

SPECIAL BOARD OF SELECTMEN'S MEETING
July18, 2013 5:30PM

Quorum noted

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

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

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

There were no minutes approved tonight.

Public Comment:

5:31 PM Ms. Shapleigh said, regarding last week's meeting, that she was appalled at the comment made to Mr. Blanchette, who has been a rather faithful employee to the community, about something to do with his bias. She added that she thought that everybody had some kind of bias but she didn't think it was appropriate to say that to him in a public meeting. She said that she appreciated all the work Mr. Blanchette has done for the Town.

Mr. Moynahan said that he thought that they all appreciated the things that Mr. Blanchette has done for the Town over the years and thanked Ms. Shapleigh for her comment.

Department Head/Committee Reports

5:32 PM

G1. Public Works

Crushing of recycled asphalt material

Mr. Moulton said that he included a crushing line this year to process asphalt material and gravel excavated from roadways to save money on crushed gravel, itself; that it was reclaimed asphalt material and he was looking to see if the Board would expend the low bid amount of \$10,450 to process that material to be used in this year's work

Mr. Moynahan asked what the line item budget amount was that Mr. Moulton had.

Mr. Moulton said that it was \$14,500 but due to the \$20,000 cut at Town Meeting he reduced it to cover the lowest bid here.

Mr. Moynahan asked if Mr. Moulton had considered hauling that material to ARC.

Mr. Moulton said that the material they had would not be as viable for use in the roadway, as it had a lot of miscellaneous debris in it.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen allow the Public Works Director to expend the sum of \$10,450 and engage Hartman Enterprises of Exeter, NH to do the crushing and recycling of the asphalt materials.

VOTE

4-0

Chair concurs

5:35 PM Sickle Bar Mower Purchase

Mr. Moulton said that this was an annual line item in his budget; that he would like to utilize the funds to purchase a Town-owned mower and eliminate that line item. He added that, currently, the Town expended \$5,000/year sharing Kittery's mower when it was available; that they had to pay for any damage they did and this year, when they picked it up, there was already damage to it.

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Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen authorize the Public Works Director to spend a lump sum of \$4,222 with MB Tractor & Equipment of Eliot, Maine for the purchase of a sickle bar mower for the Town's L3010 Kubota Tractor.

VOTE

4-0

Chair concurs

Mr. Dunkelberger gave a reminder that any time equipment was purchased it needed to be added to the capital equipment list.

5:37 PM Drainage Culvert Material Approval

Mr. Moulton said this was regarding some large culverts needing replacement on Brixham Road, Frost Hill Road, and Depot Road. He added that the Town would do the work.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen authorize the Public Works Director to spend a lump sum of \$26,750 with Richard Genest, Inc. of Sanford, Maine to buy the necessary culvert material for the Brixham Road, Frost Hill Road, and Depot Road repairs.

VOTE

4-0

Chair concurs

5:38 PM Local Road Assistance Program (Maine DOT)

Mr. Moulton discussed that the funding amount and distribution from the Maine DOT has been reduced by \$10,988. He added that Eliot was required to do winter maintenance on State-owned roadways by Maine DOT; that it has been the policy for the DPW to assist Eliot residents with minor summer maintenance issues on those same roadways but, due to the reduction in funds, that will no longer occur unless severe and a safety issue for residents. He said that, if the State was going to reduce Town funding, then the State needed to send their own crews to deal with these issues on State-owned roads.

Mr. Moynahan said that he assumed the Town did not budget with this reduction in mind.

Mr. Moulton said that the DPW did not. He added that the Maine DOT expected the Town to continue to do what they did on State-owned roads but continued to cut so he felt the State needed to come out and spend some overtime to deal with their own issues.

Mr. Moynahan said that the big piece was the safety of the residents, even if that was something the Town had to absorb to some degree, and agreed that the Town should be putting some onus back on the State to get them back to what they used to do as opposed to the Town doing everything the State was used to the Town doing.

Mr. Murphy asked Mr. Moulton if he had factored this reduction into his plans for this year.

Mr. Moulton said that he would now, as he just received this. He said that it was a memo that he had to fill out money spent on projects last year and the Board had to sign it verifying that the money was expended for capital projects.

At this time, the Board signed the document.

Resident Complaint (158 Beech Ridge Road)

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Mr. Moulton said that this was regarding concerns about summer maintenance performed in FY2012 by Maine DOT on Beech Ridge Road; that he forwarded this complaint to the Maine DOT about a safety issue with a low shoulder. He added that he attached a list of other issues regarding Maine DOT issues with this memo.

