

BOARD OF SELECTMEN'S MEETING
August 11, 2011 6:30PM

Quorum noted

6:30 PM: Meeting called to order by Chairman Fernald.

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

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:32 PM Motion by Mr. Moynahan, seconded by Ms. Place, to approve the minutes of June 23, 2011, as amended.

VOTE

4-0

Chair concurs

Motion by Mr. Dunkelberger, seconded by Mr. Murphy, to approve the minutes of July 14, 2011, as written.

VOTE

4-0

Chair concurs

Public Comment:

6:34PM There was no public comment.

6:35PM

Department Head/Committee Reports

Mr. Emery, Information Technology Committee (ITC), introduced Eric Spenlinhauer, who would give a brief of the video streaming he does through his business – Town Hall Streams.

Mr. Spenlinhauer said that his company was out of York and they provide towns the ability to simulcast meetings live on the internet and have on-demand playback through archiving, so one could watch it anywhere in the world anytime one wanted. He said that he started the company in 2008, called Share In My Day, which broadcasts live video from childcare centers for parents – from that they branched out to churches and funeral homes with streaming fellowship and celebrating legacy and, really just in January, launched Town Hall Streams. He added that they have been doing live streaming for almost three years. He said they offer live streaming, video on demand for one year (stored on their server), boards can attach agendas and minutes, it is easy and simple to use, no uploading, plenty of capacity, and no technical expertise is needed to do this. He said that it took about one minute to set up a meeting and then they were done. He showed a video presentation of what was involved, what a town web page looked like, and how it was accessed. Mr. Spenlinhauer said that each town has a login, type the name of the meeting, choose the town, then select the folder for sorting purposes. He discussed having two or more different meeting places and how that was done on the website for the town. He added that the town chooses their start time and end time, then attach files and hit save – as soon as the meeting was finished, it automatically kicks off and goes on-demand. He said that most towns go in and schedule the meetings for the whole month and, then, they are done and don't have to go to it again.

Mr. Dunkelberger clarified that meetings were kept for one year.

Mr. Spenlinhauer agreed and added that they allowed towns to download a digital copy onto their own hard drive. He said that they could store it longer but it would

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cost more but he would say that they (town) could set it up so they could download it and just keep it themselves.

Mr. Fernald clarified that their cost was \$250/month.

Mr. Spenlinhauer said that was correct.

Mr. Fernald clarified that it was \$500 for the camera.

Mr. Spenlinhauer said that there were a number of different cameras the Town could get – that they would range anywhere from \$300 to \$800.

Mr. Fernald clarified that someone would be needed to run the camera.

Mr. Emery said that the intent, here, was to put in a fixed camera.

Mr. Spenlinhauer said that Kittery had a fixed camera and then brought someone in to run another camera. He added that they could do either option but that it just ended up being another expense and making sure someone was always present to run the camera. He clarified that Kittery did not broadcast live to Comcast, as they were renegotiating with Comcast – they wanted to be able to broadcast live to television on their live channel and Comcast wanted \$25,000 and, so, they decided to go live on the internet. He clarified that any Town event could be broadcast live or “rebroadcast” on the internet without much expertise or effort.

Mr. Fernald asked if the \$250/month had anything to do with the amount of activity.

Mr. Spenlinhauer said that it was unlimited – he wanted it to be simple and not worry about going over or not using enough of what was purchased – unlimited meetings, unlimited viewers, that's it.

Mr. Emery said that Mr. Spenlinhauer has graciously agreed to set up a trial for the Town, that he and Eric would do the work of setting up, and the only cost would be a microphone, estimated to be \$160, and the trial would run until the end of September, which would give the Board an idea of whether they wanted it or not.

Mr. Dunkelberger asked if they could monitor the number of times someone logged in to a particular site.

Mr. Spenlinhauer said that they could – adding that, if the Board was not marketing it, if no one knows it's out there, then it would most likely not get much use and would not be of much benefit to the Town.

Mr. Emery said that he would work with Ms. Rawski to establish the link to the website and to have a link on the Eliot Town website to the live meetings similar to what Kittery has done. He added that there were three Boards that met here and he needed to know if the Board wanted all three videotaped during the trial period or just the Board of Selectmen. He added that they could train whoever Mr. Blanchette felt needed to be trained to set up the meetings, reiterating that, come the time of the meeting, it would automatically kick on.

Ms. Shapleigh asked if the Board would leave the room for executive sessions.

The Board discussed this need for privacy and a way to stop the recording of the meeting while the Board was in executive session.

Mr. Spenlinhauer said that, without getting to technical, Kittery had an A/B switch set-up that allowed them to switch between a live feed and a DVD player to protect executive sessions.

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Mr. Murphy suggested that Eliot would want something like that, as they do have quite a few executive sessions.

Mr. Fernald said that they could schedule executive sessions to the end of the meeting but there were times when they needed these sessions during the middle of meetings so, they needed to have some type of control.

6:45 PM

It was discussed that it would be nice to see this work full-fledged during the trial period – to include an A/B switch to protect executive sessions – to give the Board a better indication of how well this would work.

Mr. Fernald asked Mr. Blanchette, if they had a copy of the meeting, did they need minutes.

Mr. Blanchette said that was up to the Board.

Mr. Spenlinhauer said that he believed the Board did, by law.

Mr. Blanchette said that, by law, if they recorded the meeting, then they had to have the recording available indefinitely.

