

SPECIAL BOARD OF SELECTMEN'S MEETING
August 15, 2013 5:30PM

Quorum noted

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

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

Absent: Mr. Dunkelberger.

Pledge of Allegiance recited

Moment of Silence observed

New Business (Correspondence List):

5:31 PM

#1 TO : Board of Selectmen
FROM : No Correspondence
REF : Treasurer position hiring

Mr. Moynahan said that the Board had interviews last week with a couple of individuals and he thought it was determined that the Board found a qualified candidate.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen authorize the Administrative Assistant to hire Rebecca Dennett-Bergeron as Deputy Treasurer with a beginning rate of pay of \$22.92 per hour, based on a 40-hour work week, with an increase to \$24.68 after the satisfactory completion of the six-month introductory period. This is upon the satisfactory completion of a background and criminal check.

DISCUSSION

Mr. (Robert) Fisher asked what Ms. Dennett-Bergeron's qualifications were.

Mr. Moynahan said that they were extensive and invited Ms. Dennett-Bergeron to speak.

Ms. Dennett-Bergeron said that she held an A.A in Accounting and Taxation, a Bachelor's in Business Management, 14 years of private accounting experience as a staff accountant with Yankee Equipment, and another couple of years of accounting and office management experience with a construction company.

DISCUSSION CLOSED

VOTE

3-0

Chair concurs

Mr. Moynahan welcomed Ms. Dennett-Bergeron to the Town of Eliot.

#2 TO : Board of Selectmen
FROM :
REF : Public Hearing on Referendum Question

5:36 PM The Public Hearing was opened by Mr. Moynahan.

Ms. (Rebecca) Davis asked if there was any way that the voting hours could be extend at the beginning or at the end because working people would find it difficult to make it in after 10 AM and some wouldn't be getting back before 6 PM.

Ms. Rawski said that municipal election requirements could be reduced from the normal 12 hours they have for State and federal elections; that they thought eight hours would be appropriate with some morning and some evening hours. She added that the big thing to remember was that absentee ballots were available 30 days prior to (voting day)

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and have been available since the end of July, so, there has been and will continue to be plenty of opportunity to vote absentee ballot for those that couldn't make it on election day; that absentee ballots needed to be received in the Town Hall Clerk's Office by Monday, August 26 by 5 PM or they could be brought to the Eliot Elementary School election site during election hours.

Mr. Murphy said that he hoped citizens would not be misled by the green sheet handed out; that it put a different slant and a somewhat wrong slant on a number of things. He added that he didn't want to pick on anyone; that he couldn't, for instance, find anywhere in the LD1 law that the law was established to protect citizens from being over-taxed; that it was an opinion but not in the law that he could find.

Mr. Moynahan asked what green sheet Mr. Murphy was referencing.

Mr. Murphy said that it was passed out at the Transfer Station by the ECIN (Eliot Citizens Information Network) people.

Mr. Moynahan suggested Mr. Moulton had reviewed a print-out and that was what was being referred to.

Mr. Moulton said that he received it afterwards and that he had had other comments from other Town citizens he wanted to bring forward tonight.

Mr. Murphy said that there were details that he didn't see proof of with their statements. He added the description said, for instance, "*On June 15, 2013 at the Annual Town Meeting, the residents of Eliot voted to uphold LD1. A reconsideration vote to override the first vote was rejected. The outcome of these votes was a clear expression of residents wanting to keep spending in check and limit the increase in their property taxes.*" He said that it neglected to say that, prior to that, the very same Town voters voted to approve and appropriate the BC recommended amounts, for the most part, for the whole budget; that the Town approved all those and they still stood as approved appropriations and happened to exceed the LD1 cap. He said that a little over 100 people out of over 5,000 voters voted not to agree to the LD1 cap so they left two things voted that were irreconcilable and it was up to the Selectmen to decide this. He added that this misstated this; that it was as if the ECIN people wanted to recognize only the LD1 cap; that they didn't recognize that the citizens also voted what they really wanted and that was the appropriated amount of all those things that they voted for. He said that that was just as big a vote taken by the citizens as the vote to not exceed the LD1 cap. He said that that went in two different directions, which the BOS tried to recommend and that was why there were two things – one to vote to override the cap. He said that it wasn't just to override the cap but, by doing so, the citizens would be accepting what the Town had voted for on all those appropriations; that the voters were agreeing that the Town needed those things in that amount of money. He said that the amount of override was \$200,000 and was small compared to the amount that the Town had voted to exceed, and did, in past years. Mr. Murphy said that that wasn't mentioned here (green sheet) so people were led to think that exceeding the cap was the one thing to fight against and Mr. Murphy disagreed. He said that one needed to think of what the Town needed; that the Town voted all these appropriations even though they were cut from the Selectmen recommendations to a level the BC recommended and even that was more than the LD1 cap. He added that this (green sheet) didn't say everything that needed to be said.