Mr. Moynahan thanked Mr. Moulton for keeping the Board informed and asked if there had been a response from the State.

Mr. Moulton said no; that he would continue to stay on them about this.

5:45 PM Diesel Fuel Purchasing

Mr. Moulton said that this was a request to see if the Board would allow him to spend up to \$3,500 from his Highway Building Reserve Account for the purpose of possibly purchasing a new diesel fuel tank and pump to be able to "Bid Out" the Town's diesel fuel on a yearly basis, as the one they currently have was vendor-owned and did not allow for pricing flexibility.

Mr. Moynahan said that they could put the savings fund back into the Building Reserve Account and asked if this was something the Board wanted Mr. Moulton to further explore.

The Board agreed that Mr. Moulton should put together a comprehensive package for the costs to accomplish this.

At this time, the Board went to #H1 for the public hearing.

#H1 TO : Board of Selectmen
FROM : Roland Felch, dba Road House Tavern
REF : Request for Special Amusement License

5:47 PM Mr. Moynahan opened the Public Hearing.

Mr. Roland Felch was present. He said that they would be doing acoustic solo on Sunday afternoons and a trivia evening and just wanted to make sure everything was done properly.

Mr. Murphy asked if any of this entertainment would be on the deck.

Mr. Felch said that it would be on Sunday afternoons from 4 PM to 7 PM, unless the weather was bad.

Mr. Hirst asked if this entailed any hanging of accoutrements from the ceiling or any kind of display of fireworks, or anything like that.

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

5:49 PM The Public Hearing was closed.
Mr. Beckert moved, second by Mr. Dunkelberger, that the Board of Selectmen approve the Special Amusement License for Roland L. Felch dba Roadhouse Tavern.

Mr. Moynahan asked Mr. Blanchette if he had contacted other departments for any issues.

Mr. Blanchette said that he contacted Police Chief Short and that the Police Chief said that he had no issues.

VOTE
4-0
Chair concurs

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5:51 PM

G2. Community Service Director

Computer/Server Purchase

Ms. Muzeroll-Roy said that because she had been on vacation she had not had time to get additional quotes so that would have to hold off until the next time. She added that she would like suggestions for any other computer companies she might get quotes from, as she has only dealt with 2-Way.

Mr. Dunkelberger said that, in talking with the IT Committee, Mr. Emery was concerned if the Town went with somebody besides 2-Way because they had done so much work for the Town and they were very familiar with the equipment as well as the requirements; that the Town had a good working relationship with 2-Way. He added that he reminded Mr. Emery that the Board did have a policy for three bids.

Botany Bay and Daystar were suggested companies.

Ms. Muzeroll-Roy discussed the current poor condition of her computers and server; that she would contact Mr. Emery for his suggestions for other companies for quotes.

The Board discussed retaining a company they have worked with and looking at other companies, as well as what policy suggested they do.

Mr. Beckert suggested she get the two additional estimates and, then, the Board could accept or reject any or all bids; that they could discuss the bids with the IT Committee then make a determination.

Ms. Muzeroll-Roy said that she would follow up with Mr. Emery regarding the two bids.

6:02 PM

Civil Consultants invoice

Mr. Moynahan said that the question remained as to who engaged Civil Consultants to do the work.

Ms. Muzeroll-Roy said that she didn't know and wouldn't have even known to call Civil Consultants. She gave a timeline regarding this issue; that Mr. (Jeff) Alevia (Civil Consultants) did do work with the school so knew the ins and outs of the school; that she asked Mr. Moore who would be paying for Mr. Alevia's services and, at the time, he said he had no idea but would figure it out and send the bill, which was four months ago, and she only received this bill recently.

Mr. Moynahan said that the Board wanted to be clear around who initiated this and asked the Board if this cleared up questions about this invoice and who initiated it.

Mr. Dunkelberger said that he thought they should send it back to MSAD #35.

The Board agreed.

6:06 PM

Ms. Muzeroll-Roy said that they had the Senior Citizen Clambake this past Tuesday and had about 50 seniors; that it was the first time in about three years that they had all department heads present to volunteer; that it was very nice.

Mr. Moynahan said, regarding the move to the school, she should start to gear up for that to come up with some specifications and talk with the school about timing and all that.

Ms. Muzeroll-Roy said that she called and sent an email to Mr. Moore, MSAD #35 Facilities Director, giving him a head's up but had not heard back; that she wasn't sure

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what their summer schedule was so she would give another week and follow up again. She discussed construction constraints and that they were at a standstill, really, until the end of August. She added that the bid process could start right away but awarding the bid wouldn't happen until after the August vote.

