

BOARD OF SELECTMEN'S MEETING
July 14, 2011 5:30PM

5:30 PM

Call to Order

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

5:31 PM

Executive Session

Ms. Place moved, second by Mr. Murphy, to enter into executive session as allowed by 1 M.R.S.A. § 405.6.E "Consultations between a body or agency and its attorney concerning the legal rights...".

VOTE

3-0

Chair concurs

Attorney Geoff Hole was called.

5:36 PM

Mr. Moynahan is now present.

5:50 PM

Out of Executive Session.

5:51 PM

Ms. Place moved, second by Mr. Murphy, to enter into executive session as allowed by 1 M.R.S.A. § 405.6.E "Consultations between a body or agency and its attorney concerning the legal rights...".

VOTE

4-0

Chair concurs

Attorney Pat Sculley was present.

6:32 PM

Out of Executive Session

6:35 PM:

Meeting reconvened by Chairman Fernald.

Pledge of Allegiance recited

Moment of Silence observed

At this time, Mr. Fernald commented that he hoped everyone remembered John "Bob" Grove who was a Selectman here in Eliot for many years. He said that he had the privilege of being on the Board with John and that John was a very good Selectman, he had the Town's best interests at heart. He added that, unfortunately, John passed away on June 18, 2011.

Ms. Lewin said that she came tonight to ask the Board to request of the State Representative that she do a Sentiment for Bob. She said that Mr. Grove spent six years on the Budget Committee, Chaired it for five, spent six years on the Board of Selectmen – there was never a person with more character and more focus and more of good interest to the Town of Eliot serving in Public Service than Bob. She added that he was a wonderful, wonderful guy and his wife taught her for over 20 years and she knew it would mean a great deal to Carrie to have something come from the Town of Eliot to acknowledge his years of service. She said that she could certainly get a nice leather binder to put it in for her and more than happy to send it to her.

Mr. Fernald asked Mr. Blanchette to look into getting that done.

Mr. Blanchette said yes.

Approval of Minutes of Previous Meeting(s)

6:38 PM

Motion by Ms. Place, seconded by Mr. Moynahan, to approve the minutes of May 26, 2011, as written.

VOTE

4-0

Chair concurs

Motion by Ms. Place, seconded by Mr. Moynahan, to approve the minutes of June 9, 2011, as written.

VOTE

4-0

Chair concurs

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At this time, Mr. Fernald officially welcomed Mr. Dunkelberger to the Board of Selectmen.

Public Comment:

6:40 PM Ms. Lewin thanked the Board for doing the Sentiment, if they agreed, for Bob Grove. She said that she felt very badly that the Town never really acknowledged his service while he was living here – that it was sort of like the situation with Bruce Trott as, unfortunately, he passed before the Town could do that for him, so she really appreciated the Board undertaking the doing of that Sentiment for Bob Grove.

Ms. Lewin said that Mr. Moulton has a correspondence that he wants to send and she would be more than happy to try to help sort out that problem with the Highway. She added that she spent eight years fighting with those people at DOT and it was thoughtful consideration to get it out of her mouth in that manner, she had to say. She reiterated that she would be more than happy to help because she could talk to the Governor about the issues and, if he's raising them, then she was sure that they could do something to improve that situation.

Mr. Fernald said that he was sure that, with Mr. Moulton's knowledge and knowing that Ms. Lewin would help, they would certainly contact them to get it resolved.

Department Head/Committee Reports

Mr. Emery said that he thought this would be the best opportunity to bring an issue to the Board for the Information Technology Committee (ITC). He explained that Kittery tapes all their meetings (PB, BOS, etc.) and they are archived and available on the internet. He added that this was a service that was done by a company out of York and, according to the person they contacted in Kittery, it runs approximately \$250 a month. He asked if this was something the Board would like the ITC to look in to.

Mr. Murphy clarified that the \$250/month was per committee or for all the committees.

Mr. Emery said it was for all committees and that it could be archived would be better than what they might be able to obtain from a cable company, for instance, where it was live and not archived.

Mr. Moynahan said that it was a great alternative.

Mr. Dunkelberger said that he thought it was worthy of exploration and presentation.

The Board agreed and, by consensus, gave permission for the ITC to investigate this alternative.

6:43 PM Mr. Blanchette said that he had several things – Blueberry Lane sewer, direct deposit and the Warrant, which because of fraud, there would not be a Warrant tonight and would be ready tomorrow. He clarified that the fraud was at the bank account level, not fraud here. He said that the bank informed the Town around 2:30 PM today that there had been fraud committed on the Town's bank account and so they shut down all of the Town's bank accounts. He reiterated that that was why the Warrant was not ready tonight but it would be ready sometime tomorrow. He added that the bank was working on it and that the Town would have their IT people in tomorrow to see if there was a compromise in the Town's computer versus theirs.

Mr. Blanchette discussed direct deposit. He said that it is suspected that that is how the fraud occurred – through the direct deposit account. Mr. Blanchette said that the Board has been asked to look into the possibility of doing the payroll on Wednesdays in order to have the direct deposit hit the people's bank accounts on Friday, rather than Monday. He added that they don't have any control when those deposits come in and the bank has told the Town it is a two-day process so, when it is put in on Thursday, then that means that people don't get it until Monday, although some people do get it on Friday. He added that, in order to switch it to Wednesday, Ms. Spinney would have to switch the whole Warrant to

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Wednesday because it wasn't just the payroll but the check that was written from the general account to the payroll account for monies to be made available on Thursday morning. He added that, otherwise, there is hardly any money in the payroll account, as it is a separate checking account and, if people start drawing it out, then it would overdraft the account.