Ms. Davis, addressing Ms. Rawski, asked her if the citizens voted to override the LD1.

Ms. Rawski said that Article 51 was voted at the end of the evening not to override LD1.

Ms. Davis, addressing Ms. Rawski, asked if a reconsideration was rejected.

Ms. Rawski said that, yes, it was.

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Ms. Davis, addressing Ms. Rawski, asked if the same people who voted for all of the budget items and spent five hours there, were they the same group of people who voted not to override the LD1.

Ms. Rawski said that she couldn't attest to that because she believed people left the meeting before LD1, Article 51, was complete.

Ms. Davis said that it wasn't an entirely different group of people; that it was the same; at least, maybe, not everyone stayed until the very last minute, but it was the same people.

Ms. Rawski said that it was; that it was a difference of three votes on each item – Article 51 was a difference of three votes in the affirmative and the negative as well as the override was a difference of three votes in the affirmative and negative.

Ms. Davis said that the language may sound slightly strong to say that the LD1 was to protect taxpayers against an increase in taxes; that one could not construe LD1 to be anything other than a tax cap. She asked if Ms. Rawski would agree that was correct.

Ms. Rawski said that she did not believe it was her place to make that comment.

Ms. Davis said that she didn't see, at this point, what she would call any major discrepancies in that paperwork (green sheet).

Mr. (Bud) Moynahan said that he had two questions. He asked if it was legal for them to vote on this exceeding again.

Mr. Moynahan said yes.

Mr. (Bud) Moynahan said that he was at Town Meeting and he was very happy with what they voted for on the BC's recommendations; what he was not happy with, and was not clear at all, was what the LD1 would do; that it was never explained by anyone what that was going to do. He said that he didn't know it was over and he didn't know the Selectmen's budget was over. He asked if he went to the polls and voted for 'A', then next year would be run by the budget that was approved at Town Meeting.

Mr. Moynahan agreed that was what would happen.

5:45

Ms. (Jesse) Kent said that she thought that many were not too sure how they were voting, at that point. She added that she knew that one of the library's strongest supporters voted just the opposite of what he meant to vote for. She said that the library budget was cut \$10,000 before it went to the voters and, if they had another \$23,000 in cuts, they would be really suffering at the library. She said that they had people coming in that didn't realize that, when that last vote was taken, that they were in a sense cutting out the library's budget a great deal; that in fact they have already had to start closing on Fridays because they couldn't maintain the budget they had now with those extra hours. She said that she debated the fact that there were enough people there to show what the Town really wanted and enough people who really understood that last question. Ms. Kent said that she hoped that, if there were any library supporters present they would vote, as she didn't think people would hurt too much with another .30 cents to keep the library going. She added that she thought that anytime people cut maintenance they lived to regret it; that if they cut maintenance to buildings to save people's jobs then they would pay even more at a later date. She said that she believed a lot of people would suffer from some of these cuts if they didn't override, which the Town has done for many years.

5:47 PM

Mr. Moulton said that he wanted to bring something to the Board's attention as it related to information being handed out at the Transfer Station. He gave the Board a handout.

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Mr. Moynahan said that the Board would take this up after they had had a little more public comment.

Mr. Fisher, addressing Ms. Kent, said that she was absolutely right; that the BC was present when the Selectmen cut the \$10,000. He added that it wasn't the BC that cut the funding for the library, it was the Selectmen who cut it; that the Board had all kinds of places they could have cut but decided they would go for particular ones because it would be familiar to the people of the Town and the people would be kind of mad that the Board did this and favor the library and vote for 'A' instead of 'B'. He said that that was the reason why all these things were taken out, adding that the Historical Society lost \$3,000; that they took the ones that weren't associated with the Town, itself; that the Library and Historical Society were independent and they took those because they were both kind of a sacred cow to all the people in Eliot.