Mr. Moynahan said that he would be happy to help her with the bidding process.

6:09 PM Mr. Blanchette said that he had a memo from Ms. Rawski requesting the Board consider closing the Clerk's Office on Tuesday the 20th to allow the staff to attend a workshop; that it was a training for Tax Collector/Treasurer and, with the possible changes in the office, she felt it would be good to have some initial training in that area. He added that the following Tuesday the office would be closed for elections, so it would be two Tuesdays in a row.

It was the consensus of the Board to allow the Clerk's Office to be closed for that training.

6:11 PM Mr. Dupuis, SC, discussed three items. He said that the first was Attar Engineering regarding the over 55 housing project. He said that they asked the SC to do a lateral slide on gallons per day; that they wanted to take 4,500 gpd of the 6,000 allocated on the hotel. He added that the SC voted unanimously that they would allow that to proceed and to bring it before the Board.

Mr. Moynahan said that Attar Engineering came before the Board and the Board was doing a letter of support for the project and, with that, an allotment for sewer, if they had something in hand, it may be logical to allow them to swap from one area to the other for the time being.

Mr. Beckert said that the PB did approve the application on Tuesday evening; that the PB had in its file from Attar Engineering and Sea Dog Realty that they would develop the senior housing and would not develop the hotel until they came back to the Town for additional sewer allocation for the hotel.

Mr. Dunkelberger asked, since this was a new program and the Board had discussed paying for sewer reservations, if there had been any discussion on this.

Mr. Beckert said that paying for sewer reservations was in the ordinance revisions that will hopefully go before the Town in November for ratification; that until that point they had no teeth to enforce that.

Mr. Dupuis discussed the work Ms. Pelletier was doing in combining three ordinances into one and that was what would be on the vote for November. He explained that, if someone is allocated for a certain number of gpd and choose not to pay for it, then the SC could rescind that and put it back into the 'bank' so they didn't face a moratorium like they presently had. He also discussed some of the other changes that were being made.

6:15 PM Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen approve the 4,500 gallon sewer allotment for the elderly housing project on the Eliot Commons property; that allotment to come from the 6,000 gallons that has already been set aside for the hotel.

VOTE

4-0

Chair concurs

Mr. Dupuis, SC, discussed the project on the corner of Bolt Hill Road and Route 236 that has an allocation of 30,000 gpd. He said that they were past their timeframe and, therefore, the SC would like the Board to send a formal letter to the person currently in charge of the property and that that 30,000 gallons should come back into the Town

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pool, adding that that would free up the current moratorium. He added that they currently had one sewer connection on the books right now awaiting approval.

Mr. Moynahan asked if they were sure that that project had not come in for additional approvals.

Mr. Beckert said that Ms. Pelletier would have to verify but he thought that she had done a preliminary check on the timeframes and the project was dead at this point; that they would have to come back to the PB for approval of the project, as a whole, again. He explained that the discussion last night was to do the formal research, verify the timeframes have elapsed, then send them a certified letter requesting that, if there was any reason they needed to keep that allotment, then they needed to come before the BOS within a time certain and, if not, then the Board was rescinding the 30,000 gpd allocation and putting it back into the general pool. He discussed the process for an extension on projects, in general.

Mr. Moynahan had a question specifically about the sewer allotment within projects. He said that, with one project, they submitted a request to hold their gallonage, so, the Board would need to make sure this particular project had not done that and that timeline was right, as well.

Mr. Dupuis said that, through the SC, the SC confirmed that they had not done that.

It was moved by Mr. Beckert and seconded by Mr. Hirst that the Board of Selectmen would send out the letter, as described above, certified, giving the project owner 14 days to respond.

VOTE

4-0

Chair concurs

Mr. Dupuis discussed notification from Kittery regarding the sewer. He said that design applications were going through on their vote; that Kittery voted to extend their sewer from State Road up through the business industrial park to Route 236; that that would come up on to Route 236 at the point where the old Seward Project was; that because of that design engineering and Eliot's voting down their sewer project, that that Kittery expansion would not include Eliot's expansion. He added that there would be some upgrade to Pump Station #7 (King's Highway) but not to take any additional flows from Eliot. He said that due notice was being given that with the new upgrades, with the new IMA, Eliot would be responsible for a portion of that.

