

BOARD OF SELECTMEN'S MEETING
July 28, 2011 6:30PM

Quorum noted

6:30 PM: Meeting called to order by Vice Chairman Moynahan.

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

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

The minutes of June 23 will be reviewed and approved at the next meeting.

Public Comment:

6:32 PM There was no one who wished to speak from the public.

Department Head/Committee Reports

Mr. Short said that he had sent out bid requests for the Police Department A/C system asking the bidders to recommend what they thought was the best system for the building and they were given an opportunity to review the audit that was done, as well. He added that he received three bids from three different companies and they ranged in price from \$9,600 to \$71,000. He listed the bids: PJ Labrie & Sons out of Somersworth for \$9860; DeSantis & Cooling (did Berwick Police Department & Berwick Library) out of Berwick for \$12,800 and ThermoDynamics out of Eliot for \$71,750. After reviewing the bids, his recommendation was DeSantis & Cooling for \$12,800 because it seemed to be the most comprehensive for the best money.

Mr. Moynahan asked if they talked at all about repairing the current heating unit.

Mr. Short said that the air handler, compressor, duct work, etc. would be replaced and reworked, as well as putting in the three zones. He added that, based on the last seven years of dealing with the current system and having a bunch of different people tell him what they thought would work, he thought this would meet their needs.

Mr. Murphy wondered if it would be a good idea for these three bids to be passed to the Energy Committee (EC) for their input.

Mr. Moynahan said that his concern with that was whether any of the members were mechanics and, if not, would they understand the nuts and bolts of the bids or would they just know what the Town needs to do to be cost-effective with energy usage.

Mr. Murphy said that it was his understanding that most of them were engineers and very familiar with things like this.

Mr. Moynahan asked Mr. Short if he had had any communications with the EC.

Mr. Short said that he has and that he has had talks with Mr. Henningsen about where they were with this. He said that it is now almost August and it runs between 80° and 90° in that building, that he has purchased two stand-up air conditioners for the patrolmen and front office to keep them cool. He added that he thinks every step taken prolongs this issue that much more, that he has taken into consideration the study that was done trying to meet the best needs for the building. He reiterated that he thought his bottom line, having dealt with this for this amount of time is that they need to do something that works better than what they have and would be efficient and provide some cost-savings for the Town. Mr. Short

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said that there were recommendations from the last audit that included some of these mini-splits in some of the rooms, additional compressors and other things and, as he has explained to people, they are ultimately heating issues. He said that they don't turn the heat on in the winter because that building generates so much heat now because it isn't running properly – the amount of fuel they use for heat isn't the issue but that they can't cool the building down. He said that he thought that they have had their input, they've had audit after audit done and his personal opinion of them having a view of these bids isn't going to change how he feels about what he was seeing in front of him.

Mr. Moynahan said that he and Mr. Short have talked, as they were tasked at the last meeting to review this, and solicited bids from mechanical contractors, going over all the information of the EC, etc., so they did spend some time on that and the right approach to move forward.

Ms. Shapleigh asked if Dana Tobey (Tobey Sheet Metal) been asked for any input.

Mr. Moynahan said that they put it out to bid and received three responses from that so they didn't specifically go out and target businesses.

Ms. Shapleigh clarified that they didn't send invitations to bid or advertise.

Mr. Short said that they didn't advertise but sent it out to people they were aware of.

Ms. Place asked if they gave Mr. Short a timeframe to install.

Mr. Short said that no because he didn't have a timeframe on how quick he would get an answer from the Board, so he didn't ask for that.

Ms. Place asked if this system was something they would service yearly.
Mr. Short said yes.

Mr. Murphy reiterated his recommendation that the EC be allowed to look over the bids and give advice, if they choose to do so. He said that they were very experienced and been involved with this building and getting their input wouldn't take that long.

Mr. Moynahan said that he agreed that they could get some input but that they needed to put a time limit on it so this doesn't drag for potentially another month until their next meeting then misses the BOS meeting, etc. Mr. Moynahan asked if Mr. Short could follow up with Mr. Henningsen, based on this conversation, to have the EC review this in a timely manner.