Mr. Moynahan responded by saying that there was no way this Board set an agenda like that. He added that the Board was tasked to find \$220,000 in reductions after much conversation between Board members and these were the reductions that the Board felt were appropriate. He said that they didn't do it to try to waive a vote in one manner or another and he really took exception to that. He added that Mr. Fisher's opinion was that and he was certainly entitled.

Mr. Fisher agreed that was his opinion, adding that the Board never went to the BC or the Town to ask how they would suggest the budget be lowered; that the Board made that decision themselves.

Mr. Moynahan told Mr. Fisher that was the Board's job by law.

Mr. Fisher said that it seemed quite obvious to him that that was the intent of the Board.

5:40 PM

Mr. (Jim) Tessier said that he was at the Town Meeting; that he thought it was unfortunate that that vote was taken at the end of the Town Meeting when there were only about 100 people there. He added that he had mixed emotions about voting on decisions that were made at Town Meeting. He asked, if they went into the Town Meeting knowing what the Selectmen and BC proposed would exceed LD1, was there a way to decide the Town would have a vote of the whole Town instead of doing it at the end of Town Meeting when there were so few. He added that it didn't seem right having that few people making a decision that important.

Mr. Moynahan said that, moving forward, that information would be known early in the meeting and identified; that it would be done differently as they have never run into this before; that it was a learning curve for all of them.

Mr. Murphy said that he believed that each of the Town Reports gave the exact amount by which the budget had to be in order not to, asking if he was he wrong about that.

Mr. Blanchette clarified that, in the last article, they had an estimate of how much the Selectmen's recommendation was over (the LD1 cap), but it was only an estimate at the point of printing.

Mr. Murphy agreed it was an estimate and they wouldn't know for sure until December what the number would be. He added that the amount was there and available if one looked at the last article.

Mr. Blanchette agreed.

Mr. Murphy said that every year that the Town voted how much it was already over was there; that this should probably be done in an open way at Town Meeting, adding the budget up as the Town voted so they knew where they were in relation to the LD1 cap.

Mr. Moynahan said that, moving forward and based on Board discussion, they would be doing something a little different next year.

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5:53 PM The Public Hearing was closed.

Mr. Moynahan said that Mr. Moulton provided something as it related to information about this upcoming vote and asked the Board if they wanted to take that up now for discussion.

5:55 PM The Board agreed that they did. At this time, the Board reviewed the information in the hand-out from Mr. Moulton.

The hand-out from Mr. Moulton addressed concerns he had about material being distributed at the Transfer Station and the number of complaints he received about the same.

Mr. Moynahan said that this was an issue that was brought up a while ago; that he thought they had made strides to have a designated area for any material presented; that it raised the question, again, of who reviewed the materials to make sure it was appropriate.

Ms. Rawski said that, today, she had a phone call and received the email that Mr. Moulton attached to his hand-out. She added that a lady came in to the office today and wanted to turn her ballot in to Ms. Rawski that she had voted, adding that the lady clearly believed that what she was handed at the Transfer Station was a ballot and she clearly felt it was from the Town and not a special interest group. She said that that concerned her greatly.

Mr. Moynahan said to Mr. Moulton, moving forward, when Mr. Moulton got these requests he bring them forward and, if the Board didn't have a meeting scheduled right away, then perhaps Mr. Blanchette and Mr. Moynahan could review or they could have a special meeting just to make sure people were not going to be confused.

5:58 PM Mr. (Bill) Jacques said that he received a similar thing at the Transfer Station; that he was an intelligent reader and looked at what was given to him and made up his own mind on whether it was valid information or not. He added that he thought that every citizen in the Town who cast a vote should have that obligation – to use their heads as opposed to being shoved into something by somebody else. He said that he didn't see where that letter was any great harm to the Town or the voters.

Mr. Moynahan said that at least by reviewing the Board could assure there were things the Board could offer on the material, such as specifying 'specimen ballot' written in four spots to alleviate confusion; that he thought that that was what the Board was talking about.

Ms. Davis said that the hand-out at the Transfer Station did have, clearly, a watermark across it that said 'specimen ballot' and it was the same terminology used on the sample ballot on the Town website, which was why it was used.

Mr. Moulton said that there has been a request for this coming Saturday and the following Saturday to hand out the same information. He added that, if the Board wished to allow it, then that was fine, adding that they did work within the specified area.