Mr. Emery discussed the issue of where meetings would take place once the trial period was over and whether the Board wanted coverage only in the meeting room or in the secondary meeting room, as well, as meetings did overlap each other.

Mr. Spenlinhauer said that there was no additional cost for his company to have two meeting rooms, equipment may be an issue, but monthly costs would be the same.

Mr. Fernald said that he thought it would be a good idea to go through the trial period with the standard criteria just to see how it worked, always having the option to change and/or expand service support, as the Board decided.

They discussed annual Town Meetings and that this company had a mobile unit, as long as they had an internet connection and a laptop at the physical site, then they could stream it live. Also discussed was the issue of attendance at Town Meeting and how this might impact that.

Mr. Moynahan suggested they give this a month's trial – this was the alternative they were looking at versus Comcast and he was appreciative of the work done by the ITC.

Mr. Spenlinhauer discussed that this all started with the York School Board pushing the parents to pay attention to the school board budget meetings and Tuesday at 7PM was go-time for him, as he has three kids...wanting to watch it at more convenient times...and them telling him that they replayed it at 10 AM Sunday morning...and that was not going to work for him.

The Board agreed this was a good idea but added that there was a cost for the microphone.

Mr. Emery said that he would cover the costs, that he would go out and buy a microphone and, if the Town decided to go with this option, then the Town could pay him for what he paid.

Mr. Fernald clarified that, if they didn't pay, then Mr. Emery had a microphone.

7:12 PM

It was the consensus of the Board to go with the trial period and they thanked Mr. Spenlinhauer for his presentation and input.

It was the consensus of the Board to move forward with this for a trial period.

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Mr. Lemire said that he had received the Board's memorandum requesting a report from the Comp Plan and, if they liked, he could give a brief report now or come to another meeting later and actually get on the agenda. He discussed that, previously, the Board had approved monies for a spreadsheet to be created to make it a bit easier for them to determine and track which tasks fell to which committees, organizations and groups in Town. He said that he had the rough draft of that, it was complete and he has that in his possession, that he was working on smoothing it out and getting the various tasks identified for appropriate boards and committees. He clarified that, once that was done, copies would be provided to the Board of Selectmen and each Town organization committee that has a task in the Comp Plan. He added that they would most likely be attending some of those meetings to explain, get a progress report and a "Hey, did you know that this is something you are supposed to be looking at as part of your charge?"

Mr. Fernald said that they were interested in that list, commenting that he knew Ms. O'Donoghue had a list created by the Comprehensive Plan Implementation Committee (CPIC).

Mr. Lemire agreed and said that the lady they hired to do that has done it and he was still trying to have her give him an invoice so that he could submit that to this Board so that she could actually get paid. He reiterated that he does have that digital document in his possession and he was working on finalizing that. Mr. Lemire said that he was hoping to have that done within the next 2-3 weeks and pass it on the Board and other organizations. Mr. Lemire said that, regarding their other charge, their committee was continuing to review different things within the Town government, as the Board gave to them as an additional task, per the Comprehensive Plan. He added that the CPIC has talked with Paul Schumacher once and they were going to try to get him down again for some more questions they have. He said that, as they complete that process, they would formulate a report and present it to this Board.

Mr. Murphy asked Mr. Lemire if he would mind if Mr. Murphy distributed to the Selectmen a copy of the draft version he had prepared.

Mr. Lemire said that he did not have a problem with that. He clarified that he has both an excel spreadsheet form and a word document form, that he wasn't sure which one he was going to use, yet, but would use whichever was more manageable, for him to maintain and for people to access. He added that, once that was complete, he would be happy to provide a digital copy to whoever might like one.

Ms. Buckley, ACO, said that she had made a few changes to the draft ordinance she gave to the Board at the last meeting, adding that she and Mr. Murphy had sat down together to go over various things and explained that the biggest change was that the draft had off-leash hours down at the Boat Basin and, in talking with the York ACO, he told her that was the biggest mistake they made – that it was a lawsuit waiting to happen. Ms. Buckley said that, just recently, a 5-year-old got bitten quite badly during that off-leash time on the beach and requiring surgery, with the father up-in-arms, saying that he could not believe the Town had it in writing that they could be lose on the beach. She said that, after talking with Ms. Muzeroll-Roy about this, she decided to take that out of the ordinance draft. She told the York ACO that she got a lot of "Where am I supposed to take my dog to exercise?" and he says to them that it is not the Town of York's responsibility to provide them with an exercise place for their dogs. Ms. Buckley said that, as much as she sympathized with the people, she thought it was a lawsuit waiting to happen if the Town had wording like that. She clarified that, rather than just say "on-leash", the leash has to be held by someone who could control the dog – she

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added that there are some people who let their dog drag the leash and say their dog is on-leash. Ms. Buckley said they also put in definitions for a therapy dog and service dog because someone tried to tell her that because she had a therapy dog it should be off-lead and a therapy dog was not the same as a service dog and does not get the same rights and privileges as a service dog. She added that, at this point, they were happy with the wording.

Mr. Dunkelberger said that he has let his dogs off the leash down at the Boat Basin but, understanding her reasoning behind the limits, he could go along with that.

Ms. Buckley said that she thought this would be a huge hot topic when it came out.

