contract with Kittery. He said that if they were going to do anything they would need the Board to decide whether to put a Special Town Meeting together to change that or November would be kind of the next avenue for this.

Mr. Blanchette clarified that they could have a Special Town Meeting at any time.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Dunkelberger clarified that Mr. Blanchette said that that was his opinion and asked if he had a legal reading on it.

Mr. Blanchette said definitely, saying that he had talked with the attorney but he didn't have a written opinion.

Mr. Moynahan said that the attorney stated that because it was such a substantial change it would require a Town Meeting vote.

Mr. Dunkelberger suggested they provide that information to Kittery that it was the legal opinion of Eliot's Town attorney and not just the Board's opinion.

Mr. Blanchette said that he believed he had but he would make sure to do it again.

Mr. Murphy said that he has been reviewing Kittery's current proposal, that he was nearly through it, and he would say it was in an almost final stage, acceptable to him, and it is a reduced amount for their current system and having nothing to do with the TIF.

Mr. Moynahan agreed and said that they went through and removed anything that had to do with additional capacity and that sort of thing.

Mr. Murphy suggested that they have a work session so that all of them could become familiar with and go through this to read each paragraph very carefully and make sure that every paragraph was worded exactly right.

Mr. Moynahan suggested they could have this on next week's meeting so the agenda would include the sewer contract, department heads and the auditor's meeting.

Mr. Hirst reminded him of the adoption item.

Mr. Moynahan agreed.

2. Monthly Reports from Department Heads

Mr. Moynahan said that, since the reports have not been completely regular, maybe they should give department heads a reminder along with a copy of the policy and what the Board expected of them.

Mr. Dunkelberger said that they should reinforce that in their individual meetings with them.

Mr. Moynahan agreed and add to, maybe even expand, on it once they've talked with each individual as there might be some things the Board was not asking.

Mr. Hirst said that he thought it would be well to define expectations to each department head as to what was requested because each department was different.

3. TIFD reports and updates

Mr. Moynahan asked how the Board wanted to move forward after the TIF did not pass.

Mr. Beckert clarified that the TIF passed several years ago. He said that the TIF sewer expansion did not pass the Town vote. He added that he thought this board needed to take an active part and move the TIF sewer expansion forward for a November vote. He added that he didn't know if that had been officially relayed by this Board to the SC or not but he thought there needed to be an official vote of this Board to move forward and present that; do what needed to be done and get the information to the Town from now until November and put that on the November warrant for a vote, again, for the TIF District sewer expansion and if they wanted he would make a motion to do just that.

Mr. Hirst seconded Mr. Beckert.

Mr. Murphy said that he understood that through all the discussions with the BC this past year their main complaint was that they didn't have enough information and that the citizens didn't have enough information, adding that they weren't against it but that they didn't know enough, even though they had been talking about it for years. He clarified that, to him, the instructions were to the Board was to give them more information and bring it back in November.

Mr. Moynahan said that that was definitely a good course and he couldn't agree more with that but, in that time, it was defining how to get those answers, suggesting they call people who were involved with this from the inception and what was missing – what public outreach did they not do. He said that he was guilty because he knew a lot about it but he wasn't a good communicator to the public.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Dunkelberger said that Mr. Murphy pointed out what they needed to do and he absolutely agreed with Mr. Murphy, saying that the BC came up with all the questions that everybody else was asking so what this Board had to do was answer those questions and they could use the BC as a litmus test as, if they could garner the BC's support, then they could probably get the rest of the Town to support it. He suggested the Board get the questions from the BC, revisit those questions, and that there were resources out there to help them answer those questions.

Mr. Fisher said that he believed the SC really blew it when they didn't capitalize on the people who were going to benefit the most from it, and that was the sewer users. He added that he went down to work on a place down there and they didn't have the slightest idea that it would be beneficial to them with the Substation #3.

Mr. Beckert said that the task to move forward was not only to target the existing sewer users; they had to sell it to the entire Town. He added that the entire Town was responsible for any bonds, even though the TIF was projected to pay for the expansion. He said that the line coming off Beech Road would be a bond issue and they would have to sell that to the Town as to what that would do, not only currently, but in the future for future expansion to supply sewer in other areas of the Town, saying that they didn't want to just target one area but that they did need to do a better job with people in South Eliot because they did not understand how it was going to benefit them.