Mr. Fernald commented that the Board was asked to do direct deposit and the Town has done that. He said that they have done their part and now it was moving automatically to the bank on Thursday. He added that some people are getting their checks on Friday, some on Monday and some on Tuesday, however, that is under the banks' control, not the Town, when they get their checks. He said that people have a choice to continue with direct deposit or stop that and pick up their check at Town Hall.

The Board agreed and, by consensus, agreed to keep it as it is.

6:47 PM

Mr. Dan Blanchette discussed Blueberry Lane sewer. He said that Mr. Roberts could not be here tonight and did not know if the Board wanted to discuss it or not. He added that there was no final conclusion made at the last several meetings.

Mr. Fernald said that, as he understood, there is more activity down on Greenwood Street with other places being cleared to be built. He added that the Board needed to make a decision so that those people would know that it is their responsibility to tap into that line or find a way to tap into the Town's line – it was not the Town's responsibility.

Mr. Marchese agreed and said that, based on that opinion that was aired by the BOS at a previous meeting, a building permit was issued yesterday and that, if that landowner ties into that 2" force main, then it was unknown as to who owned it, who was going to own it, that it was still under negotiation and the \$850 connection fee the person would pay was to put his waste in the municipal sewer system located at the intersection of Greenwood and Main Street. Mr. Marchese said that the landowner was clear as to exactly what the implications were.

Mr. Murphy said that he has read everything in connection with Blueberry lane and it was clear to him that there was never an intention that the Town should instantly own such a thing as a private force main. He added that there were no such force mains taken over by the Town, even though there were private systems connected to the Town sewer, and never any indication that private systems would be taken over by the Town. He said that, if anyone had been promised that by developers, then they were misled.

Mr. Moynahan agreed and said that he thought the CEO's approach to deal with future issues was good. He added that his concerns were still that the Town allowed private tie-ins to the municipal system with no one requesting allocations in to that system and how that happened, as well as the impact to the system and the Town.

6:52 PM

Mr. Moulton told the Board that he was contacted today, in a voice message, from someone he was assuming was the builder about doing the tie-in. He said that he has already spoken to one other person doing some work down there and what he expected from them. He said that he expected documentation of a road-opening permit, that everything would be as-built, pictured, documentation of all the tie-ins, etc. to cover all the bases, as the sewer does go to Kittery.

Mr. Fernald said that he thought it went beyond that, even, as there are many people who purchase these houses in the subdivisions that don't actually know that they would have to pay a fee or form an association of some type and that was something they needed to address.

Mr. Moynahan asked if the developer knew if a tie-in was going in – is it the person who owns the lots that is requesting the tie-in.

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Mr. Moulton said that it was his understanding that it was the developer that was requesting the tie-ins.

Mr. Moynahan clarified that it wasn't just the builder.

Mr. Moulton agreed.

Mr. Moynahan said that it still concerned him as to who maintains these private systems and maintains any knowledge of them. He said that they should work with what they have now and, moving forward, work to resolve this so that they don't have these issues.

Mr. Marchese said that, with the Board's permission, could he ask for legal counsel to see if there is any legal implication that has been made by the Town in allowing others to tie in to a private system without permission.

Mr. Fernald asked if Mr. Blanchette had an opinion on that.

Mr. Blanchette said no, that he thought he could get legal opinion on that.

It was the consensus of the Board to allow the CEO to seek legal counsel.

Old Business (Action List):

A. Sewer Contract Committee – Mr. Moynahan, Ms. O'Donoghue, Mr. Murphy and Mr. Blanchette

Mr. Blanchette said that they were waiting for Mr. Murphy to finish his review.

Mr. Murphy said that he worked on it last night and it was rather complicated, discussing the impact of Underwood's work on decisions with this contract and how much additional the Town would actually need versus the 200,000 gallon number out there, saying that, if the Town decides they don't really need the additional, then that really changed the IMA. He was concerned with Eliot paying for something for many years that they might not utilize. He said that he was trying to develop these issues in a way that would be clear to the public.

Mr. Fernald asked if they had had any correspondence from Kittery.

Mr. Blanchette said no.

Mr. Fernald clarified that they (Kittery) had indicated that, once the election was done, then they would be sending Eliot something.

Mr. Marchese addressed the email he sent out addressing Eliot sewer, as a whole. He said that he tried to encapsulate everything to get everyone up-to-speed to know what was going on. He said that he wanted to make sure everyone was satisfied with the format they were using and whether they were moving forward with a rate the Board was happy with.

Mr. Moynahan asked the CEO if they could be more proactive if they were to have full-time employees taking a more proactive role and running with it.

Mr. Marchese said that he wasn't sure, that he believed they were kind of sitting back and waiting for the engineers to come up with the answers and he thought that, by doing that, that they were letting the situation ride where they didn't really have a time to let it ride and he believed they really needed to keep the issue alive, keep working on it, revising it if necessary and being fresh on their minds to know how to incorporate the revisions, if any, but they also had to be realistic in that the I&I in the system was a big problem, granting that they were doing a lot to lessen the wasted flow that is going into the system but they had to be realistic about it. He expressed his concern about the fact that they were maxing out the system, currently, and the engineers' concept of using what they had in the system, adding that they would be able to reduce it, but by how much was the big question. Additionally, he discussed whether they should ask for 50,000 gallons instead of asking for

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an additional 200,000 gallons. Mr. Marchese said that he thought that they needed to keep pushing these issues forward and they were not. He added that it had been a significant period of time since the IMA Committee has met and they should really be trying to keep the ball rolling.

Mr. Dunkelberger asked if anyone was talking to Kittery, to let them know that this is what Eliot is trying to push forward and this is what Eliot is doing.

Mr. Blanchette said yes, adding that the last time they talked with Kittery they were roughly at the same place, probably early June that they were reviewing the comments from the attorney on the IMA and, as soon as they has those things ironed out, then Eliot would get back to them – and that was where they stood with Kittery. He said that he could certainly send Kittery an email tomorrow to let them know that Eliot hasn't really progressed all that much since then.