Mr. Moynahan asked for Board input, asking if this was clear that it was not a true ballot; that that was a concern for him. He asked if they should add additional 'specimen ballot' marks.

Mr. Hirst asked Mr. Moulton if there were many complaints about the area where this was being handed out being obstructed or traffic being slowed down.

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6:00 PM

Mr. Moulton said no; that there was limited space at the Transfer Station and they specified a location closer to Route 236 over by where the furniture containers were that allowed a little bit of leeway for people to park their vehicles and actually get out of the line of traffic but, inevitably, people parked and parked wherever they could that ended up holding up traffic and that was a lot of the complaints he got; that a couple of them were questioning him if he knew what was being sent out at the Transfer Station. He added that he knew but did not feel it was his decision to say whether it should be handed out or not; that it was the Board's decision. He added that they did the 48-Hour thing, which he thought worked great, but his feeling was that the Board should review it before it was handed out.

Ms. Rawski said that she just wanted to agree with Ms. Davis that that was what was posted on the website for information for the public to go on and see the specimen ballot so that they were informed before they voted what was the contained material on that. She added that her concern was the way it was being handed out and received by those individuals because this person clearly felt that it was somebody from the Town that was handing out this information and she didn't know what was being said to them but reiterated her concern because, when she had somebody coming in saying that they wanted to give her a ballot...the person voted in the office today and it was taken care of but she was concerned about how people were receiving the information and the perception that was being given.

Mr. Blanchette suggested that it might be appropriate to have a sign with who they were.

Ms. Davis said that this was a learning curve for everyone and she thought that getting information out to citizens, whether they agreed with it or not, was always a good thing. She added that they still had the freedom to vote as they chose, of course. She said that she thought that the next time this type of thing could say 'not a genuine ballot' as a watermark, so, there were alternatives to this problem that could be corrected in the future.

Mr. Fisher said that he didn't think it was any business of the Selectmen to censor what was put out; that if it was something controversial like burning the flag or doing something illegal, then he would say the Board had justification to make a decision; that he didn't believe there was anything in that that was detrimental to anything; that it was an opinion and he thought it was done right in getting permission to do it and the ballot was exactly like the one on the website.

Mr. Moynahan responded by saying outside of the fact that it was on Town property; that the Board was responsible for anything that happened on Town property; that they certainly wanted to make sure it was not a Town-sponsored item and make that clear; that to say the Board didn't have any oversight over that would be false.

6:05 PM

Ms. (Roseanne) Adams suggested it might be reasonable to ask that people doing this type of thing put right on it that this was not the opinion of the Board of Selectmen, the Town of Eliot, or some such disclaimer so that people knew right away that it was not coming from the Town.

Mr. Beckert said that, if one wanted to make it clearer, he suggested adding 'this is not a Town-sanctioned document'.

Mr. Jacques said that the word 'sanctioned' had pejorative meaning to it.

Mr. Beckert said that it just meant that it was not a Town government document, period. He added that he didn't want any part of censoring what any individual groups put out there unless it was in violation of the law; however, Mr. Moynahan was correct in that the BOS did have the authority to allow or disallow people to distribute stuff on Town property; that the Board has had an attorney's opinion on that in the past.

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Ms. Davis asked if they could say, perhaps, that this was not an official Town document.

The Board said no, agreeing that it was not even a Town document.

6:07 PM

Mr. Hirst asked if the Board should give ECIN some guidelines for the next two Saturdays on any modification to the hand-out.

Mr. Moynahan said that the Board was discussing how they would move forward; that he thought the group had certainly made arrangements; that they have done everything in the way that the Board asked and, now, the Board just wanted to make sure that it was not perceived to be from the Town.

Mr. Murphy suggested the possibility that the Board could present its own version of what the citizens ought to receive at the Transfer Station and to alert them to this Special Town Meeting; to have the Board's version of the truth or what would be useful and informative to the citizens of the Town.

Ms. Rawski said that, going back to what Mr. Beckert said about not wanting to censor anything, she wanted to remind people that there was a time and there was a need to censor material that was put out there and that was anywhere within the voting area – 250 feet of this building right now needed to be censored. She explained that it was absentee voting time and she, with Mr. Blanchette's help, censored any material that was in this building and, on election day, they had a right to censor any election material that was handed out within 250 feet of the entrance of that building, with the ability to remove it, if necessary.

Ms. (Donna) Murphy asked if, in regards to the disclaimer, would it be acceptable to use the word 'sponsor' rather than 'sanction' – that it was not Town-sponsored.