Mr. Short said that he could send him an email tonight. He will also call Tobey Sheet Metal to see if they do this kind of work.

Mr. Short said that they put out bids for a new cruiser and he received three bids: \$22,783, \$23,846 and \$24,189. He was going with the low bid and that they would start building the cars in August. He said that this was a budget year for that, that he was just making the Board aware and he was not sure when they would see the car – maybe 3-6 months.

Mr. Blanchette said that Kittery has decided to go out looking for a Chief and he was wondering if the Board wanted to considered making a phone call to Kittery about sharing the Chief.

Mr. Moynahan asked Mr. Short if that was something he would consider or would be able to handle.

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Mr. Short said he was not concerned about the handling part of it and, in considering it, he thought it was worth considering. He added that he and Mr. Blanchette have talked about this and applying for that job and leaving Eliot is something that has not even entered his mind. He said that the potential restructuring and providing services to two communities is very doable and thinks it is worth exploring. He explained that he came from another job where he had to work with 15 different towns and met with 15 different elected officials in those communities to meet the needs that they had when he was with the State Police – two towns would not be that big a deal.

Mr. Blanchette discussed the possibility of the Chief, instead of splitting his time between the two towns, being in one building which would leave the other vacant.

It was the consensus of the Board to start a conversation with Kittery about this subject to see if they were interested.

Mr. Blanchette said that he would ask Mr. Carter if Kittery was interested.

Mr. Moynahan asked if there was an update on the direct deposit issue.

Mr. Blanchette said that the Town has received some monies back through the bank and it would probably take another two weeks before they heard much more.

Mr. Moynahan asked, regarding last year's fiscal year, if they had a figure of what was truly overspent for salary lines for the police and fringe benefits.

Mr. Blanchette said that the only Article that was overspent was the fringe benefits and what was done is that the last insurance bill for June was paid out of the Contingency Account and that kept the account from going into overdraft – it was about \$20,000.

6:48 PM

Mr. Moulton updated the Board on the flow meter for Pump Station #1. He said that the cost for purchase for the new flow meter would be \$5,610. He added that they would send the old meter off to see if it could be calibrated and have it as a spare for the other two pump stations.

Mr. Moynahan asked if Kittery was being kept informed.

Mr. Moulton said that Kittery just wanted the meter changed and he would email them, after speaking with the Board tonight, tomorrow.

Mr. Moynahan asked if Mr. Moulton had a price for the installation.

Mr. Moulton said that he does but he had it in the previous memo and does not have it with him tonight.

Mr. Murphy moved, second by Ms. Place, to allow Mr. Moulton to move forward with the purchase of a new flow meter for Pump Station #1.

VOTE

3-0

Chair concurs

Mr. Moulton said that, at the last meeting he have the Board a letter that he wanted to send to the DOT and asked if the Board had had a chance to review the letter.

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Mr. Dunkelberger said that he had had a chance to review it and his only suggestion was to send it to the local Maine Legislative representatives so that they know what is going on and offer support.

Mr. Moulton said that he also has a letter of a former member of the Board who is part of the DOT Bridge Committee who will speak to the Commissioner about it and Ms. Lewin will discuss it with the Governor when she meets with him in August.

It was the consensus of the Board for Mr. Moulton to send the letter to the Maine DOT.

Mr. Moulton discussed energy efficiency upgrades. He wanted to see if the Board would allow him to utilize \$5000 from the Facility Reserve Account to purchase six commercial/industrial-grade ceiling fans within the highway garage to increase the energy efficiency into the fall and winter months. He added that the fans would be reversible and able to circulate the warm air down to increase efficiency.

Mr. Moynahan asked if they had discussions of this purchase from the facilities account during the budget season.

Mr. Moulton said yes.

Mr. Dunkelberger asked how much was in the account.

Mr. Blanchette said that they have put in \$59,000, he believed, this year.

Mr. Murphy asked if these fans would be permanently hung from the ceiling or portable.

Mr. Moulton said that they would be permanent.