6:20 PM

Mr. Tessier, Solid Waste/Recycling Committee, gave an update on the Pay-to-Throw Program. He said that they had the banners, put together some new handout brochures discussing what could be recycled and composted and would be available at the informational meetings, the Transfer Station, and Town Hall. He added that they had the first informational meeting on Tuesday and had 35 people attend. He said that Ms. Spinney indicated that they could use the same accounting system, just adding another line item to keep track of bag revenues from the Pay-to-Throw. He added that Ms. Rawski added the PowerPoint presentation and handouts to the Town web site; that they did a press release to the local papers. He added that they had five different locations selling the bags – Eliot Meet Market, Eliot Agway, Route 236 Variety & Grill, Eliot Irving and the Portsmouth Market Basket. He said that their first informational meeting went well; that all three meetings were scheduled at the Fire Station. He added that they had questions at the first meeting they were unable to give complete answers for and Ms. Rawski indicated she would post those answers to the Pay-to-Throw section on the Town web site and he asked if the Board agreed.

The Board agreed and thanked the committee for their work.

New Business (Correspondence List):

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6:25 PM
#2

TO : Board of Selectmen
FROM : Wade Eisner
REF : Eliot Boat Basin

Mr. Moynahan said that Mr. Eisner has been taking care of portions of the Boat Basin property for quite some time; that the ECSD Director informed Mr. Eisner that he really should get permission from the BOS to continue doing activity like that on the property.

Ms. Muzeroll-Roy said that her concern was that, with insurance things coming up every once in a while, there might be a liability issue with his volunteer work at the Boat Basin and she wanted to make sure he was okay to continue. She added that she would prefer he continue doing what he did because he did a great job.

Mr. Beckert asked if the Board could ask Mr. Eisner if he would sign a waiver of liability.

Mr. Moynahan asked if Mr. Eisner would be opposed to signing a waiver.

Ms. Muzeroll-Roy said that she didn't think so because he wanted to continue the work; that she just wanted him to halt until they had had a chance to talk with the Board.

Mr. Blanchette and Ms. Muzeroll-Roy will draft a document and she will let him know that the Town was formalizing this.

Mr. Moynahan suggested she set up parameters for his work, as well.

6:28 PM
#3

TO : Board of Selectmen
FROM : Chairman Moynahan
REF : Selectmen's Policies: Electronic Recording/Communication; Ordinance Governing Boards, Committees, and Commissions; Debit Card

Mr. Moynahan said that the most recent copies were provided with the most recent changes provided in red and blue. He said that Skype was not included in the Ordinance Governing Boards, Committees, and Commissions; that they were pretty close on the Debit Card Policy and Electronic Recording/Communication Policy. He added that he thought the only thing holding them up was that some department heads had expressed concern with their ability to use the debit cards.

Mr. Dunkelberger said that the other part was actually connecting the Debit Card Policy to the current employee policies and that was where the blue revisions came in.

After discussion, the Board agreed this was the Second Reading for the Debit Card Policy.

Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen adopt the Town of Eliot Debit Card Policy.

VOTE
4-0
Chair concurs

After discussion, the Board agreed this was the Second Reading for the Electronic Recording/Communication Policy.

6:35 PM

Mr. Pomerleau discussed excluding the web site from being a legal posting for Town notifications and said that he wasn't sure they wanted to do that.
Mr. Moynahan said a concern was raised around such a part-time administrator and they wanted to keep the locations they knew they could keep up with.

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Mr. Blanchette said that there were some postings that had certain legal requirements and this would not substitute that; that that was what it was trying to say. As an example, he said that some postings legally required a posting in the newspaper; that this did not substitute for those legal requirements.

Mr. Pomerleau discussed his concern that other postings might be prevented from being posted to the Town web site.

Mr. Beckert said that he didn't think the draft precluded them from including anything on the Town web site; that it was just saying that it was not a substitute for the legal requirements.

Mr. Dunkelberger said that that was his intent in wording it in this way so that people would realize they couldn't count this to meet any legal requirements. He added that it didn't prohibit one from doing it; that they wanted to encourage everyone to do that but this simplified and clarified it.

Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen accept the Electronic Recording/Communication Policy in managing the Town web site, to include Annex A and Annex B, for the Town of Eliot.

VOTE

4-0

Chair concurs

6:40 PM Ordinance Governing Municipal Boards, Commissions, and Committees

Mr. Moynahan said that the use of Skype has been brought up several times and he wasn't sure if the Board wanted to include that. He asked, if they were going to task Mr. Murphy and Mr. Dunkelberger to continue working on this, did the Board want them to prepare some draft language for the use of Skype at meetings.

Mr. Murphy said that the Board could be happy not doing it but he thought it was time to look forward and consider the cases where they should allow it.

Mr. Moynahan said that he had been forwarded some language from the State, or another town, for the use of Skype and he would forward that on to the subcommittee.

It was recognized that the State language is in draft form and has not been adopted yet.