Mr. Dunkelberger agreed but suspected she was absolutely right from a liability perspective. He commented that his dogs weighed about 70-75 lbs and, not intending to hurt anyone, they could run over some child, so he did agree. He discussed one issue around animal noise and read: "For purposes of this ordinance, a dog that barks, bays, howls, cries or makes any other noise continually and/or incessantly for a period of 10 (ten) minutes or barks intermittently for ½ (one half) hour or more to the disturbance of any person at any time of day or night..." seemed to him a very short period of time.

Ms. Buckley said that it wasn't if one was listening to it. She said that she gets many complaints from people whose neighbor's dog barks incessantly, that she has a neighbor whose dog barks incessantly and she said that five minutes seemed like an hour sometimes.

Mr. Dunkelberger said that his dogs have gone out – deer have been running through the back yard and they have caught wind of that and they would bark for at least 30 minutes.

Ms. Buckley said that at least he had the option to bring them in the house with him..

Mr. Dunkelberger said, "If I am at home."

Ms. Buckley said that she was not a fan of leaving dogs outside if one was not at home, adding that she didn't want to get into an argument, but that has been a problem, people leaving dogs out in the back yard, not knowing that they were barking and disturbing the neighbors. She said that she had a call a few weeks ago about someone who actually went away for weekends and leaves their dogs with a dog door that goes out into a fenced area – the dogs go out there, jump the fence, and stand in the yard barking incessantly, with the people away for the weekend – and she had no idea they were doing that until she called her.

Mr. Murphy congratulated Ms. Buckley for her efforts and discussed some editorial clarifications in Sections 5, 7 and 11 (all should have ACO) and, in Section 11, that Peace was misspelled and that was all he had to say, otherwise it looked good.

Mr. Fernald asked if the Board wanted to receive the ordinance.

7:05 PM

Mr. Moynahan agreed that that was the direction they were heading, that this was great work and, like Ms. Buckley said, this was going to be a battle and to be ready with any concerns.

Ms. Buckley discussed the need to get the word out to everyone, suggesting she could have a table at Eliot Festival Day to distribute the proposed ordinance to residents and answering their questions.

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Mr. Fernald agreed that would be a good idea, adding that they should have the ordinance on the web page.

Ms. Buckley added that she would be happy to answer questions and explain to people why they decided to do some of these things.

Mr. Fernald said that, if this was going to go on the November referendum, then they would have to have a public hearing.

It was the consensus of the Board to move forward with this item and have a public hearing.

Mr. Blanchette said that, if the Board was going for the November vote, one of the things to consider was if they wanted this in the code of ordinances book – if that was one of the ideas behind this, then they needed to put that in the wording of the article.

The Board agreed that was what they wanted to do.

Mr. Blanchette said that they would need the final wording by the end of next week for the Board to sign, then prior to the November vote, probably October, hold a public hearing on it.

7:10 PM

Mr. Sinden, York County Commissioner, said that he was sorry to say that a great County Commissioner was retiring soon – Dick Brown – who has done wonders in the last five years to put the County back on its feet. He added that they have hired Gregory Zinzer, who will start in October and is currently the town manager of Damariscotta. He commented that he interviewed him twice and he felt very good about him coming. Discussing tax anticipation costs, he said that in past years the County would spend over \$400,000 a year just in costs of the borrowing and last year it was down around \$50,000 and this year it will be down between \$25,000 and \$50,000. Mr. Sinden said that reduction was with the efforts of their Director of Finance. He said that she was working on another effort – the jail bonds. He said that they have reached the ten-year point, which allows them to refinance and she has reached agreement where, for the remaining 10-year period, the interest will drop from 5.5% to 2.2% and will save the County a half a million dollars. Mr. Sinden discussed their jail consolidation effort and that this year they were successful with the legislation and, starting in 2013, that will save the County \$280,000 a year, every year. Mr. Sinden said that the Undesignated Fund has been a problem. He said that, when Mr. Brown came on five years ago, the Fund was minus 1.8 million dollars and the County was in deep trouble then – and he has made that a real priority. He added that they believe they will end this year with plus 2 million dollars in the Fund. He said that they would need it because a couple of things have happened. He explained that the revenue from deeds and records, perhaps the only revenue remaining other than property taxes, has been severely curtailed by the legislature. He said that they passed legislation aimed at preventing this private company using freedom of access to essentially take all the records and deeds and put it up on their own web site – basically they would be subsidizing this private firm – and they have been fighting that in court. He added that the legislation to fix the fees was found to be the best way to go so the legislature did that. He said that, unfortunately, they cut the costs so low that the County would go in the red on records and deeds. He said that an example was cutting the fee for a page from \$2.50 down to .50, which was ridiculous. He added that the effect was immediate and the commissioners would be back up in Augusta next year screaming to get those fees back up. He discussed that a major effort has been health care, as the County has been paying 100% of employee health care and 50% for the family, saying that he didn't think Eliot did that.

Mr. Moynahan said that Eliot did pay those percentages.