Mr. Pomerlau said that he supported what they were talking about right now, adding that there may be a formal motion but the SC was already acting on a whole new plethora of criteria and he was kind of question on what authority they were doing so. He added that the public had voted against the sewer bond and the SC was still proceeding with notices in sewer bills about the vote coming up in November. He also said that, as one of the many people who were opposed to that referendum, it wasn't that they were opposed to the development or the expansion, it was that they had grave concerns about the financial wisdom of it that really boiled down to showing the citizens that it was going to pay to make this kind of investment. He said that he has gotten, on his own, really rough preliminary figures and he was looking at a doubling of the revenues coming out of there now to break even in 20 years, adding that what they were looking for was a financial assessment showing in 20 years all the revenues and all the costs and it would be a worthwhile venture. He questioned how much revenue it would take to make that work and the only things put out so far has been technical stuff, adding that the engineering firm was not going to be of assistance; they needed financial advisors to put the kind of information across that the taxpayers wanted to see, which was that their money would be spent wisely and return an investment for them.

Mr. Moynahan said that there was a motion and a second on the floor.

Mr. Hirst said that, in addition to engaging the folks in South Eliot, they also needed to engage the people in the TIF District who owned both TIF properties and non-TIF properties, even to the point of maybe getting together into an industrial development authority or something similar so that they could figure out what their commonalities were and maybe they could get behind it once they saw what it could do for them. He added that, also, they would have to do a separate engagement of the people on Beech Road, as Mr. Beckert said.

There was no more discussion.

VOTE
4-0
Chair concurs

4. Health Insurance Costs

Mr. Moynahan asked if there was anyone who wanted to take a lead on this, saying that part of the direction for that this year was a 5%, 10%, 15% in a three-year process for employee contribution to those costs.

5. Review existing Sewer User Rates and update – Sewer Committee

This is ongoing.

6. Regionalization of Town Services – Moynahan and Hirst to meet with South Berwick and Kittery

Mr. Moynahan said that they actually met this evening and, if it was the pleasure of the Board, they would set up a meeting with both towns again to open up discussions on some of the potentials.

It was the consensus of the Board to do that.

7. Sewer Allotments – fee for reserving such

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

This was ongoing.

Mr. Murphy agreed, adding possibly once Kittery has changed the way they're billing Eliot, but they still should consider that under certain circumstances as they do still have additional buy-in costs for any major capital improvement and that would probably be expected to be reimbursed by people who wanted to have a certain amount reserved just for them. He explained that they had not done that in the past and they should have been.

8. Auditor – Management Letter

This will be taken up next Thursday.

9. Consistent Format – Budget, Time Sheets, etc. – Mr. Moynahan and Mr. Dunkelberger, software to segregate fringe benefits by department

This was ongoing.

Mr. Moynahan said that he and Mr. Dunkelberger should get together to redefine what was left of that and how they would present it.

Mr. Dunkelberger agreed.

10. Monthly Workshops – 3rd Thursday of the month

This is ongoing.

11. Employee Reviews in monthly Department Head Reports

Mr. Hirst said that he was told that the form, which was developed on which to report the results of the employee reviews, was in question. He said that he understood that one was possibly not used and the other was considered too unwieldy to use. He added that, if they were going to do employee reviews, then they would have to do a proper form, which they could adopt and everyone could use. He said that he didn't know that they could do reviews until they had the form problem solved.

Mr. Moynahan said that he thought that there were one or two forms being used and they all got together to try to define a better review form and what they ended up doing was to try to do the department heads because the employee forms were just too different from one another so, the forms that were in place he was sure they were still in place.

Mr. Hirst clarified that he was told they were not in use.

Mr. Moynahan said that they could review those, for sure and asked Mr. Blanchette to add on reviewing the review sheets or however he wanted to state that and to have copies for their next meeting for their review.

12. Budget Preparation for next year – timeline, etc. Workshop with Budget Committee in August

Mr. Moynahan said that they would schedule the budget workshop for their August meeting and, in the meantime, they had started talking about dates. He asked when they should start on their own.

Mr. Dunkelberger said that he was tempted to go with October but he would like to have that discussion with the BC in August so they could all be on the same page.

Mr. Moynahan clarified that they should wait until the August meeting to schedule Board budget meetings.

Mr. Dunkelberger said yes.

13. Legal issues – pending and Consent Agreements
There were no updates.

14. Community Service space needs

Mr. Moynahan said they formed a committee on that and was moving forward.

15. Police Union Contract – Dutch, Ted, Mike, and Dan

Mr. Moynahan said that they were meeting this coming Wednesday on that.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Fisher said that there was a consensus of the Board a couple of meetings ago that, because they had a contract, the Town would have to abide by their COLA increase and that was not correct, adding that they didn't have to do anything because they didn't have a contract.