Mr. Murphy said that it should say that it was not a Town of Eliot document, or something like that, in capital letters.

Mr. Moynahan said that it needed to make sure it wasn't confusing anyone who was getting the information.

Mr. Fisher asked Ms. Rawski for the statute law regarding the 250-foot censorship.

Ms. Rawski said that it was in Title 30-A Elections but she would have to get him her 250-foot control.

Mr. Fisher disputed Ms. Rawski on this on this particular situation.

Mr. Moynahan suggested Mr. Fisher follow-up with Ms. Rawski after the meeting.

Ms. (Donna) Murphy said that, as her name was on the Transfer Station hand-out, she had no issue with making it clear who sponsored the hand-out; that their names were on it at the end of the hand-out so, for anyone who read, it was clear who sponsored it.

Mr. Moynahan said that it just needed to be made clear that it was nothing from the Town of Eliot.

Ms. Murphy said sure; that she had no objection to putting that as the first thing on the hand-out.

6:10 PM

Ms. Kent said that she thought that Mr. Murphy's suggestion was great and that the Board should share their opinion, as well. She added that it would help them all if they knew how the Board arrived at their decision, then the people could weigh the decisions.

Mr. Moynahan said that it was a challenge to do something, last minute; that the Board spent 6 months on the budget process so they were pretty intimate with what the needs were, what the requests were; that they were starting budgets again in a month.

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Mr. Fisher said that someone called him asking what the Selectmen were doing at the Transfer Station handing out that information, and she was very perturbed, because it said this is what the Selectmen wanted to do and he said, "The Selectmen?" and she said, "Yes, the Selectmen."; that he wasn't aware that anyone was handing anything out Saturday at the Transfer Station – that that was what she told him and she was not going to vote for what the Selectmen wanted to do, that she wanted to vote for that other one.

Mr. Moynahan said that that was what the Board was trying to clarify. He confirmed with Mr. Moulton that he had enough direction from the Board.

Mr. Moulton said yes.

6:13 PM
#3

TO : Board of Selectmen
FROM : Jean Seeley – Eliot Auxiliary Police
REF :

Ms. (Ruth) Hirst clarified that she would be speaking and that Ms. Seeley brought the letter in to the Board. Ms. Hirst read the letter:

"We are here as members of the Eliot Auxiliary Police Division (EAPD) to express our dismay at the resignation of Officer Candice Simeoni, who is scheduled to leave on August 30th. She is leaving due mostly to her crazy, often-changing schedule as a patrol officer which greatly disrupts her family life. We would like to publicly express our heart-felt thanks to her for all she has done as a "Community Resource Officer". She has often gone way above & beyond her responsibilities and has truly been a strong advocate, as well as a friend, to the Auxiliary, the Marshwood Explorers, some of whom are present tonight, and many of our Town's senior citizens.

As Auxiliary members, under her direction, we have been involved with the community in many ways.

- *"Citizen Check-Up" calls to seniors and others requesting to be called to check on their welfare on a daily basis.*
- *"The Citizen Radar Program" setting up the speed trailer and using the radar gun to help control speeding at various places in Town.*
- *Distributing food at Thanksgiving and Christmas to families who may need help during the holidays.*
- *We supervise the "Giving Tree" so children will get gifts even if their family cannot afford to buy them.*
- *Participate in the "End 68 Hours of Hunger", filling bags & distributing food for school children who don't get enough food at home.*
- *Read to young children at the Eliot Elementary School*
- *Give out safety information at Festival Days & "National Night Out".*
- *Perform traffic duties at many functions such as the Memorial Day parade and EES "Field Day".*
- *Man the collection site for the "Drug Take Back" event.*
- *Collect donations for Special Olympics during "Fueling for Dreams".*
- *Join the Pease Greeters to greet the troops.*

Besides all that, Candice has run the Citizen Police Academy, a 12 week program, and also has held annual training sessions for the Auxiliary.

We will miss her terribly and wish she didn't have to leave her "Community Resource Officer" position. However we wish her the best of luck with whatever she chooses to do.

We feel the community of Eliot is losing an incredible CRO!"