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Mr. Sinden said that the commissioners made that an effort this year because all the contracts were up, saying there was a lot of push-back, and were just able to get an agreement from their largest union to go to 85%. He added that an agreement from the negotiating committee did not mean an agreement from the bargaining unit, itself, would go for it, that they would be voting on it the 25th. He commented that he was very nervous about this because it was a very volatile bargaining unit, as the union could not really control and keep the flow of information going – it's all rumor, etc. He added that, if this union ratifies this agreement, then the rest of the unions should come along and that should be a tremendous savings because they were looking at about a \$400,000 increase in the premium in January. He said that the County has been functioning on zero increase in assessment to the towns and that would blow that out of the water. He added that the commissioners have told them that there would be lay-offs, as they did not want to harm the Undesignated Fund after just building it up, which is nowhere near what it should be, and the commissioners have made a policy decision that the assessment would remain flat. Mr. Sinden said that the new government building would be open soon (the old jail) and was looking very, very nice. He added that the contract was won by Pine Brook, right out of Kittery, and is a gorgeous building. He said that Emergency Management will move in there and there is plenty of room in the future for other things. He said that the total cost to the County was just under \$70,000 because they received a grant. Mr. Sinden said that he hoped to bring the new County Manager down to introduce him but would let him find his way around for a few days first, then he would schedule a meeting with this Board and bring him down.

Mr. Fernald said good, adding that he was sure the Commissioners would want some input on the Board's Number 5 – York County request to pay taxes early.

Mr. Sinden said that after all he said that it would be hard to push that. He explained that that was an automatic and started that a few years ago when the County was in deep trouble. He added that, whatever the Town decided was fine but they would take any money they could get, as they were nowhere in the dire straits they were in the past.

Mr. Fernald thanked Mr. Sinden for his update.

New Business (Correspondence List):

7:20 PM

#1

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Proposed Firearms Ordinance and present ordinance

Joel said that, since he was here last week, he had gotten together with Mr. Murphy and talked with the lawyer by email, cleaning up some of the language and making a few changes, explaining that the bold text represented the changes to the ordinance that his committee made. He added that most of the changes had to do with language and not content.

Mr. Fernald asked if the changes actually affect the purpose of the ordinance.

Joel said yes for the committee changes. He explained that those changes provided for some definitions, some of them being directly from State law and some being written by their committee. Mr. Downer said that the basic change to this from the way it was to allow rimfire firearms to be used in the designated area, which is the exact same proposal made last November.

Mr. Fernald discussed definitions and the desire to go by the State definitions so that the Town would not have to continually change the Town ordinance to keep with the State.

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Joel said that, where there are definitions in State law, they incorporated them, but there were no definitions for certain types of firearms, so they had to develop them, themselves.

Mr. Murphy thanked him for his committee's work, that it looked pretty smooth now. He suggested a different title for Section 4 because the section talks to lawful and unlawful discharge but does not contain both in the title.

There was some discussion around lawful and unlawful discharge of weapons.

Joel discussed that Section 4B describes unlawful discharge but would certainly make changes to the title if the Board felt it would clarify.

7:25 PM It was the consensus of the Board to make no changes and to have this as a referendum vote on the November ballot and hold a public hearing.

7:27 PM
#2

TO : Board of Selectmen
FROM : Lee Downer
REF : Southern Maine Fish & Game complaint

Mr. Tuttle said that, first of all in response to the letter they received, he wanted to clarify that they are the Southern Maine Fish & Game – it isn't Kittery Fish & Game or Eliot Fish & Game or York Fish & Game – and they encompass a lot of different towns in Maine and outside the State in their membership. He added that they do have two properties, as the Southern Maine Fish & Game – one in Kittery on Martin Road, which has a small pond and where they have their annual fishing derby, that is where their meeting house is located and the property was donated by Roland and Margaret Goodwin back in 1935, which has been the location of Southern Maine Fish & Game, since that time. He added that, also donated (1950) around the same timeframe was another piece of property at the end of Slate Hill Road in Eliot and, at the time that was donated there was nothing there – just a parcel of land that was big enough to house a firing range that members could use to sight their rifles to prep for deer-hunting season, skeet practice and those types of things. He said that, over time, properties have been developed and houses built within earshot of the firing range. Mr. Tuttle said that they have rules and regulations, which they gave a copy of to the Board, that they have their members read and sign, adding that they meet the first Wednesday of every month. He discussed that new members had to fill out paperwork and were given an orientation on the use of the range, what they like them to use it for and how it is to be used. Mr. Tuttle said that they have signs at the range reminding their members of the rules, as well as a sign on the gate and signs at the range, itself, reiterating to members what they signed when using the range, as well as hours of use and contact information. He reiterated that members have to sign the rules and regulations and go through the orientation before they are given a key for access in to the range. He added that the road going in to that range is a dirt road that they contribute monies towards maintenance of that road. He also talked about the monies they have put in to the rebuilding of the berms and other maintenance of the range, itself. He clarified that their membership is made of volunteers to do this maintenance, as they don't have a lot of money and most of it goes towards kids' programs, such as conservation camp, fishing derbies, etc. He talked about the dedicated member volunteers that contribute to the rebuilding of the target frames, periodically, as they get shot up over time. He discussed the issue in the letter about the height of the grass. He said that they do have dedicated volunteers to mow the range but cannot get in there to mow until mid-June because it is a low area, at best, with an underground spring on one side that keeps the area wet. Mr. Tuttle said that it is basically policed by their members and, when members are down there using the range, they ask their members to police up after themselves and that doesn't always get done. He added that they have another member who goes down periodically to take care of the trash and does a pretty good job of picking up spent shells on the ground.

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Mr. Moynahan clarified that they have a carry-in, carryout policy and that some of the pictures show spent and unspent rounds. He said that he realized it was taken care of by volunteers but asked if there was a better way to entice their members to be better at doing that. He added that the other issue was the hours of operation and asked if they would consider having the hours of operation stop at 6 PM during the summer months.