Mr. Murphy recommended they recognize the intern memberships that allow high school students to intern within the Town. He added that he had a draft written but did not have it with him.

Mr. Murphy and Mr. Dunkelberger will continue working on this document

Mr. Tessier suggested that, in selecting new members to various committees, they require them to have email access; that the requirements the Board provided to committees required them to email minutes and agendas to the Town Clerk and it made it a challenge if members didn't have email access.

Ms. Shapleigh said that she could not read email; that she couldn't see to do email. She added that, even with her lack of sight, she thought she had done a good job on the SC and she didn't think they wanted to put aside anyone who was handicapped.

6:43 PM Mr. Brandon discussed the Skype issue and, in talking with several people in the business and non-profit community, they oftentimes had to have someone Skype into their meetings and those people were able to vote. He suggested the Board cast their net wide when they investigated whether Skype was usable for the presence of a member of a committee or board as a voting member.

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Mr. Moynahan said that the members have been tasked to review that and come up with something.

Mr. Hirst said that the second issue was whether a person Skyping in could be considered present for the purpose of a quorum.

Mr. Dunkelberger said that he was thinking, as it applied to him, if he Skyped into a BOS meeting, he wondered if people could hear him on the video system; probably not. He added that there would be some ripple effects as they go into different things that they would try to look at but he imagined they were going to miss something.

Mr. Moynahan said that this was certainly something they had heard from people on, some concerns that were raised, and the Board would tackle it in the best way they could.

6:47 PM
#H4

TO : Board of Selectmen
FROM : MMA
REF : Annual Election

Mr. Moynahan said that this was for the annual MMA election of the vice president and executive committee members; that nominations were listed on the third page.

Mr. Blanchette said that the Board could nominate Mr. Moynahan to sign the ballot so the whole Board didn't have to sign it.

Mr. Dunkelberger moved, second by Mr. Hirst that the Board of Selectmen authorize Chairman Mike Moynahan to sign the Maine Municipal Association Voting Ballot on behalf of the Board of Selectmen.

VOTE

4-0

Chair concurs

6:48 PM
#5

TO : Board of Selectmen
FROM : Ellen Lemire
REF : Request to move from Alternate Member to Regular Member on BOA

Mr. Hirst moved, second by Mr. Murphy, that the Board of Selectmen add Ms. Lemire as a regular member of the Board of Appeals, in lieu of her position as Alternate, for a term to expire in 2016.

VOTE

4-0

Chair concurs

Old Business (Action List):

6:49 PM Mr. Moynahan said that they did not have changed AIL's yet.

1. Route 236 Sewer Expansion Project reports, updates, and schedules – Questions from Route 236 Ad-Hoc Committee - Mr. Blanchette
2. Sewer Contract/IMA – Schedule IMA/Kittery Meeting for presentation - Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette
3. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short
4. Community Service Space: Relocation to Elementary School – explore school space – fit up costs, service impacts, insurance, MSAD #35 contract, CSD Director – Mr. Dunkelberger, Mr. Hirst, & Mr. Blanchette
5. Town Manager – schedule workshop; include Comp Plan Implementation Committee
6. Dispatch Service/Ambulance Contract – Contract with Kittery, request from same, costs – BOS, Mr. Muzeroll, Mr. Short

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7. Policy creation/review – debit card, video-streaming, website management
8. Employees – cross-training, charting earned times, job descriptions - BOS
9. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review - BOS
10. Budget Preparation - BOS
11. Auditor – financial statement, management letter, finance director, personal property tax, fixed asset management - BOS
12. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
13. Legal issues – pending and Consent Agreements – Eliot Shores, PSNH/Sierra Club, Mr. Bogannam - BOS
14. Sewer User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
15. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews - BOS
16. Research grant opportunities – AED's for Town buildings
17. Comp Plan follow-up
18. Pending new unions
19. Special Town Meeting: February – IMA, TIF Funds (ERS #7)
20. York County Transitional Budget – Funding source
21. June Town Meeting preparation – Municipal Fee Schedule

Selectmen's Report:

There were no Selectmen's reports tonight.

Other Business as Needed

Mr. Dunkelberger said that, since at least one person in the public has taken offense at some of his remarks at the last meeting concerning Mr. Blanchette, if Mr. Blanchette took offense at it, Mr. Dunkelberger was sincerely sorry.

Mr. Blanchette said thank you.

Executive Session

There were no executive sessions tonight.

Adjourn

There was a motion and second to adjourn the meeting at 6:50 PM.

VOTE
4-0
Chair concurs

DATE

Mr. John J. Murphy, Secretary