Ms. (Robin) Walker said that as a mom of a cadet, and there were four cadets present tonight that Officer Simeoni leads, she has seen Officer Simeoni organize to such a high

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standard so that their children could get their uniforms or attend this past June's Police Academy at the Criminal Justice Academy. She added that, most importantly, guiding Eliot youth on many levels to be proactive in the community and to be disciplined and always do their best, as they represent the Eliot Police Department, reminding them that they were held to a higher standard. She said that she has volunteered with Officer Simeoni and they and the Town have been blessed to have her. She said that she would miss her and knew that Officer Simeoni would be so proud of the cadets standing here for almost an hour.

Mr. Moynahan said that he thought that the Town was certainly proud of what the Auxiliary Police has done and Officer Simeoni's leadership.

Mr. (Ed) Roach, Auxiliary Chairman, said that what Officer Simeoni has done for the Auxiliary Police and the Town has been invaluable in the things they were taught to do; that the BOS were the overseers of the poor and the Auxiliary Police did the action to do that. He added that they wished she could stay but he knew that the Town budget was tough and there was nothing they could do. He said that he wished that Eliot and Kittery could get together and do something but he couldn't ask the Board to do that. He said that he felt she was a real loss to the Town of Eliot.

Mr. Moynahan said that, regarding the Police Department budget, the staffing levels were not impacted so the Chief would be continuing with programs he had in place; that it just may not be with Ms. Simeoni. He added that they would wait to hear from the Chief and what his direction would be, adding that he was sure the Chief was very supportive of the Auxiliary Police.

Mr. Roach said that it was nice that the Chief allowed this to happen.

6:18 PM
#4

TO : Board of Selectmen
FROM : Maine Labor Relations Board via Teamsters Local 340
REF : Status of negotiations with Town of Eliot

This was regarding a complaint over budget cuts to departments that directly impacted personnel and was in violation of M.R.S.A. Title 26 9-(1) (E).

Mr. Moynahan read the letter, adding that this was something that was ongoing and was to update the Board. He asked if Mr. Blanchette had anything to add.

Mr. Blanchette said no and that they should not discuss this because it was a legal matter and the Town's attorney has it.

Old Business (Action List):

This was not discussed tonight.

1. Tax Increment Finance Program – Potential projects, next steps, subcommittee
2. Good Neighbor Petition
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 - Job description, sample contracts, hiring committee
6. Municipal Charter November Referendum
7. Policy creation/review – Ordinance Governing Boards and Committees, Park Ban Ordinance

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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 – Fiscal year 2015, goals, formats, etc. - BOS
11. Auditor – R_HR – BOS
12. Pay-per-Bag Recycling – 6-month trial, public information sessions
13. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
14. Legal issues – BOS
15. Sewer - User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
16. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews – BOS
17. Research grant opportunities – AED's for Town buildings
18. Comp Plan follow-up
19. Pending - new unions
20. Treasurer Hiring Committee

Selectmen's Report:

There were no Selectmen's reports tonight.

6:20 PM

Other Business as Needed

At this time, Mr. Moynahan asked if there was anyone who wished to speak before the Board went into executive session.

Ms. Davis, BC, said that the BC met last Tuesday and had a few questions and requests. She asked for an **update on the ECSD move** to the EES.

Mr. Moynahan said that that has not started. He added that he would be assisting Ms. Muzeroll-Roy with final RFP's tomorrow; that the amount of funding would make a big difference; that he didn't know if that move would happen this year based on the school schedule because he didn't even think the school allowed anyone in there in August to do any work so he thought that it would have to be scheduled further out.

Ms. Davis asked if there was a **target date for developing a budget review calendar** for the upcoming year.

Mr. Moynahan said that would be soon.

Ms. Davis said that the **BC requested detailed reports**, preferably in electronic format, of spending for both June and July of this year; that they would like an extensively detailed report of expenditures from the Treasurer for those two months to see if it was actually too detailed for the BC to use or information the BC would like to pursue.

Mr. Blanchette asked if the BC didn't receive a hard copy.

Ms. Davis said that she would like a detailed report of what was paid for the month.

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Mr. Beckert asked Ms. Davis what she meant by detailed. He added that the Board got a monthly report of all the expenditures and asked if that wouldn't suffice for the BC. Ms. Davis said that the BC would be interested in pursuing a more detailed accounting of exactly where the money was spent. She added that they had never seen anything more detailed than the line items the BC received on the financial reports.

Mr. Blanchette said that the only thing they would have that was more detailed was the weekly warrant. He added that he imagined that, once the Board signed the warrant, he could have copies made for the BC.