Mr. Fernald agreed and said that they did not want to get into a situation where they were waiting for Eliot and Eliot was waiting for them.

Mr. Blanchette agreed and reiterated that he would send them an email tomorrow.

B. Comp Plan Action Items

Mr. Murphy said that he would have this list to the Board for the next meeting.

C. Monthly reports and updates

The Board is receiving reports and updates from the department heads.

D. Health Insurance Costs

This was already addressed.

E. Review existing sewer user rates and update

Mr. Fernald asked if that was one of the Sewer Committee's tasks.

Mr. Blanchette said no and reminded the Board that they had decided that, until they had the IMA resolved, they would wait on that.

Mr. Moulton, reminding the Board about issues awhile back with the flow meter down on Pump Station #1 going to Kittery, said that they had had another discrepancy in the flows. He discussed that Kittery used a unit that, essentially, uses ultrasound to measure flows and may not be as accurate as it might be. He said that he was getting pricing on a new magmeter? for down there. He clarified that it was still "old school" but it was more accurate and he had a concern that they were having the discrepancy because of the two different types of meters. He discussed that there was a discrepancy of 106% between Pump Station #1 and Pump Station #7 and they are working to sort all that out.

F. Regionalization of Town services

Mr. Blanchette said that there was nothing at this time.

Mr. Moulton said that he had talked with the Facilities Manager at MSAD #35 (Mr. Stone) about increased recycling and doing educational programs at the schools, etc., as well as having discussions with employees of the janitorial service at the schools, suggesting there may be ways to work together to save money in waste. He added that, if the Board would allow him, he would like to open that door with Mr. Stone to see what they could come up with, saying that he had some ideas that, the Town working with the school, might save the Town a significant amount of money.

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

Mr. Dunkelberger asked, with regard to the regionalization of Town services, is Eliot waiting for someone to approach the Town or is Eliot actively going out and talking to other towns.

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Mr. Blanchette said that Eliot has actively talked with other towns and, right now, there doesn't seem to be anything anyone is actively seeking to do this point.

Mr. Fernald asked if he had looked at the Auditor/Planner position.

Mr. Blanchette said that this new position that the Auditor would like might be the type of position that they could look to see what other towns were doing and, maybe, sharing someone.

Mr. Dunkelberger asked if he had thought about anything bigger.

Mr. Blanchette said that he has always thrown out the idea that he thought that the towns of Eliot, South Berwick and Kittery should combine.

Mr. Hirst clarified that he meant into one town.

Mr. Blanchette said that was correct – it would do away with a lot of duplication. He added that, if not the three towns, at least with South Berwick, as the school is already combined.

Mr. Dunkelberger said that one of the things that comes to his mind is that, the schools were already combined, what about the community services departments.

Mr. Blanchette agreed and added that he thought that both towns could be joined.

New Business (Correspondence List):

6:55 PM

#1

TO : Board of Selectmen
FROM : Cheri Davis
REF : Wildbrook Lane

Mr. Moulton said that, as the Board recalled, he had written the Board a memo and included email correspondence from their counsel that all the discussions have been going through. He added that, at this point, he didn't really understand why this was brought forward as it was because there was an agreement with their attorney and didn't understand why they forwarded the bill to the Board.

Mr. Dunkelberger said that the bill had to do with the trust fund they had talked about and asked who was responsible for holding those funds.

Mr. Blanchette said it was the Town. He added that this should simply be that the Board approve of this to be paid, since it was discussed. He said that, now, the Town has a specific amount that needs to be paid.

Mr. Fernald asked how much was left in that trust fund.

Mr. Blanchette said that he thought it was about \$1,200 and this would use up \$920 of that amount.

Mr. Moynahan said that his concern early on was that, once those monies were paid out, then that would show that the Town actually accepted that road and currently they have this money and it hasn't been approved as a Town road. He added that, in helping them, they were showing support as a Town that they would do this service. He said that he did not think that the Town should have anything to do with expenditures up there and there needs to be verification on how this moves forward.

Mr. Fernald asked if Mr. Blanchette had any comments.

Mr. Blanchette said no, adding that was why it was coming to the Board.

Mr. Dunkelberger said that he understood where Mr. Moynahan was coming from but, as he understood it, the purpose of the funds was for roadwork, anyway, and, as long as the account is open, even if it's just one dollar, then he would suppose – he didn't know exactly the wording on it, whether closing the account was establishing that the Town was

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accepting the road and thought that, maybe, they were making an assumption there that may or not be correct.

Mr. Fernald said that the only time the Town would vote to take possession of a road was with the Public Works Director's approval.

Mr. Murphy clarified that this work invoice that was submitted for was merely to measure the quality of the road – to do borings to see if it was truly built to standards and the result of those boring shows that it was not built to standards, was that correct.

Mr. Moulton said that was correct.

Mr. Murphy said that paying this bill, then, would not make the road acceptable to the Town. He asked if it would be possible to estimate what the cost would be to do that as a result of these borings.

Mr. Moulton said yes, adding that they should take this information and use it with their engineer instead of, pardon his expression, wasting their money on a letter that basically said, "I reviewed the data and you should take over the road." He said that, clearly, the road wasn't up to standard and they should utilize that money to come up with a fix, in his opinion, for a solution. He added that he had a solution in his mind but that was not for him to say and he had an estimate in his head but, again, that was not for him to say – that they should take that information and come up with a fix to bring it up to a standard that could be approved.

Mr. Murphy asked if these tests covered the whole road so that now enough is known about the entire length of the road and not just one spot.

Mr. Moulton said that it was done in both travel lanes, up to the cul-de-sac, and back.

Mr. Murphy asked if they had asked Mr. Moulton to work with them to develop a plan.