Mr. Tuttle reiterated that it is policed by the individual members that use the range, adding that it isn't all gravel and some of those rounds can get ejected into the grass and some of those are difficult to find.

Mr. Moynahan said that he understood as he was a member there at one time but these are the concerns that have been brought before the Board and that was what they were trying to address.

Mr. Tuttle said that the hours of operation was something they could discuss as a club, but did not think it was something they could incorporate in their charter at the moment, as they were too far into the season. He added that they could discuss this in their January or February meeting, which is when the majority of their members meet, as a whole, and they could bring up for discussion but not to throw out the legal hunting hours, either, because, as the year goes on that legal hunting hour might be 4:30 PM or 5:30 PM, so he wouldn't want to keep that 6 PM out there, even during the summer, when there might be an earlier hour that there shouldn't be any shooting going on down there.

Mr. Dunkelberger said that he shared Mr. Moynahan's concern for the points he brought up and another that came to his attention was that the gate was open and no members were on the range. He said that his concern was that he believed they needed to do a better job of policing themselves, maybe take a little more active role ensuring who is using and who is not picking up at the range.

Mr. Tuttle, referring to the pictures Mr. Downer took, if the Board would look at the picture of the front gate – the gate on the road that has the signs on it – that gate was shut and locked. He said that that was the first gate anyone encountered. He clarified that they have another gate right at the firing range that is used for their parking lot and that is the gate that was left open. He added that the front gate keeps motor vehicles out of there that, if they don't have a key, then they are not going to get by the front gate.

Ms. Place said that it would seem to her their rules and regulations were quite significant but that there should be a bit more oversight – an individual that would make sure that those rules and regulations are being adhered to by the members. She asked how old the rules were.

Mr. Tuttle said that he believes they were updated around 1994 or 1995 to what they are today.

Ms. Place added that they did give the Board copies of those rules and regulations and contact numbers, which probably they should have.

Mr. Tuttle said that the contact number on the gate is his number and, if someone has a concern or questions, one can call that number and, as he lives and works in Kittery, he can be there in 10 minutes. He added that, if anyone would like to visit the range he could meet them down there and show them the premises and what they ask their members to do. He said that that offer is open to anyone who is interested.

Mr. Moynahan reiterated that, with the spent and unspent rounds, it might be just reminding the members and even communicating with this gentleman by inviting him to one of their meetings because that could have addressed some of the

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concerns that he had. He added that the hours of operation issue Mr. Tuttle said that he would speak to his group about and he thought that would encompass the majority of the issues in the letter.

Mr. Fernald asked if Mr. Downer was present.

He was not.

Mr. Auckerbloom, Assistant Financial Secretary for Southern Maine Fish & Game, said that he was a Certified Hunter Safety Instructor by the State of Maine who operates at the clubhouse, along with another certified safety instructor for boating and hunter safety. He said that part of the rules and regulations the Board was reading are rules adopted the NRA and the State of Maine so, when the Board asked when they were last updated, they are current with the National Rifle Association for hunter safety instruction, as well as the State of Maine. Mr. Auckerbloom said that, as a clubhouse, they schedule mandated maintenance days at the range and invested money in the shooting berms that are behind the range targets. He added that they have also debated but not voted to have a stricter, more rigid maintenance schedule and maybe that was something they needed to take a look at. Mr. Auckerman said that, regarding the photos from the complainant, the property is posted – no trespassing – and enforced by the State of Maine. He added that there were five rules governed by the State of Maine that enforce trespassing and they incorporate three of the five at the range. He said that they were curious how he got access to the range, whether he was accompanied by a member or not a member and, if it was not a member, then he was trespassing. He added that one of the reasons they don't want trespassers is that, if they don't know the range rules – why are they coming on to the range – it is an active firing range that has existed since 1950. He said that there are offenses for criminal trespass on the property. He commented that a gate is a gate but there is also an old railroad ROW that runs through that area and they, as a clubhouse and almost monthly, have been dealing, debating, arguing how they could stop trespassers. He clarified that a lot of the spent rounds and trash on the range is not from the active membership, it's by trespassers.

Another member said that the trespassers can't drive back out of there, they have to leave the way they come in and they don't take a lot of that stuff with them.

Mr. Auckerbloom said that that old railroad ROW is ATV-accessible and all they have to do is drive their ATV up the ROW, up the dirt road, behind the locked gate to a second gate, walk in and shoot it up. He said that they are actively fighting that, as well as actively doing the best job they can to police the trash and spent shells, but they can't always identify who has left spent brass on the range.

Mr. Tuttle said that he has asked every member have their ID on them who is using the range and, if they see someone there who is not a member, then they ask that person to leave, as well as calling him so that he could bring the police down to ask the non-member to leave. He reiterated that these are things that, as a membership, they are actively pursuing.

Mr. Murphy said that he was wondering if it would be a reassurance to the citizens of the Town if a couple of the Board members took advantage of the invitation and took a tour. He added that he would be happy to do that.

Ms. Place said that another concern that was voiced in this letter was semi-automatic fire and asked if that was something they allowed.

Mr. Tuttle said yes, they do allow semi-automatic, but not fully automatic, as the firing range is not big enough for fully automatic firearms. He explained those were hunting rifles and there are some other types of weapons that will fire semi-automatically but one has to keep pulling the trigger, releasing it, pulling the

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trigger, releasing it and those are the types of firearms they allow to be used down there.