Mr. Murphy moved, second by Ms. Place, to approve this expenditure of the estimated \$5000 from the Facilities Reserve Account for ceiling fans at the main Highway Department building.

VOTE

3-0

Chair concurs

6:52 PM

Mr. Moulton said that, in speaking with Mr. Blanchette and Ms. Spinney, the Transfer Station Funds due to some of the changes they've made during 2010/2011 fiscal year, there is approximately \$20,000 remaining and asked the Board if they would consider allowing him to capture the remaining balance, as he would like to use those funds to move forward with necessary upgrades to improve safety, traffic flow, and storage needs at the facility.

Mr. Moynahan said that the Board would need an itemized list of the improvements and their costs.

Mr. Moulton agreed and said that, at this time, he just wanted the Board's permission to capture the money.

Mr. Moynahan asked Mr. Blanchette if the Board had to do that this evening – is there a timeline.

Mr. Blanchette said that there was no timeline and added that they had one more request from the EC to roll over funds and that would be on the next agenda.

There was some discussion about what the money would be used for, including better retaining walls and new trailers.

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Mr. Moynahan clarified that the question before the Board right now is whether they want to choose to roll over funds – \$20,000 for the Transfer Station and \$800 for the EC, pending itemized figures.

Ms. Place asked if they needed to do that now before they know what they would be used for.

Mr. Blanchette said that it should be done before the end of August because, once the audit starts, he needs to know that all the funds for rollover are complete.

Mr. Moynahan asked what happens to money that is not rolled over.

Mr. Blanchette said that it goes into the Undesignated Fund Balance.

It was the consensus of the Board to have Mr. Moulton and the EC give the Board an itemized list so that they could see what the money would be used for and take it up at the next meeting.

Mr. Blanchette will ask the EC for an itemized list.

7:00 PM

#1

TO : Board of Selectmen
FROM : Barbara Thain, Secretary
REF : Planning Board

Ms. Place moved, second by Mr. Dunkelberger, to appoint Mr. Bouchard a regular member, from an alternate member, to the Planning Board, term to expire in 2016.

VOTE

3-0

Chair concurs

#2

TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : Budget Committee

Mr. Moynahan read that this was a request to open the positions not filled during the June Election for appointment to create a full committee for the upcoming budget session. He clarified that this was something this Board was able to do.

Mr. Blanchette said yes, the Board can fulfill the vacancies if not elected.

Mr. Murphy said that the applicable statute was Title 30-A M.R.S.A. §2602(2) and read the statute. His recommendation was that the Board post this as available vacancies and request people to come forward who would like to be considered.

Mr. Moynahan asked if it might be smart to have terms to end in different years than what they currently have to start staggering some of these appointments – are they able to do that.

Mr. Murphy said that they might be able to do that but he thought it would confuse the issue. He clarified that filling the vacancies would be as they sit now, as discussed in the statute, and he thought they would be safer just to accept the situation and solve this staggering issue at a later time by another specific action.

Mr. Murphy moved, second by Mr. Dunkelberger, to post these Budget Committee vacancies and request people to come forward.

VOTE

3-0

Chair concurs

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#3 TO : Board of Selectmen
FROM : Community Services Division
REF : Urban/Rural Initiative Program

Mr. Blanchette said that the Board needed to approve and sign this.

Mr. Murphy moved, second by Mr. Dunkelberger, to do whatever was necessary to meet the Department of Transportation's Urban/Rural Initiative Program (URIP) requirements.

VOTE

3-0

Chair concurs

7:10 PM
#4

TO : Board of Selectmen
FROM : John Lang
REF : Building Permit #09-005

Mr. Marchese said that Mr. Lang believes that he has the permitting necessary to obtain an occupancy permit for a new structure that he has built on a commercial site. He explained that, since June 2007, he had sent Mr. Lang an advisory notice stating that, in the CEO's opinion, Mr. Lang needed to go before the Planning Board (PB) to have PB review. He added that, in reviewing the recent information Mr. Lang presented, Mr. Marchese developed another letter, gave him timeframes, pointed out the exact section of the Eliot Code and tried to explain to him that the prior CEO may have had the authority to issue a building permit, however, the use on the property was a concern of the PB. He said that the CEO does not have the authority to issue additions on that use, only the PB does.