Mr. Moulton said no, that he told them he would summarize the data, provide them with the boring logs, and all the soil samples so that, if they wanted to question the quality of the soil, then they could have silt analysis done on that material and further define the body of the soil – it's poor.

Mr. Murphy clarified that he had given that to them.

Mr. Moulton said no, not yet, that he had to complete that.

Mr. Murphy clarified that the question before them was to pay this bill or not.

Mr. Fernald said yes.

Mr. Murphy moved, second by Mr. Dunkelberger, to approve paying the bill submitted by Cheri Davis in the amount of \$920.

DISCUSSION:

Mr. Moynahan asked who was named on the escrow account besides the Town of Eliot – was it Wildbrook Lane or was it the developer.

Mr. Blanchette clarified that it was the developer.

There was no more discussion.

VOTE
2 for-2 against
Chair votes in the affirmative to pay this bill.

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#7 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Notice of Public Hearing on Comcast proposed contract

7:02 PM At this time, Mr. Fernald opened the Public Hearing for the proposed Cable Franchise Agreement with Comcast. He asked if anyone would like to ask any questions.

No one requested to speak.

Mr. Fernald asked if anyone wished to ask any questions or speak a second time.

No one from the public spoke.

7:03 PM Mr. Fernald closed the Public Hearing.

Mr. Murphy moved, second by Mr. Dunkelberger, to approve the Cable T.V. Franchise Agreement, as modified, in their Executive Session.

VOTE

4-0

Chair concurs

#2 TO : Board of Selectmen
FROM : Greg Whalen
REF : Request to be moved from alternate to regular member

Mr. Moynahan moved, second by Ms. Place, to appoint Gregory Whalen a regular member of the Planning board for a full term to end in 2016.

VOTE

4-0

Chair concurs

7:05 PM

#3 TO : Board of Selectmen
FROM : Joseph Carven
REF : Resignation from Budget Committee and Shellfish Management Committee

Mr. Fernald read Mr. Carven's letter, clarifying that Mr. Carven had moved to another town.

Mr. Murphy moved, second by Mr. Moynahan, to accept the letter of resignation from the Budget Committee and Shellfish Management Committee from Joseph Carven, with regret and in appreciation for the work he has done for the Town of Eliot.

VOTE

4-0

Chair concurs

7:07 PM

#4 TO : Board of Selectmen
FROM : Jack Murphy
REF : Resignation from Town committees

Mr. Fernald asked if there was a motion to accept Mr. Murphy's resignation from the Town committees.

Ms. Place moved, second by Mr. Moynahan, to accept Mr. Murphy's resignation from the Sewer Committee, Comprehensive Plan Review Committee, Energy Commission and Conservation Commission, with great regret.

VOTE

3-0

Chair concurs

7:09 PM

#5 TO : Board of Selectmen
FROM : Sewer Committee
REF : Notes from meeting on July 6, 2011

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Mr. Murphy clarified that this was more informational, although he added that there was a need for more members on that Committee.

Mr. Blanchette said that he had taken the notes for this meeting and discussed that the committee wanted the Board to consider reducing the number of regular members from nine to seven in order to have a quorum, as this was, he thought, the second meeting without a quorum.

Mr. Fernald said that he understood, so, the question of the Chair could not occur, as there was not a quorum.

Mr. Blanchette clarified that the present Chair was Mr. Murphy and he could no longer be Chair so, the committee members that were there decided that Michael Dupuis would be the interim Chair until there was a meeting with a quorum that could formally elect a Chair.

Mr. Fernald clarified that this was informational.

Mr. Blanchette agreed it was informational unless the Board wanted to act to reduce the required number from nine to seven on the Sewer Committee.

Mr. Moynahan asked if the committee would be less or more productive with seven versus nine.

Comments were made that they would be more productive with a quorum so they could actually get things done.

Mr. Murphy clarified that, with even four people in seven, they would have a quorum and could get things done.

Mr. Moynahan said that that, then, answered the question and did not see any reason why the Board should not do this.

Mr. Dunkelberger suggested having seven regular members with two alternates

Mr. Blanchette clarified that, currently, there are nine regular members, so it takes five to have a quorum.

There was discussion of who would come off if the Board decided on this but no one would come off as there were two vacancies, currently, and there was a member who had not attended for a number of meetings – over a year.

Ms. Place moved, second by Mr. Murphy, to reduce the number of members for the Sewer Committee from nine to seven

Mr. Dunkelberger, again, suggested two alternates, as that would give them some opportunities, if they suddenly got an influx of people that were interested in helping out on these committees, to give them some flexibility.

Mr. Murphy clarified that he appreciated Mr. Dunkelberger's comment but, in his opinion, alternates complicated the issue and seven full members would be equally responsible.

Mr. Dunkelberger commented that he understood where Mr. Murphy was coming from but, again, he would look at the PB and that the Board just moved a person from an alternate to a primary member and, if they used that example with the Sewer Committee (SC) then they could have the opportunity to grow,... saying it was up to the committee and committee members, as far as holding the members accountable for keeping up with things and for the alternative members to step in when a primary member was absent. He added that that was an internal process to the particular board and that the PB has always been successful in doing that and could not speak for the SC.

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Mr. Murphy clarified that there was a difference between committees – the PB was a quasi-legal board that had certain functions and operated in that way, as did the Appeals Board, and, if there was a need for legal alternates that could commit, for someone to legally come in, vote, and actually be a deciding question that might actually go to court, was one thing but, on these other boards that was not the case, as it was everyone working together. Mr. Murphy discussed the challenges of alternatives and their positions on the committees and boards.

Mr. Moynahan said that the Committee, themselves, recommended the members be seven.

Mr. Moynahan moved, second by Mr. Murphy, to reduce the number of regular members to the Sewer Committee from nine to seven.