Mr. Moynahan said that the Board had talked about that before; that he thought that the warrant cover page would be appropriate but there were other things, like personnel information, that the Board could not share.

Mr. Blanchette said that he believed the weekly warrant was okay but that it was the details of the bills that they may not be able to share with the BC. He added that he would ask the Treasurer to put together copies of the June warrants.

6:25 PM

Mr. Moynahan asked Mr. Blanchette to copy the Board so that the Board was aware; that that way if there were additional requests for information the Board would know better what might be lacking.

Ms. Davis asked if that could be put in electronic format.

Mr. Blanchette said that they didn't have it in that format but they could scan it.

Ms. Davis asked if it would be possible for the BC to have a **copy of the agenda folder** that was available at the BOS meeting, preferably a day or two prior to the meeting.

Mr. Moynahan said that it would only be available after the meeting; that that was not available to anyone until the meeting actually occurred; that it was not public information until the Board met on it. He added that the Board could certainly have a folder after, or at, the meeting but before was not a possibility.

Ms. Davis asked if they could have a folder made up for the BC and put it in the BC mailbox after every meeting.

Mr. Blanchette said that he could do that.

Ms. Davis asked if any progress had been made with regard to **Skype**.

Mr. Moynahan said that the Board was getting into policies, again, and that would be one of the first things the Board worked on.

6:28 PM

Mr. (Jim) Tessier, Solid Waste Recycling Committee, said that they conducted their second Pay-to-Throw (PTT) informational meeting and there were 55 people in attendance. He added that bags are available for sale at all the businesses now. He said that the Public Works Director had a new sign put up at the Transfer Station that said that the purple bags would be required starting September 3rd. He said that, as a result of the two meetings, there were a lot of questions asked so he put together a question and answer document he gave to Ms. Rawski to put on the Town website on the PTT page. He added that copies were given to the Board and asked for feedback on anything that might need clarification. He discussed the composting issue of smell at the Transfer Station, saying that now that this program was open to all residents ECO would be picking up the material every week instead of twice a month; that there would be an additional container, as well. He said that some of the residents were not using the green compostable bags, provided at no charge, and dumping their compost directly into the container and urged residents to use the green bags and tie them off in a knot.

6:31 PM

Mr. Fisher said that, after reading the union complaint, he didn't think they would win because the Town didn't reduce the wages; that hours were reduced and that was legal in all parts of labor law.

SPECIAL BOARD OF SELECTMEN'S MEETING
August 15, 2013 5:30PM (continued)

6:32 PM

Ms. (Kit) Breen, Sweet Peas Manager, said that, as requested, she was back tonight with her letter of rejection from the CEO. She added that she had two new pieces of information to bring up. She said that there had been two building permits issued; one, two months ago, to expand a home but the CEO has called that home illegal and that home was right next to where Sweet Peas was proposing their lot. She added that she had no objection to the owners expanding their home but she was questioning if they could do that at their place why was Sweet Peas being denied a Growth Permit. She said that the other one was even more troubling. She said that, on August 26, 2008, Steve Wing (doesn't live in State) was granted a building permit for a lot that was roughly 4,500 feet from Beech Road and asked, again, why Sweet Peas was denied; that this seemed really odd to her.

Mr. Moynahan asked if there was a building permit issued, as what Ms. Breen gave the Board was an electrical permit.

Ms. Breen said that there was a building permit issued. She explained that Mr. Wing was going to build on it; that Sweet Peas actually saw the permit posted and, then the electrical work was actually started and parts of it still remain. She added that, from her understanding, Mr. Wing's son did not want to move up here and Mr. Wing withdrew at some point in time and did not proceed. She said that, in the file, there were pictures of the house he proposed to put there for his son.

Mr. Moynahan said that what was in front of the Board was a denial letter from the CEO in regards to a growth permit application based on the 1,000-foot limit from a road and backlots at the end of a dead-end access.

Ms. Breen said that it was as if it was a subdivision and that was not what Sweet Peas was asking for; that they were asking to break off one house lot.

Mr. Moynahan said that the CEO cited a couple of ordinances in the letter; that the one part that was missing and Sweet Peas should come back to this Board over, was any type of denial for an appeal, understanding that the first process was not heard and thought that was the biggest, glaring issue of this whole thing. He added that these folks had been on some kind of a timeline with financial hardship. He added that he wasn't sure what was within the Board's purview but Mr. Blanchette had forwarded to the Board some information on consent agreements (C.A.) and what needed to happen prior to them.