Mr. Seboyuer, a member of Southern Maine Fish & Game, said that he did a lot of the maintenance out there, along with a couple of other members, said that, as everyone was aware, they had an incredibly wet spring this year and one of the challenges they face down there is two-fold. He said that, first of all, winter rolls in and everything freezes, which prohibits access as well as maintenance and the second is when it becomes workable and serviceable so that they can get in there to get it cleaned up. He discussed that, over time, the board backstops erected to put the targets on to direct bullets into the berms, erode and have to be replaced. He discussed that the spent shells, while it may be an eyesore, it does not present a hazard, one way or another. He explained that approximately 10 years ago the firearms industry, as a whole and worldwide, took lead styphnate out of their product – the primer was where that lead was. He added that there is no mercury, no fomite mercury, none of that is in it anymore but, basically, just inert compounds that become carbonized when a round is fired. He said that, regarding live rounds left at the scene, he could tell them in the four years he has been a member of the club there is not a meeting or a newsletter that doesn't go out that stresses to the members to police up their rounds, live or otherwise, and ensure they don't leave live rounds on the range because they do present a liability because they all know that trespass laws are as good as someone who is willing to follow them. He discussed their on-going maintenance program. He also discussed the bad reputation semi-automatic has undeservedly gotten, that they may sound like automatic fire but they can't be because one can't make that weapon cycle without releasing the trigger and reengaging the trigger. He added that, if they encounter anyone on the range with a fully automatic weapon or has any adaptor on it that would allow it to run similar to a fully automatic weapon is out the door.

Mr. Fernald and Mr. Murphy said that they would do a visit of the range.

7:55 PM Mr. Fernald thanked the members from Southern Maine Fish & Game for coming in and responding to the letter's concerns.

Mr. Tuttle said that he would have responded to Mr. Downer if he had called him, first.

Mr. Fernald said he understood and that very often citizens bring their concerns directly to the Board and reiterated the Board's appreciation for the Club's response. He also reiterated that they would appreciate it if they would take a look at the hours in the summertime.

Mr. Tuttle said that they would be talking about it in the remainder of their meetings this year, it will also be put out in their newsletters, etc., and they would be voting on it at their February or March meeting.

Mr. McCullough, a member, reiterated that the members who use the range lock that gate behind them so someone can't just wander up the road. He discussed the hunter safety classes they have that teach people the proper handling of a firearm and some simple firing tactics.

8:00 PM Mr. Fernald said that, at this time, the Board needed to jump down to the Public Hearing for the Shipyard Brewery for a Special Amusement License, as it was supposed to be held at 7:30 PM..

#4 TO : Board of Selectmen
FROM : Shipyard Brew Pub
REF : Application for Special Amusement License

Mr. Fernald said that the Board had an email from Chief Short indicating he saw no problem with the Shipyard Brew Pub Special Amusement Permit Application.

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Mr. Derrick Casey was present to represent the Shipyard Brew Pub.

Mr. Moynahan said that this was hand-in-hand with the new ordinance, that the Chief was set with everything down there, and that everything seems in line.

Mr. Fernald asked if, with this Special Amusement Permit, they would have any nude dancing.

Mr. Casey said that was a negative – absolutely not – it is a family restaurant, with karaoke, open-mike night, etc., adding that the newspaper asked him three different times.

8:03 PM Mr. Fernald opened the Public Hearing.

Mr. Fernald asked if there was anyone from the public who wished to speak to this.

There was no one.

8:04 PM Mr. Fernald closed the Public Hearing.

Mr. Murphy clarified that the amusement could not last after midnight or begin before 6 AM.

Mr. Casey said that he understood that that was so.

Mr. Moynahan asked what were their hours of operation.

Mr. Casey said that they are never open past midnight unless it was a Regatta event, which would be like a Project Graduation event. He added that they did have a liquor license until 1 AM, but never the entertainment, as they want to get out of there, too.

Mr. Moynahan moved, second by Ms. Place, to issue a Special Amusement Permit to the Shipyard Brew Pub.

VOTE
4-0
Chair concurs

Mr. Fernald said that the Shipyard Brew Pub was requesting a two-day off-site catering permit for 8/13 and 8/14 to do the Celebrate Maine Festival at the Raitt Homestead. He said that this came in yesterday afternoon and that Mr. Blanchette had contacted Chief Short regarding this.

Mr. Blanchette emailed him and Chief Short replied that there has been no problem with this in the past.

Mr. Moynahan moved, second by Ms. Place, to allow the off-site permit, as requested.

VOTE
4-0
Chair concurs

At this time, the Board signed both permits.

Mr. Casey asked where he needed to post the Special Amusement Permit.

Mr. Blanchette said that he would find that in the ordinance.

Mr. Casey said that it is just that the rules, themselves, are dirtier than he would like to have in his family restaurant. He added that he wasn't trying to cause

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trouble but he was wondering where he could post this where kids and families would not be reading it.

Mr. Moynahan said that, sadly, it's a necessary evil.

Mr. Murphy said that it should be visible.

#3

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Kittery proposal for revised contract and original contract

Mr. Moynahan said that he thought that they had an IMA group that has been working on this and he would think they would want to incorporate that group to work on this and report back to this Board with recommendations on this whole project. He added that he thought they should respond to Kittery letting them know and thought the IMA group could review and give recommends within the 30-day period.