VOTE
4-0
Chair concurs

7:13 PM
#6

TO : Board of Selectmen
FROM : Joel Moulton
REF : BOS Agenda

Mr. Moulton said that he provided the BOS with six RFP's that were looking for approval for tonight.

Mr. Moulton discussed the paving RFP's for the 2011-2012 season. He said that he received two RFP's: one from Libby Scott, Inc. for \$92,460.30 and one from Pike Industries for \$95,375.00 adding that it would be funded under his supplies and materials budget line. He recommended the Board award this project to Libby Scott, Inc. The Board commented that Mr. Moulton's work in this was outstanding.

Mr. Moynahan moved, second by Ms. Place, to award the paving project to Libby Scott, Inc. for a sum of \$92,460.30.

VOTE
4-0
Chair concurs

Mr. Moulton discussed the drainage material RFP's. He added that the materials would be purchased under his supplies and materials budget line and was within his budgeted line request. He recommended Vellano Brothers, Inc. for \$13,367.00.

Mr. Moynahan moved, second by Mr. Murphy, to award this RFP to Vellano Brothers, Inc. for a lump sum of \$13,367.00 for the purchase of drainage materials.

VOTE
4-0
Chair concurs

Mr. Moulton discussed the pavement striping RFP's. He added that the materials would be purchased under his service fee budget and was within his budgeted request. He recommended Poirier Guide Lines for a lump sum of \$5,068.80 and Kaz's Fine Line for a lump sum of \$1,995.00.

Mr. Moynahan moved, second by Ms. Place, to authorize Mr. Moulton to hire Poirier Guide Lines for the lump sum cost of \$5,068.80 for roadway striping and Kaz's Fine Lines for the lump sum cost of \$1,995.00 for miscellaneous striping.

VOTE
4-0
Chair concurs

Mr. Moulton discussed the guardrail repair RFP's. He added that this would come out of his supplies and materials budget line and was within his budget request. He said that 125 Fence submitted for a lump sum cost of \$11,809.70 and the next closest local within the State of Maine was Main Line Fence, who said that because the project was too small but

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did appreciate the reference for the RFP. He recommended they move forward with 125 Fence.

Mr. Murphy moved, second by Mr. Dunkelberger, to approve the purchase of the services of 125 Fence, Barrington, NH in the amount of \$11,809.70.

VOTE

4-0

Chair concurs

7:22 PM

Mr. Moulton discussed the road salt RFP's. He said that he received bids from SMRPC of \$53.44 per ton (delivered) from International Salt Company and a separate bid from Granite State Minerals of \$55.92 per ton (delivered), which carries the same pricing as the 2010/2011 season. He recommended Granite State Minerals because of the assured delivery and excellent service to the Town.

Mr. Moynahan asked if Mr. Moulton had budgeted for \$55/ton.

Mr. Moulton said that he actually budgeted the increase, which was closer to the \$58/ton.

Mr. Moynahan moved, second by Ms. Place, to allow Mr. Moulton to hire Granite State Minerals at \$55.92 per ton for road salt for the 2011/2012 winter season.

VOTE

4-0

Chair concurs

Mr. Moulton said that another budgeted item was the purchase of a reversing plate compacting unit. He said that this was budgeted for and that they demoed several units, with a recommendation that they approve purchase of a used 11,000 lb. centrifugal force unit from Boston Equipment Supply Company of Hooksett, NH for \$4,500.00.

Ms. Place asked if there was still a warranty with this machine.

Mr. Moulton said that they would give the Town a 30-day warranty. He added that this unit was used by the Town last year – that he rented it to do some road work, using it for two weeks last year to make sure there were no issues with it.

Mr. Dunkelberger moved, second by Mr. Murphy, to allow the Public Works Department to contract with Boston Equipment Supply Company for \$4,500.00 to purchase a centrifugal machine.

VOTE

4-0

Chair concurs

Mr. Moulton said he had one more memo to bring before the Board, that Ms. Lewin made reference to, and was a draft copy of the letter to the Commissioner of the MDOT for the Board to review regarding the condition of the Roads in Eliot and the safety issue of those roads.

Mr. Fernald said that the Board would review this letter and take it up at the next meeting.

7:28 PM

Mr. Hirst asked if he could request that, as a condition of the granting of these contracts, that it be conditional on receiving satisfactory certificates of insurance from each one of these people.

Mr. Moulton said that that would not be a problem.

Mr. Moynahan asked about a seasonal employee Comp Time in Mr. Moulton's monthly report.

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July 14, 2010 6:30PM (continued)

Mr. Moulton explained that Mr. Holt is hired from April to November, so he is essentially a full-time seasonal employee for 40 hours per week during those months. He said that what has happened because of the shared - and it's been sorted out since then - additional help need in that department on the weekend that this individual came in to assist with. He added that he and Ms. Muzeroll-Roy have discussed it and, essentially, utilizing other people who are already working has eliminated that issue. He explained that he had to be paid overtime if he was there and he worked the hours and, by law, he had to be paid for that. Mr. Moulton said that Mr. Holt would use Comp Time and, in an effort to save money in the budget and he has no vacation time and getting married, Mr. Moulton allowed him to have some Comp Time.

Mr. Moynahan clarified that he was not treated as a full-time employee outside of this Comp Time he was seeing here.

Mr. Moulton said that no, he was not.

Mr. Moynahan asked if there was going to be something that he was still looking for to have a full-time employee.

Mr. Moulton said yes.

Mr. Moynahan said that he missed the boat last budget season and he thought it would be smart to start the process now, discussing his concern for overspending budgets. He thanked Mr. Moulton for his clarification.