Mr. Moynahan clarified that they did not get a COLA this year because they didn't have a contract so there was no guarantee of COLA increases nor did they get any contributions toward their health insurance.

16. Personal property tax

Mr. Murphy said that he has started looking at that once again and talking with their tax assessor and tax collector and, as he indicated at the last meeting, there were difficulties involved. He said that the general tendency in the State of Maine, and other states, was to gradually get rid of the personal property tax because it was too much of a nuisance and businesses didn't like it, adding that there were more and more pieces of the business equipment that was exempt from being taxed. He said that there were businesses in Town that were honest and filed their personal property taxes but for certain others it was very difficult to find out and require them and check up on them their reporting of personal property as defined in the law. He said that he was still learning about this but didn't think they should look forward to getting an awful lot of money for the Town that they were not already getting from honest people.

Mr. Moynahan said that, in addition, the Eliot Business Park had a lot of out-of-town businesses in there that had equipment and machinery but they couldn't tax those folks because they were not registered in Eliot as they were New Hampshire businesses. He added that they could really dance a dance with this whole thing, that he didn't know how to approach it and that it has been an issue for a couple of years since Symphonics.

Mr. Beckert said that Mr. Murphy said that it has been an issue state-wide and asked if this was something they needed to talk with their legislators about.

Mr. Murphy agreed they might want to do that but he didn't think talking with the current legislators would accomplish very much. He added that he could look to see if there was a way they could do that and an approach they might suggest. He added that he did learn that all of the tax policies were in the statutes and case law.

17. Taping of meetings - Policy

Mr. Beckert suggested having Mr. Emery come in.

Mr. Dunkelberger said that he was going to suggest that, too, and suggested putting this on the agenda two weeks from now.

Mr. Moynahan asked Mr. Blanchette to put that on the calendar for two weeks from now.

Mr. Dunkelberger said that he could probably give them an update on where they were with the expansion of the system.

18. Amend Ordinance Governing Boards – time limit for Agendas and Minutes, Video Streaming

Mr. Moynahan said that they would have to get that on a regular workshop meeting to start reviewing it.

Mr. Dunkelberger said that that would go hand-in-hand with the Taping of the Meetings Policy and suggested they roll that into everything else.

9:10 PM

19. Cross Training

Mr. Hirst suggested deferring this until next week when they talked with the Auditor because that was tied very closely to his management letter.

20. 1% Increase

Mr. Moynahan asked if anyone had had any thoughts on how to proceed.

Mr. Murphy said that he thought that they left it that they thought they really felt they needed legal advice as to what they could do with it.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Moynahan said that he was comfortable with the gesture and a very nice gesture but putting it on the Town to administer he was not real comfortable with. He added that he thought this was one of the nicest things he has seen anyone do for the employees.

Mr. Moynahan also asked who had the legal responsibility for determining, once they had adopted a pay scale, was it the BOS's responsibility to make decisions about when people got paid and where they got it raised or was it the Town's, and have to be a Town Meeting vote.

Mr. Dunkelberger said that this didn't follow the line with pay; that this was, for all intents and purposes, a gift and how that would be managed would be the question – whether they were involved with that or the pay system was involved with that. He added that he didn't know if it was legal advice or accounting advice that they got the answers from, suggesting Mr. Donhauser might be asked that question as to whether the Board should even get involved with managing that. He said that he did not consider this a pay problem.

Mr. Moynahan said that he thought it was administrative.

Mr. Beckert said that they could certainly ask Mr. Donhauser if he has ever seen it done and, if he has, how it was done.

21. Each Selectman advocate for a Department

Mr. Dunkelberger suggested "liaison" instead of "advocate" would be better.

Mr. Moynahan said that they had some discussion at the last meeting and asked if that was the way they wanted to move forward.

Mr. Murphy said that he thought that, if they were dealing with real business, then they all needed to know what was going on with all the departments. He added that he didn't like the feeling of "so and so was in charge of that so I won't worry about that department"; he thought they all had to worry about all the departments. He said that liaison was something that applied to a committee and liaison to a committee was something different; that was more a special interest and to help the committee feel observed and needed and wanted and understood by the Selectmen. He said that some committees, years ago, felt like they were sort of floundering and no one cared if they were there or not and that was the point of a liaison to make sure the committees understood that they were part of the whole community.