Mr. Moynahan clarified that building permits could be issued prior to PB approval.

Mr. Marchese said that, obviously, it was not in the applicant's favor to construct a building prior to PB review.

Mr. Murphy clarified that it was his understanding that the original application approved by the PB was for a building of a certain size, that that building was built, and the CEO was objecting to an addition to that building for which he did not get approval.

Mr. Marchese said that that was correct. He added that he has that letter available that he finished this afternoon and could make copies for the Board.

Mr. Moynahan clarified that the construction techniques and the manner in which things were being built was acceptable from the CEO's department.

Mr. Marchese said yes.

Mr. Moynahan said that it was, then, a matter of requiring this person to simply go in front of the PB, sharing what this building use would be in that district, and have them agree or not agree to that.

Mr. Marchese said yes, number of employees or whatever the PB so determines how they want it worked.

Mr. Dunkelberger said that, when the PB issues approval it is for a site plan, it is for a specific plan and it is stated right there at the end of that plan that any changes to the site plan have to come back before the PB for approval. He added that this is something that the applicant should have been well aware of and the changes should have gone right back to the PB.

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Mr. Moynahan asked if the Board should move forward with requiring this person to be put in front of the PB before there are issues with occupancy permits.

Mr. Marchese said that he gave Mr. Lang two options: he could either go before the PB or he could file an Administrative Appeal within 30 days.

Mr. Moynahan said that there was some language in Mr. Lang's letter regarding "mistakes": Mr. Lang talked about mistakes made by the CEO or his predecessor in the issuance of a permit, etc. and asked if that would not apply, here, because they were still waiting for PB approval.

Mr. Marchese said yes.

Mr. Moynahan asked how the Board could get this to this person a little bit better than what has been done – how do they resolve this.

Mr. Dunkelberger said that the CEO has crafted a letter that outlines the specific processes and his options and he believed the person needed to follow the processes.

Mr. Moynahan asked if that should come from the Board.

Mr. Murphy said that Mr. Lang wrote this Board a letter and it was proper for the Board to respond to that letter saying that the Board had reviewed his letter, discussed the matter with the CEO at a public meeting, and the Board feels that the CEO had sufficient authority and was proceeding in the right direction.

Mr. Moynahan said that a concern may be a relationship between the applicant and the CEO and that may be the issue that this gentleman may have. He clarified that he thought the Board should respond to this letter, saying that they reviewed the information the person provided and the proper process is that PB approval is required for a change in use in the Commercial/Industrial (C/I) Zone.

There was discussion that it was a change to the approved site plan, not change of use.

Mr. Murphy moved, second by Ms. Place, to send a letter, written by Mr. Blanchette and Mr. Marchese, to Mr. Lang explaining the need for Planning Board review and approval for the change to his approved site plan.

VOTE

3-0

Chair concurs

Mr. Flynt said that he was the owner of Empty Redemption Recycling in the building Mr. Lang owns. He said that Mr. Lang is his landlord and has opened a redemption center to put him (Mr. Flynt) out of business. He added that Mr. Lang has also sent a letter to Mr. Moulton, trying to take the contract with the dump away from him and that Mr. Moulton did not have any problem with Mr. Flynt servicing the dump for bottles. He cautioned the Board to be careful how they dealt with this gentleman.

Mr. Moynahan said that they would do this in the proper manner and thanked Mr. Flynt for his input.

7:16 PM

#5

TO : Board of Selectmen

FROM : PACE

REF : Contract

Mr. Blanchette said that this was the possibility of a final one. He added that this contract was actually a steal from South Berwick, saying that it was their contract they had worked over and have already sent it to the State of Maine. He said that this

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contract should be acceptable to them because the only changes made are things like changing the name South Berwick to Eliot, etc.

Mr. Moynahan asked if the Board members had had a chance to review the document and/or had any questions or comments.

Mr. Murphy said that he has read it and that it would seem to do what Eliot wanted it to do.

Mr. Murphy moved, second by Mr. Dunkelberger, to accept the contract and complete it.