7:30 PM
#8

TO : Board of Selectmen
FROM : Richard Donhauser
REF : Proposal for Audit Services

Mr. Blanchette said that this was the auditor's proposal for the year they just finished for the audit for \$12,900.00, which was the same price as last year. He added that there is no Correspondence #9 because he doesn't have his management letter in to the Town. He said that Mr. Donhauser would be present when the management letter was presented to the Board. Mr. Blanchette said that he thought Mr. Donhauser would be telling the Board in that letter that he expected the Town to go out to bid for next year's audit report and the Board would probably have to start that process in January or February. He clarified that Mr. Donhauser felt that an auditor should not be the auditor for the same town for X number of years - whatever the auditor feels comfortable with, some would say five years, some would say seven, and he thought this would be his eighth year. Mr. Blanchette said that the other thing Mr. Donhauser would be discussing with the Board is an - he called it an internal auditor - but it was more like an internal CPA, as what Mr. Donhauser did was prepare the report for Ms. Spinney and the other was really outside the scope of the auditor. He clarified that the auditor should be reviewing the audit report of the Treasurer and he felt that the Town should hire someone, separately, such as a CPA.

Mr. Moynahan moved, second by Ms. Place, to hire Richard Donhauser, CPA for \$12,900.00 for financial services as submitted.

DISCUSSION:

Mr. Murphy said that, in his letter, Mr. Donhauser wrote, "We expect to begin our audit on approximately August 16, 2011 and to issue our reports no later than November 1, 2011." and asked Mr. Blanchette if this time frame was consistent with prior performance.

Mr. Blanchette said no.

Mr. Murphy commented that this was rather optimistic.

Mr. Blanchette said yes.

There was no more discussion.

VOTE
4-0
Chair concurs

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#9 TO : Board of Selectmen
FROM : Richard Donhauser
REF : Management Letter (expecting to receive it by meeting)

This will be taken up at a later meeting.

7:35 PM
#10

TO : Board of Selectmen
FROM : IT Committee
REF : WebGIS

Mr. Emery discussed the issue that Mr. Blanchette identified with the bank account fraud and requested that, as Chair of the ITC, he would like to be present tomorrow to know what the Town has for hardware and software, what each individual's responsibility is, etc. to make sure those people are consistent with what the Town has.

Mr. Blanchette welcomed the help.

Mr. Emery said that Mr. Blanchette had sent him a memo requesting the ITC try to get the maps up on the website. He added that the only thing that is up there now is Vision and the ITC has GIS data that they would like to try to include. He added that he believes the Town has spent approximately \$50,000 in the collection of that data. He explained that there are two files of data that are too large to get them up onto the hosting site that the Town presently uses for a web page. Mr. Emery said that, in investigating alternatives, a proposal was submitted by Woodard and Curran. He explained that, when they started, Woodard & Curran charged a \$15,000 start-up fee and they are now down to \$5,000 for the start-up fee with a \$2,400 per year maintenance fee. He went on to discuss the numbers and kinds of people that would benefit by doing this and why.

Mr. Marchese said that he used the data on a daily basis, has it up on his computer all the time, and people were always coming in to his office asking questions and they are very impressed that they can get a snapshot of exactly what the Town believes are the implications with their property and what they need to do to resolve issues or how the Town believes properties are affected by different things. He concurred that it is used extensively by realtors, land surveyors, engineers, people were constantly asking him why this information was not available like in surrounding communities that do have it online, and he believes a lot of Eliot citizens would use this. He added that there is a lot of information available and it should be available to everyone.

Mr. Emery said that the expensive part was the \$30,000 license to support the GIS server, and the GIS Reader is \$10,000 (Town currently has one license for one Reader, which allows the Assessor to make changes in her database).

Mr. Dunkelberger asked Mr. Emery if they got any other offers besides this one or was there any other competition.

Mr. Emery said that he investigated that and there was something called ESRI but they were really a software company and did not have the Server or Reader, that there was no one else who could come close to the price Woodard & Curran are offering.

Mr. Fernald said that the question is where would the money come from.

Mr. Blanchette said that, up until this week, he would have said that they could find the money, however, he has found money. He explained that, in the Article 4 – Admin General Expenses, they had \$16,047 left and he would recommend that they carry that balance forward and apply that \$5,000 against it.

Mr. Fernald voiced his concern for the maintenance fee being voted down at Town Meeting.

Mr. Blanchette said that, then, they would have to stop it.

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Mr. Fernald asked what that meant.

Mr. Blanchette said that that meant getting it out for this year and, then if they vote down the \$2,400 to support it in the ensuing years, then they would have to tell Woodard & Curran to pull it down.

Mr. Emery commented that they would need to make sure that was incorporated in the contract with Woodard & Curran.

Mr. Blanchette agreed.

Mr. Moynahan said that they have been moving in this IT direction for several years and he believed it was of benefit to the Town departments and worth doing.

Mr. Murphy clarified that the funds Mr. Blanchette found were out of this year's budget.

Mr. Blanchette clarified that they were out of last year's budget.

Mr. Murphy said that they still had the problem of next year's budget of the \$16,000 that they were not addressing.

Mr. Blanchette said that he would address that later on.

Mr. Moynahan moved, second by Ms. Place, to contract with Woodard & Curran to get a GIS site with funds to be taken from Article 4, rolled over from last year.

VOTE

4-0

Chair concurs

7:46 PM
#11

TO : Board of Selectmen
FROM : Underwood Engineers
REF : Scope of Work

Phil McDonald discussed that, after the Town vote, they put together a proposal for engineering services within the budget allocations that were provided and they were here tonight to review that with the Board and answer any questions.

Mr. Dunkelberger said that, in playing catch-up, he was guessing that the original proposal was something greater than \$84,600.

Mr. Fernald asked Mr. Blanchette what was approved at Town Meeting.

Mr. Blanchette said that he would have to go get that.