Mr. Murphy said that he was going to bring up later on liaisons to committees. He said that there was a sewer committee, conservation commission, energy commission, business development committee, shellfish commission, and they still had a building committee and all of those should probably have a Selectman liaison if people wanted to do that and the Board wanted to continue in that direction, which he advised.

Mr. Moynahan said that they could add liaisons to committees and define those.

Mr. Blanchette clarified if it was the wish of the Board to then remove Item # 21.

Mr. Moynahan clarified that they would not advocate for departments but be more proactive meeting with the department heads, having the meetings, and finding out what their wants and needs were., adding that maybe that was just going to take more consistency from the Board to make sure that happened.

Mr. Blanchette said that they could remove Item #21, then, and add Liaisons to Committees.

Mr. Moynahan agreed.

22. Department Head Review

This is ongoing.

Mr. Moynahan asked if anyone had anything to add to the AIL.

Mr. Hirst said that he had one thing. He said that he left a very comprehensive report in each of their boxes from May and June 2006 from the then CEO. He said it was a beautifully-done report, three pages in length and it essentially outlined, for the most part, everything he had done in the past month. Mr. Hirst said that Mr. Marchese was kind of out there and he didn't know if he had a lot of people to bounce things off of and he wondered if it would be a good idea to ask him to provide such a report to the Board on a monthly basis, following the general outline of that sample.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Moynahan said that his supervisor was present and asked Mr. Blanchette if that was something that was not unreasonable for his monthly duties.

Mr. Blanchette said that he would have to talk with him.

Mr. Moynahan asked Mr. Blanchette to follow up with that and see if that was something he could manage. He added that Mr. Marchese did provide reports once in a while – updates and that sort of thing and he believed Mr. Marchese kept files for the Board, too.

Selectmen's Report:

Mr. Murphy said that he recently received the broken-out payments to MSAD #35 for the coming year. He said that, as everyone probably already knew, the amount of monies that were approved for MSAD #35 amounted this year to \$7,877,584 and this was an increase of \$555,887 over last year's budget. He explained that, each month, the Town's monthly pay, which last year was \$610,141.45, has increased to \$656,465.34. He added that, alongside that, all the reductions that were approved at Town Meeting and suggested by the BC, he thought that there were 9 or 10, added up to a total of \$75,317 in reductions to the municipal budget. Mr. Murphy said that that \$75,000 deduction equaled 1.63 or one and two-thirds of the monthly increase that they would be paying for the school. He said that there was no comment, they were just numbers, and this happened.

Mr. Murphy said that the other thing he wanted to bring up was a discussion of something that has bothered him for some time. He read Article 37 from the Town Warrant: *"To see if the Town will vote to authorize the Selectmen to accept and appropriate or reject any and all funds from grants, donations, and reimbursements during the year for any municipal department, committee, commission, and/or project, to include but not be limited to reimbursements from FEMA for any State-declared emergency, community development block grants, donations for parks and capital or program grants for community service department."* He said that he read that as all grants, and so forth, which came in to any department that were not part of the budget; things which the Board should be aware of and approving and become part of the record. He added that the Board learned, after-the-fact, of thousands of dollars that the firemen got or the police got or the ECSD got donated and they sometimes learn vaguely that that has happened: "Oh yes, we got that out of a grant we got from so-and-so.", and this Board knew nothing about it until afterwards. He asked why it wasn't necessary for all those to be something that had to come through this Board so that they were aware of the monies that came into the Town that affected budgets and so forth. He clarified that he wasn't talking about things like what the Fire Department did for itself, the auxiliary or support groups, as they don't impact the budget, but these grant things, he thought, were quite often things that affected the Town budget or could affect the Town budget – that they get those in lieu of the budget and, therefore, it affected future budgets. He asked if Mr. Blanchette could speak to this, should the Selectmen be more connected to these things – not to dampen it but, rather, just to be aware. He asked how many of the citizens were aware of the grants the Police and Fire Department get or the grants that came in from York Hospital for ECSD and so forth.

Mr. Dunkelberger said that, as he read this, it also said "grants and donations", so if they were going down this, then they would have to include all the money donated to the Fire Department for their pancake breakfasts, or whatever, as part of that approval.

Mr. Murphy said that he didn't know, that there may be a clear line between those that are and aren't and he was really raising that as a question.

Mr. Dunkelberger clarified that he was just saying that it said grants, donations, and reimbursements.

Mr. Moynahan suggested they could have it as grants and reimbursables and not the donation piece.