Mr. Murphy agreed, saying that it may not be final but they would be ready to discuss this.

The Board agreed.

Mr. Murphy said, not to keep beating a dead horse, that Eliot, in May or 2006, made a similar request to Kittery to review this contract and were put off by Kittery for two years, even though it is the same contract and the same 30-day response requirement.

Mr. Dunkelberger asked if that was documented.

Mr. Murphy said that it was and was part of the history.

Mr. Moynahan said that, just so the Board knows, their group has worked on, for a long period of time now, a detailed contract that includes any new wastewater and also touches on their existing usage. He commented that they spent a lot of time and money on that and maybe that should come up in the discussion, as well.

Mr. Murphy said that this latest submission they sent to this Board is clearly kind of a quick rehash of their original proposal to this Board, including the same mistakes and miss-references to their own ordinances.

Mr. Moynahan asked, through the Chair, if the Board authorized the existing IMA group to continue with this work.

It was the consensus of the Board to have the existing IMA group look at this contract and report back to them.

Mr. Fernald asked Mr. Blanchette to respond to Kittery.

Mr. Blanchette agreed he would do that tomorrow morning.

8:12 PM

#5

TO : Board of Selectmen
FROM : County of York
REF : Annual Tax Bill

Mr. Dunkelberger clarified that their request is to defray their own interest costs.

Mr. Fernald agreed.

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Mr. Dunkelberger then clarified that, by paying them early, were they not incurring a cost to the Town of Eliot.

Mr. Fernald agreed that they were. He added that they asked last year, as well, and Eliot did not pay early.

Mr. Moynahan suggested they keep it status quo and move in that direction once again.

After some discussion, Mr. Moynahan moved, second by Ms. Place, to not pay the county taxes, as requested.

VOTE
4-0
Chair concurs

8:14 PM
#6

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Copy of letter from Eliot Energy Committee

The Board agreed that the EEC gave them a description of what the monies would be used for and they did that.

Mr. Moynahan moved, second by Ms. Place, to roll over \$625 from fiscal year 2010 to the Eliot Energy Commission.

VOTE
4-0
Chair concurs

Mr. Blanchette asked if the Board also wanted to roll over the monies received from Efficiency Maine for them.

Mr. Moynahan amended his motion, second by Ms. Place, to include the \$2,000 remaining from the Efficiency Maine Trust grant.

VOTE
4-0
Chair concurs

8:15 PM
#7

TO : Board of Selectmen
FROM : Maine Town & City Clerk's Association
REF : Re-Certification of Town Clerk – Certified Clerk of Maine (CCM) status

Mr. Fernald said that this was a notification to this Board that congratulations were in order to the Town of Eliot and for Wendy Rawski, Town Clerk, as the Maine Town & City Clerks' Association has awarded Ms. Rawski recertification, which carries the distinction of Certified Clerk of Maine status. He read, "Wendy will be recognized for receiving this certification at the MTCCA's Annual Meeting & Networking Day on September 14th at the Waterville Elks Lodge." He said that it would be nice to have something from the Board to Ms. Rawski indicating congratulations and that this Board is very proud of her work.

Mr. Moynahan suggested this be added to her file for future reviews and that sort of thing to reflect back on.

The Board agreed.

#8

TO : Board of Selectmen
FROM : Comcast
REF : Internet Essentials

This was informational.

Mr. Moynahan suggested this be forwarded on to the school.

BOARD OF SELECTMEN'S MEETING
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The Board agreed.

Mr. Blanchette said that he would forward a copy of this letter to MSAD #35.

8:18 PM
#9

TO : Board of Selectmen
FROM : Dan Blanchette
REF : CEO Salary Increase

Mr. Fernald said that the previous motion to approve a CEO pay increase was not in accord with the votes' intent and that, to correct that, a motion to amend was needed, and a motion to reconsider was needed from a member who has voted in the affirmative.

Ms. Place moved, second by Mr. Dunkelberger, to reconsider the motion.

It was clarified that, if the step increase was approved, Mr. Blanchette had budgeted for that increase, for Step 6 and 7, but he was hired at Step 4, not Step 5.

Mr. Murphy clarified that available money was not the question.

Mr. Blanchette said that was correct.

Mr. Fernald said that the motion was to reconsider and asked for a vote.

VOTE

4-0

Chair concurs

Mr. Fernald said that the next motion needed was to change the step.

Mr. Moynahan moved, second by Ms. Place, to offer the Code Enforcement Officer a Step 6 pay increase, effective July 28.

DISCUSSION:

There was some confusion regarding the motion and Mr. Blanchette clarified that the Board had voted to Step 6 on the understanding that he was already at 5 and it was a 1-step increase and what Mr. Moynahan was saying was that he wanted to make it a Step 6 with the understanding that it was a 2-step increase, not a 1-step increase.

Mr. Dunkelberger renewed his original objection that they have a CEO that is not fully certified in his position, adding that he had an issue with a 1-step increase and he had a serious issue with a 2-step increase – it did not make sense.

Mr. Fernald asked if there was any more discussion.

There was not.

Mr. Fernald called for a vote of all those in favor.

VOTE

3 for – 1 against (Mr. Dunkelberger)

Chair concurs with the affirmative

Mr. Murphy said that he didn't know if it was usual to talk about someone after taking a vote but he was persuaded, though he would like to follow the rules, that he thought that the new CEO had done a very good job and has been very busy doing extra things and believes he deserved the increase.