VOTE

3-0

Chair concurs

7:18 PM PM

#6

TO : Board of Selectmen

FROM : MMA

REF : Annual Election

Mr. Murphy moved, second by Ms. Place, to vote the ballot as presented by the Maine Municipal Association.

VOTE

3-0

Chair concurs

#7

TO : Board of Selectmen

FROM : Animal Control Officer

REF : Proposed Animal Control Ordinance

Mr. Murphy said that he as read this draft and had many questions, perhaps too many to go over at this meeting and would like to go over it with Ms. Buckley in some detail.

Mr. Moynahan asked if they were substantive changes or more of legalese and grammar.

Mr. Murphy said there were many changes and certainly words to improve the sense and reading and there are some places where he thinks it doesn't quite say what was intended to say. Jack discussed some examples.

Mr. Moynahan asked, outside the changes that may be required of the initial draft the Board was reviewing, what was the Board's take – is it a good start to something the Town has been lacking for quite some time.

Mr. Murphy agreed it was a good start and something the Town needs.

Mr. Moynahan confirmed that they were moving in the right direction and some of the changes may be minor.

Mr. Murphy agreed.

Mr. Moynahan suggested Mr. Murphy could summarize some of the concerns he had and pass them on to Ms. Buckley.

Mr. Murphy agreed and said that he would actually like to meet with Ms. Buckley.

Ms. Buckley said that she was absolutely open for suggestions. She added that she did put in a sheet for possible additions that listed certain fees or fines from the old ordinance but didn't know how those fees and fines were arrived at and wasn't sure if they would want to consider other alternatives.

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Mr. Moynahan said that that may not be a bad idea, where they are more specific in nature. He added that he thought the draft was very well done outside of some minor typos and that sort of thing – it was good work and something they had talked about for a long time.

Mr. Dunkelberger said that, other than the editorial pieces that Mr. Murphy pointed out, he thought the overall content was excellent.

Ms. Buckley asked if it was possible to get this on the ballot for November.

Mr. Blanchette was not sure of the timeline...

It was confirmed that it was the 15th of August.

Mr. Blanchette said that the Board had one more meeting.

It was the consensus of the Board for Ms. Buckley to meet with Mr. Murphy to have the draft cleaned up and ready for the next Board meeting.

Ms. Muzeroll-Roy said that she needed to repost signs that were down at the Boat Basin and other parks and asked if she had to post the actual ordinance with the sign or could she say dogs must be on leash, see ordinance.

Mr. Moynahan said that other Town signs do not have the whole ordinance so she should reference the ordinance and asked Mr. Blanchette for confirmation.

Mr. Blanchette agreed.

Ms. Buckley talked to language in the current ordinance that says "have verbal control over the dog", which very few people do, so what should she do...test them right then and there...that was why she made a lot of the changes, to clarify ambiguity.

Mr. Moynahan suggested that, maybe, they could encourage a lot of the people with dogs down there that Ms. Buckley might have troubles with that the Board is working on this and there would be some changes.

Ms. Buckley said that she thought there would be some opposition to being on leash at the Boat Basin.

Mr. Moynahan commented that other towns approached this in a manner that Eliot has not so this is the Town moving in the right direction.

7:24 PM

#8

TO : Board of Selectmen

FROM : Joel Glassman

REF : Eliot Firearms Proposed Amendments

Mr. Glassman presented a list of proposed amendments to the Firearms Ordinance to be placed on the November 2011 ballot. He said that they appreciated Mr. Short's involvement and for giving the committee a place to meet, thanked the members of the committee for their work and remembered Ms. O'Donoghue, who was involved early on with this. He requested help with the legal language, as he does not have experience writing law, and he wanted to make sure it was done correctly.

Mr. Murphy discussed the addition of "crossbow" as an example of something that needed to be clarified and said he would be happy to work with Mr. Glassman to review and clarify the language in this document.

The Board agreed that Mr. Murphy would help Mr. Glassman review and clean up the language.