Mr. McDonald said that he believed the amount was \$175,000 and provided the Town with some contingency administrative costs they might have in addition to the engineering costs.

Mr. Blanchette said that the total of the Article was \$175,000 and broken down into a couple of different possibilities: one was engineering work for \$145,000 and legal/administration was \$30,000. He added that he thought the reason why theirs was \$84,000, almost \$85,000, versus the \$145,000 is because, when they went to print, he did not believe they had a definite number from them and he threw in a factor.

Mr. Dunkelberger commended them for recognizing the work that has already been done and reducing the budget request accordingly.

Mr. McDonald thanked him for his comment and said that they tried to give as comprehensive a scope and direction as they could, adding that some of the work may involve further investigative work, such as finding high-flow areas in some of the sewers and doing some videos to isolate that high flow, which were not included in this but were addressed prior to tonight's meeting. He clarified that, if there came a time after they had

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done their work that they felt they needed to look at, then they would let the Board know that before they proceeded.

Mr. Moynahan moved, second by Ms. Place, to award Underwood Engineering the contract for \$84,600.00, as provided.

VOTE
4-0
Chair concurs

#12 TO : Board of Selectmen
 FROM : Dan Blanchette
 REF : Disciplinary Action

Mr. Murphy clarified that there was a typo error on page 2 and that all letters A, B, C, D, and E should be delineated for clarity, although he did not believe this was a substantive change.

Mr. Fernald agreed and said that that was just a correction that the Board could move forward with and vote on.

The Board agreed.

Mr. Murphy moved, second by Mr. Moynahan, to approve the second reading of the Disciplinary Actions policy change.

VOTE
4-0
Chair concurs

7:58 PM
#13 TO : Board of Selectmen
 FROM : Dan Blanchette
 REF : Comp Time

Mr. Moynahan commented that, in looking at the second reading, they were looking at reviewing the entire policy and not just the Comp Time, as they were going to change one thing and he suggested they look at the entire thing.

Mr. Fernald asked if Mr. Moynahan wanted to revise this.

Mr. Moynahan discussed his concern for overtime and that he had some examples of how that negatively impacted the Town and said that overtime should be paid at time and a half for hours actually worked on the job that exceed 40 hours, which would be much less confusing. He added that he thought the overtime line should say "Overtime for union and non-union hourly employees". He said that they are currently going through the union contract and this was the time to have these changes as a policy in the Town.

Mr. Fernald said that, obviously, this has been brought up many, many times and one of the examples of the overtime issue was, if an employee comes off of vacation week and was asked to work on Saturday, that he work actual hours and not time and a half and he understood that the feeling was that that was unfair because they were actually working overtime.

Mr. Murphy said that, since the Chair was dealing with overtime, he thought it odd that, in that section describing overtime and its' constraints, both of the examples have nothing to do with overtime and all of the previous examples related to overtime were omitted, so there was no example in there that actually shows overtime – in this section dealing with overtime. He also addressed the issue in subparagraphs 2 and 3 under Compensatory Time that still say 24 hours (sub-paragraph 3 still says 24 hours) instead of 40 hours.

Mr. Dunkelberger suggested that his concerns could be reworded such that at any time that was accrued outside normal work hours or hours that went over and above 40 work hours,

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minus vacation and/or holiday week, could then be approved as overtime. He added that he thought his concerns could be worded to protect the employee.

There was more discussion on how to control overtime without causing hardship on the departments or employees. The Board agreed that they wanted input from all the department heads on this, with examples included.

#14 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Overtime

Mr. Murphy commented that he wasn't quite sure how this would interact with the police union contract that, as he understood, was being reviewed at the present time, and how that would fit in.

Mr. Blanchette suggested the contract negotiation team might need to discuss that with the Board of Selectmen. He added that they could, for the next meeting, invite Chief Short and have an executive session so that the team and Board could discuss what would be expected. He said that he did not think the policy should say union and non-union where the police contract supersedes it regardless of what this says. Mr. Blanchette said that it was really what the Board wanted from the contract.

Mr. Moynahan said that he wanted consistency among all the people in Town.

Mr. Blanchette agreed

8:07 PM

#15 TO : Board of Selectmen
FROM : Comcast
REF : Changes to Standard Cable Package
This was informational.

#16 TO : Board of Selectmen
FROM : Code Enforcement Officer, Jim Marchese
REF : 6-month review
Mr. Moynahan cautioned against discussing this out of executive session.
The Board agreed.

Mr. Fernald said that they had the request in front of them and will take this in to consideration.

#17 TO : Board of Selectmen
FROM : American Medical Response
REF : Increase to American Medical Response Rates

Mr. Murphy had some concern as they made an addendum just last year that was supposed to protect the Town against a rate increase for a couple of years and, yet, they are asking for an increase. He explained that the increase they were asking for amounts to a 20.76% in the mileage and a standard of 5% in every other cost. He said that this increase is against the previous schedule dated December 11, 2009. He said that it bothered him that they were guaranteed, by adding an addendum just one year ago, that would be good until 2013. Mr. Murphy supposed these were charges that would be passed to the customers and not the Town, although he believed the Town would also be paying more per year, as it was \$4,187.51 per month and has now gone up to \$4,304 per month, an increase of \$117 per month or 2.8%, paying \$1,407 more per year.

Mr. Moynahan asked if, in their current contract, there was a clause that even allowed increases.

Mr. Blanchette said that what he thought the Board would find was that the contract talked about the rate that the Town would be paying them, not schedule of fees.

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Mr. Murphy just indicated that the Town's price would be increasing.

Mr. Blanchette agreed and said that he believed they would find that, under the current contract, they have the right to go up as a CPI increase is allowed every July 1st.

Mr. Murphy asked if this increase aligned with CPI.

Mr. Blanchette said that that sounds about right but he had not had the opportunity to check it for sure.