8:26 PM

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Old Business (Action List):

Mr. Moynahan asked if it wouldn't be wise, before going over this list, to set up monthly workshops to start working on these items on an off Thursday, possibly taking one or two at a time. And taking an action, resolving an action, then moving on. He discussed his concern that, at this hour, they would not be that productive, and that they should take one or two and schedule it for an off Thursday, letting people know that they took an action and resolved the action.

Mr. Dunkelberger agreed and said that he liked the workshop plan, adding that he was available on off Thursdays.

Mr. Murphy agreed, saying he was available and that this was a reasonable thing to do, adding that they needed to remember that workshops, just like any meetings, were open to the public.

Ms. Place agreed.

Mr. Fernald suggested reviewing the Comp Plan Action Items at the next off-Thursday meeting.

There was discussion around how often the Board would meet monthly for Action Items. It was suggested that they decide at each off-Thursday meeting and the Board agreed. It was also discussed what actions might have a more immediate need (union contracts) over other action items on the list.

Mr. Blanchette said that AMA was tentatively scheduled for the next regular Board meeting and that he was going to request the Board take up the Police Union Contract at the next scheduled workshop meeting, if the committee could make that workshop, as he believed the committee needed to talk with the Board in executive session about this and what the Board wanted out of a new contract.

Mr. Moynahan said that they had made changes, that that had been typed up and it would be good to bring that to that workshop.

Ms. Place said that they might want to address the sewer usage rates right away because that was long overdue and the consistency of time sheets.

Mr. Moynahan commented that he thought that was one they should get Ms. Spinney involved with and that, maybe, that should be addressed at the second one.

Mr. Blanchette agreed, saying that they were going to have a meeting between the department heads and Ms. Spinney, probably in September.

The Board agreed to work on the police union contract and comp plan items at the next workshop.

Mr. Blanchette said that, with the police union contract, they would include the health insurance item.

8:30 PM

Mr. Moynahan said that the only other things he had for the Action Item List were #15 – to extend a note to department heads to make sure they are doing their employee reviews and # 16 – getting Ms. Muzeroll-Roy's thoughts on that.

The Board agreed.

Mr. Dunkelberger suggested sitting down with the Budget Committee (BC) at some point to address some of their concerns – to have a workshop with them.

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Mr. Fernald asked if they had gotten any response from the BC concerning the Board's request to them.

Mr. Blanchette said that early September, when they get that letter out, would be a good time to meet with the BC.

Mr. Fernald raised the issue of the BC being short two members.

Mr. Blanchette said that, at the last meeting, the Board voted to consider appointments. He added that they were going to advertise to see if anyone was interested to fulfill the terms for those positions.

Mr. Fernald said that they would schedule a workshop meeting for next Thursday.

1. Sewer Contract Committee – Mr. Moynahan, Mr. Moulton, Mr. Murphy, Mr. Marchese and Mr. Blanchette – this was ongoing with the IMA group that the Board needed to keep on top of.
2. Comp Plan Action Items – ongoing; Mr. Murphy discussed merging Ms. O'Donoghue's list with his working list to streamline the actions and show their inter-connections to other boards and committees within the Town. He also discussed a 3-page list that Ms. Thain produced for those tasks which involve only the BOS
3. Monthly reports from department heads
4. TIFD reports and updates
5. Health Insurance costs
6. Review existing Sewer User Rates and update
7. Regionalization of Town services
8. Sawgrass Lane Association
9. Comp Time and Overtime Policies – Joel to come up with proposal
10. Police Union Contract
11. Ambulance Service Contract
12. Waste Management – Charges
13. Consistent format – Budget, time sheets, etc.
14. Monthly workshops
15. Employee reviews in monthly Department Head Reports
16. Carry in – Carry out Policy for Town parks
17. Legal issues – pending and consent agreements
18. Community Service building

8:35 PM

Selectmen's Report:

Mr. Fernald said that he received a request from Ms. Muzeroll-Roy today, which requests permission to spend \$2620 to replace the bathroom doors at the Boat

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Basin, that costs included material, labor, and removal of debris with work to be completed by Piscataqua Cabinet in Eliot. He added that she was hoping to re-coop some of the expense with a donation request she has recently submitted to a local business and/or rental income from the season. He added that there was a quote attached to the request.

Mr. Moynahan discussed that he had talked with Ms. Muzeroll-Roy about this and made recommendations for doors and hardware, as there has been a real problem down there with people trying to break into the bathrooms and the damage being done to the doors as a result.

Ms. Place said that \$2620 sounded a bit high for two doors and she thought that they should have at least three quotes, unless this was a dire emergency.

Mr. Fernald said that he had gotten one call from someone who said they couldn't use the bathroom down there during the day because the door was locked. He added that he believes the doors, themselves, are in a state that probably could not be used. He asked what was the pleasure of the Board.
After discussion, the Board agreed by consensus to have Ms. Muzeroll-Roy get two more quotes.

Mr. Blanchette agreed to let her know.

8:39 PM Mr. Hirst asked, in conjunction with Action Item #15, if the form that they designed to be used by the interviewers had been completed and accepted.

Mr. Blanchette said yes.

Other Business as Needed

There was no other business tonight.

Executive Session

There were no executive sessions tonight.

Adjourn

There was a motion and second to adjourn the meeting at 8:40 PM.

VOTE
4-0
Chair concurs

DATE

Roberta Place, Secretary