7:30 PM

#9

TO : Board of Selectmen

FROM : Michael Dupuis

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REF : Sewer Committee Membership

Mr. Moynahan said that they Board has talked about this before and they do have an ordinance that governs boards and committees that speaks to attendance and that sort of thing. He added that he believed this had been going on for quite some time and he thought that, at this point, the Board should take some kind of action so they could make room on that committee for a more active member.

Mr. Murphy said that he believed the Board should accept this letter, that he agrees with the wishes of this letter to terminate Mr. Sylvester's membership to the Sewer Committee, and thank him for his service, letting that opening be made available as soon as possible.

Mr. Moynahan asked for a motion.

Mr. Murphy moved, second by Ms. Place, to terminate Mr. Sylvester's membership on the Sewer Committee, thank him for his service, and open the position as soon as possible.

DISCUSSION:

Mr. Dunkelberger asked if there had been ongoing discussion with Mr. Sylvester.

Mr. Blanchette said yes, that he was notified several times and he has responded back. He added that Mr. Sylvester's responses have varied, saying that he has been busy because he has had to go to the west coast quite often, hoping to get some things cleared up so that he would have more time. Mr. Blanchette said that this was back in March or April and it doesn't look as though his time has been cleared up.

Mr. Moynahan said that the Board could always appoint Mr. Sylvester if he finds time and chooses to volunteer for a board.

VOTE

3-0

Chair concurs

7:35 PM

Executive Session

Moved, seconded to enter in to executive session as allowed by 1 M.R.S.A. § 405.6(A) "Discussion or consideration of the employment, compensation, ..."

VOTE

3-0

Chair concurs

8:00 PM

Out of executive session.

Ms. Place moved, second by Mr. Murphy, to increase Mr. Marchese to Step 6.

VOTE

2 for-1 opposed (Mr. Dunkelberger)

Chair votes in the affirmative

Old Business (Action List):

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

Mr. Moynahan said that they were meeting Monday on this. He added that they had received correspondence from Kittery on this regarding wanting to review the current sewer contract and suggested letting the committee review that on Monday and make recommendations.

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Mr. Dunkelberger expressed concern that this correspondence needed a response within 30 days.

Mr. Moynahan clarified that it did not make in time for this Board's agenda for tonight so, realistically, this Board has not received it yet.

Mr. Murphy clarified that the Board will have received it at their next meeting.

Mr. Moynahan agreed and said that the committee could have review and recommendation for a timely response to Kittery.

B. Comp Plan Action Items – Note sent to Committee
This was ongoing.

C. Monthly Reports from Department Heads
These have been coming in.

D. TIFD Reports and Updates
Mr. Moynahan said that he thought that process would be starting up now that Underwood Engineers was on board.

E. Health Insurance Costs
This was ongoing.

F. Review existing Sewer User Rates and update
Mr. Moynahan said that he thought that the Sewer Contract Committee would also be undertaking some of that.

G. Regionalization of Town Services
This was ongoing.

H. Blueberry Lane Sewer
Mr. Moynahan said that the Board was still waiting for resolution on that.

I. Comp Time and Overtime Policies
This was ongoing.

Mr. Moynahan said that he didn't know if there were any other items the Board should have on this list and that he, as always, had additional items and did not know if other members had additional items that should be on the list. He added that the other piece of that was should this Board consider a monthly workshop regarding policies and reviews of certain things and not try to cram it in to a Thursday night with agenda items. He suggested picking a date, collectively, an off Thursday, to meet and have an agenda to work on something.

Mr. Murphy agreed, so long as it didn't interfere with other boards, such as the Board of Appeals, etc.

Mr. Moynahan agreed. He added that he had some things he could email or share now for the Action Item List he thought they should have on the list. He listed several issues he was concerned with: increased ambulance costs, renegotiate contracts, always have something with legal issues pending, enforcement or consent agreements ongoing, Public Works Director took care of the letter to the State, community service building, employee/department head reviews – suggesting the department heads could include those in their monthly reports to make sure they are actually reviewing their employees, start a conversation about a carry in – carry out policy in Town parks, police union contract, consistent budget formats from all departments, and waste management overcharges. He asked if anyone else had anything to put on the Action Item List.