Mr. Murphy said that the Conservation Commission, for instance, came in and got permission to accept a grant from the State, which also had a matching funds requirement and was provocation, and the Energy Commission got a \$10,000 grant last year and all of that was with approval of this Board.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Mr. Beckert said that he thought that could be part of the discussion they had with department heads – that the Board wanted to know what grants departments were putting in for and if they got them.

Mr. Moynahan said that they were getting grants and that had to be accounted for somewhere.

Mr. Beckert agreed and added that he saw Mr. Murphy's point - they should be going through the BOS.

Mr. Beckert discussed the Building Committee. He said that the Building Committee still existed; that they have not met since the Town Meeting, and were waiting for continued charge of move forward with the CIP portion of what they were tasked with. He added that, in his opinion, the Building Committee should be allowed to do what the Board originally tasked them to do and that was to look at all the space needs of the Town, having a complete needs assessment done with complete cost analysis, etc. He asked if the Board was behind the Building Committee moving forward in that direction.

Mr. Hirst said he was, absolutely.

Mr. Murphy said that that made sense to him. He added that it seemed as though it was something that they should almost have as a standing committee to keep a constant feel on that pulse.

Mr. Moynahan asked who would do the needs assessment.

Mr. Beckert said that the Building Committee would have to go back and look at what they had previously done and he would be right up front that a needs assessment came with a cost. He added that, if it was the direction of the Board that the Building Committee moved forward, then they could certainly meet and organize and then come back to the Board with any recommendations and move forward from there but he wanted to bring it up to find out if it was the Board's pleasure to have the Building Committee to move forward.

Mr. Moynahan said that he would be fine with a needs assessment, as long as it wasn't sprinkled in with wants of the departments. He added that if they were in various states or with a need to increase staff and all that stuff, then that could be identified and defined.

Mr. Hirst said that staffing wasn't in their charge at all.

Mr. Moynahan said that, if they wanted to increase the staffing, then they would need more space and, if they were not going to increase staffing, then they would, in essence, not need more space.

Mr. Beckert said that that was why one had a professional come in to do the assessment, as they came in and did an assessment of what the Town firmly had for space, what they should have for space for the size of the operation, currently, and they projected what the space needs might be out into the future based on the size of the Town and where it may go. He said that that was why they had a professional do it because they could weed out the "nice to haves" in the departments they may ask for versus what the departments required for their actual space.

Mr. Moynahan said that they would also hope they were independent to Eliot and not just using State averages because every town was different.

It was the consensus of the Board for the Building Committee to move forward, per tonight's discussion.

Mr. Beckert said that he would take this back to the Building Committee.

BOARD OF SELECTMEN'S MEETING
July 12, 2012 6:30PM (continued)

Other Business as Needed

Mr. Beckert said that Eliot was the host town for the USS Pasadena and, to his knowledge, they have only done one thing for that boat since they have been here. He added that he did not know how much interaction Eliot has had with them other than they were at the Memorial Day Parade. He asked if they could ask, through the ECSD Director, what they were doing and interacting with that crew on. He said that when a host community takes that on it was supposed to be a binding tie between the community and that boat and crew for the extent of the time they were at the shipyard. He said that the last time they did this they did very little and it was embarrassing and he did not want to fall into that hole again.

Mr. Moynahan said that they should get an update from Ms. Muzeroll-Roy on what her activities have been, which would be nice, and maybe this Board could be involved in that, too.

A member of the public asked if the Board knew what was typically done.

Mr. Beckert said that, sometimes, there were things done for the crew themselves, that there was a get-together for them at the Regatta; they might have a family day where they got together at the Boat Basin but on the other end of it the boat encourage the Town to ask for help, manpower, to use their crew to do projects. Mr. Beckert said that there were 129 men on these vessels, so, it was an opportunity for both sides to interact for the timeframe they were here. He added that working on a playground was the kind of thing they relished, that many of the crew were single, away from their families, and looking for things to do and, for the community to take them in and families within the community take them, they looked forward to that. Mr. Beckert said that that was why he asked what Ms. Muzeroll-Roy has done so far and what she has planned.

It was suggested that they be invited to the Raitt Family Farm Tractor Show.

Mr. Beckert said yes and added that, through the POA office at the shipyard, he tried to send any notices of stuff and activities going on in Town.

Executive Session

There were no executive sessions tonight.

Adjourn

There was a motion and second to adjourn the meeting at 9:34 PM.

VOTE
4-0
Chair concurs

DATE

Mr. John J. Murphy, Secretary