Mr. Hirst said that the contract addendum that the Town did last time was an addendum to a former contract that did carry a CPI adjustment. He added that there were two sets of adjustments with this: one was the adjustment for certain fees billed to insurance companies and the other was this increase in mileage, which was \$170/month more. He added that, when the Town adopted this addendum and extension of the contract to 2013, they were told that they would be protected from any increase in cost until the contract ran out. Mr. Hirst said that, if they recalled, there was quite a little discussion about that and he had requested that they not make a change in this because it was not needed, as they had at least a year to go on that contract.

Mr. Fernald suggested that the Board request AMR to come in and discuss this with them.

Mr. Murphy agreed to provide copies of the contract and addendum.

It was the consensus of the Board to hold the current bill until the Board had talked with AMR.

8:17 PM
#18

TO : Board of Selectmen
FROM : SAD
REF : School appropriations for fiscal year 2011-2012

#19

This was informational.

TO : Board of Selectmen
FROM : Maine Municipal Employees Health Trust
REF : Scope of Work

Mr. Blanchette said that the Board wanted some information on cost of insurance, etc. and, as was said, this was informational. He added that, once they started looking at contracts for the upcoming year, then the Board could take a look at this.

Mr. Moynahan clarified that this is the Town's current carrier.
Mr. Blanchette said yes.

Mr. Moynahan asked if there were any other carriers that could provide insurance to the Town.

Mr. Blanchette said that there were plenty of other carriers that could provide insurances. He agreed that they could explore side-by-side comparisons against this handout of information. He added that, if they did that, he would recommend they have someone write up specs outside of himself because he doesn't understand insurances well enough to do that.

Mr. Fernald asked if there was anyone who would like to volunteer for this with an insurance background.

Mr. Hirst said that he would like to state unequivocally that he was incompetent when it came to health insurance – he just didn't know anything about it, so he would decline, with his appreciation.

BOARD OF SELECTMEN'S MEETING
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Mr. Blanchette said that the last time the Town looked at this for comparable insurances, which was when they went with MMA, was that MMA was the least expensive. He added that other towns have gone out and, from what he has heard, MMA is still very competitive and that the only question was which plan within was comparable.

Mr. Moynahan suggested a subcommittee to locate some insurance companies and compare them side-by-side.

Mr. Murphy, Mr. Moynahan and Mr. Blanchette agreed to form a subcommittee to research and compare insurances and bring that back to the full Board.

Mr. Blanchette commented that, when he had looked at this before, he found that Eliot was not big enough for some companies to look at, that the companies wanted at least 50 people in order to consider insuring.

Ms. Place asked what percentage the employees paid out-of-hand.

Mr. Blanchette clarified that, for the single plan, the Town pays 100%; however, for the family plan 75% of the additional and the employee pays the other 25%.

8:22 PM
#20

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Administrative Budget

Mr. Fernald said that, at Town Meeting, the Administrative Budget was reduced by \$16,000 by the Budget Committee. He asked Mr. Blanchette to speak to this.

Mr. Blanchette said that the Board wanted to discuss this and his recommendation was legal - \$15,000 and portable toilets - \$1,000. He explained that, originally what was asked for legal was \$75,000 and the legal reserve, currently, is at \$52,000, explaining that, because they did not overspend Article 4 to begin with, then they did not have to draw any monies out of the legal reserve fund. He added that the current balance, which was even higher, was because of monies collected throughout the year from cases that have been resolved and penalties from legal fees went into the legal fund. He added that they currently have \$52,682 in the legal fund. Mr. Blanchette said that they have an additional \$16,000 - \$17,000 that could potentially go in there as soon as the Eliot Shores case was finally resolved.

Mr. Murphy moved, second by Mr. Dunkelberger, to accept Mr. Blanchette's recommendation to take \$15,000 from the Legal Fund and \$1,000 from Portable Toilets to cover the Administrative Budget.

VOTE
4-0
Chair concurs

8:40 PM
Selectmen's Report:

Mr. Dunkelberger submitted his formal resignation from the Building Committee (BC), however, they could use a liaison from the BOS and, if the Board would not object, then he would be happy to take that on.

There was no objection from the Board.

Mr. Murphy moved, second by Mr. Moynahan, to accept Mr. Dunkelberger's resignation from the Building Committee, with regret.

VOTE
4-0
Chair concurs

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Mr. Murphy said that he had had a chance to look over the Employee Evaluation Form, which he had not seen, and he had some suggestions to make it better aligned and clearer. He added that, with the Board's permission, he would come up with a suggested alternative for the next meeting.

The Board agreed.

Mr. Murphy discussed his desire to be the liaison for the Sewer Committee.
The Board agreed by consensus.

Mr. Fernald said that he had a request from the Budget Committee (BC) regarding fringe benefits, separating out for each individual or by department.

Mr. Blanchette said that, to have the fringe benefits accounted for under separate articles, was the key thing.

Mr. Fernald agreed and said that this has become a large job on Ms. Spinney's (Treasurer) part and is almost impossible to do with any real accuracy. He said that, in his opinion, the BC wanted this, for some reason, to show how much the Town was paying for each department's salary and fringe benefits. He said that he didn't think it really affected any vote at Town Meeting. He added that he thought it was a considerable job for the Treasurer to do and he didn't think they should enter in to it.

Mr. Moynahan said that, from a true record-keeping standpoint, he would agree, that the way they have broken it out was ample enough information – it was a ballpark overview by department.

After continued discussion, the Board agreed by consensus to have the BC in to discuss the how and why of this from their point of view.

Other Business as Needed

There was no other business.

Adjourn

There was a motion and second to adjourn the meeting at 8:50 PM.

VOTE

4-0

Chair concurs

DATE

Roberta Place, Secretary