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There were no more additions at this time.

Mr. Hirst asked a question on the letter from Kittery. He asked if, in the Board's opinion, the clock started to run when the Town was effectively notified by letter or when the Board next meets to consider it.

Mr. Moynahan clarified that no business could be conducted unless there was a quorum in which the material could be discussed so, personally, he did not think it was a legitimate item the Town had received – they, as a group, had not received it in open meeting.

Selectmen's Report:

8:07 PM Mr. Dunkelberger said that he had met with the Building Committee (BC) and they were progressing rather well with the contract and presenting something for the ECSD, adding that prices were touched on that were a bit higher than he expected but it was just a very rough estimate. He added that there were certainly some questions with regard to what the vision was by this Board for what they see for an Eliot ECSD and, to his knowledge, that had not been discussed so he would like to get that to pass it on to the Building Committee to give them some direction.

Mr. Moynahan said that the department had some space requirements and needs that were shared with the BC, which were the needs that the Board had kind of worked around – there was a specific need for a community services building – they had discussed three different options and the Board tasked the BC to progress with a stand-alone building for ECSD and work with the department heads to determine space needs.

Mr. Dunkelberger said that this has now gone to the point where the Board has given the committee direction that it would build a stand-alone and that was there only option.

Mr. Moynahan said that they were given that direction a year ago, when it was formed and he did not know where they were – they were just working with the architect now. He added that the committee had been displaced for over a year and the direction given quite some time ago of a stand-alone building for the ECSD.

Mr. Dunkelberger suggested that the confusion came up because, along with looking at the needs of the ECSD, somehow the committee got the idea that they were to look at the other Town needs.

Mr. Moynahan said facility issues – roofs, siding – so that they could budget for capital improvement projects. He added that, somewhere along the line, people thought space needs were running rampant through the Town but the Board never identified any of those. He added that they identified a certain need for a certain building replacement, clarifying that they tasked the BC to, during that time, look at some of these things.

Mr. Dunkelberger said that it was an interesting observation by the architect – the BC explained what the Town needs were and the first question asked by the architect was if they had thought about adding on to the Town Hall. He added that it was the second architect who has raised that question.

Mr. Moynahan commented that there have been a lot of players on the BC who have been pushing for that avenue, too, so, he thought the stand-alone ECSD building, as it was discussed, just like other communities that have a stand-alone community services building. He said that that was what the committee was tasked with and what he thought the focus was that they should stay on – a year into it and they were just now getting to a design stage. He added that he did not think they had done a service to that

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department head on how that committee was conducted in moving forward and getting something done.

Ms. Place agreed, saying that the Board charged that committee, first and foremost, to find a building – a space – for the Community Services Department.

Mr. Moynahan said that they had a design from Michelle Shields and her contract was for a stand-alone building and he thought that was the avenue that they should continue to pursue so they should stay the course and see what could be done in a timely fashion.

8:15 PM Mr. Murphy said that, as Mr. Dunkelberger was a new member and may not have a lot of the history regarding the sewer contract and things like that, he made a copy of the original contract with Kittery, which is still in place. He added that the second document he had for Mr. Dunkelberger was the agreement that arose from the arbitration in 1993 and included the betterment rules and regulations and user charge ordinance, along with other documents.

Other Business as Needed

There was no other business tonight.

8:17 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 (F) "Discussions of information contained in records...when access to those records is prohibited by statute".

VOTE

3-0

Chair concurs

8:35 PM Out of executive session

8:36 PM Motion by Mr. Dunkelberger, second by Ms. Place, that the Town sell the property known as Map 76, Lot 26-32 for \$1.00.

Vote

3-0

Chair concurs

8:37 PM Motion by Mr. Dunkelberger, second by Ms. Place, that the Town abate the 2011 real estate taxes, fees, and interest on the property known as Map 79, Lot 13 for reasons of poverty.

Vote

(3-0)

Chair concurs

Adjourn

There was a motion and second to adjourn the meeting at 8:39 PM.

VOTE

3-0

Chair concurs

DATE

Roberta Place, Secretary