Mr. Blanchette clarified for Ms. Breen that Attorney Saucier could enter into a C.A.; that there were two – a consent order and a consent agreement; for one a person already had to be in court and for the other they didn't have to be in court; however, the attorney highly recommended that it follow the local procedure and go to the Board of Appeals first to get a decision from the BOA and, then, the Board could enter into a C.A. or C.O. without going to court, and the attorney would help the Board with that. He discussed that, if the BOA granted the appeal, then Sweet Peas would not come back to the Board; however if the BOA denied Sweet Peas' appeal, then Sweet Peas could come back to the Board immediately without going to court.

Mr. Murphy said that this denial of the CEO was Sweet Peas' entry to the BOA and Sweet Peas should get that in as quickly as they could; that that was a necessary step before the Board could give a C.A. He added that it was his opinion that this Board had to wait until the BOA denied it and, then, Sweet Peas could come to this Board.

Ms. Breen said that, in the meantime, Sweet Peas had very, very angry builders breathing down their necks wanting their money and she couldn't blame them for being upset; that they were promised this four years ago.

Mr. Moynahan said that that was unfortunate but the vehicle with which this Board could move forward with needed to happen and certain steps taken before this Board could get involved.

SPECIAL BOARD OF SELECTMEN'S MEETING
August 15, 2013 5:30PM (continued)

Ms. Breen asked what kind of appeal would she do.

Mr. Moynahan said that the CEO would help her with what kind of appeal to submit.

Mr. Blanchette said to keep in mind that the appeal had to be in before the first of the month.

Ms. Breen said that that assumed Sweet Peas had access to the material they would need, which apparently has disappeared from the Town files.

Ms. Lemire asked if Sweet Peas had their own file.

Ms. Breen said not everything that was asked for.

Ms. Lemire said that, if she got the appeal filed, then follow up on any documentation she might need and submit that after she filed (within a week); that she could supplement.

Ms. Rawski let Ms. Breen know that she needed to file by August 30 at 1PM for a September appeal.

6:40 PM

Mr. Moynahan suggested that the Board might be proactive in this with this 1,000-foot language in Eliot's ordinance; that it seemed like everything that had a question mark tagged to it related to this 1,000-foot issue and the way that the Town was set up more people were impacted than not. He added that he didn't know if the Board should ask to have this changed or put it in front of the voters.

Mr. Murphy said that he thought they should do that because, all over Town, there were exceptions to this; that houses were built long ago and they couldn't build new houses because they were too far from a road. He added that it seemed to him that the Town should reconsider that.

Mr. Hirst asked if Mr. Blanchette knew the history behind the 1,000 feet.

Mr. Blanchette said no; that he was going to ask Mr. Beckert if that was one of the things the ECRD had.

Mr. Beckert said that he thought that that was in there prior to that. He added that they would have to do some research and was something they could have the Planning Assistant look at. He agreed it was an issue; that there were concerns and he knew it had been addressed in the ordinances before for when roads went in, were they in existence prior to zoning, etc., and Littlebrook Lane was in existence prior to 1973, when zoning went into place.

Mr. Murphy said that he believed it was part of a county road.

Mr. Beckert agreed, adding that he didn't know if there was any relevance there or not; that that was some of the research that needed to be done.

Mr. Blanchette said that, personally, he thought another relevant one was the 500-foot driveway; what if someone had 20 acres and they wanted to live in the center of it; that they should be able to.

Mr. Beckert said that not knowing why it was put in there it was like any part of the ordinance; if they could go back and pick the brains of those who wrote them at the time and find out what their reasoning was - but they didn't always have that luxury.

Mr. Fisher said that he believed it had something to do with the Fire Department.

Mr. Moynahan said that this sounded like it was something that could be reviewed a little bit more.

SPECIAL BOARD OF SELECTMEN'S MEETING
August 15, 2013 5:30PM (continued)

6:45 PM Mr. Moulton, Public Works Director, discussed Sewer Pump Station Upgrades. He said that he had a chance to apply for another SRF loan and gave the Board a handout that compared funding through increased sewer rates versus going out to bond and wanted to ask for direction from the Board.

Mr. Moynahan asked the Board to review this and have any questions ready for next week's meeting. He added that it was good to have this in advance.

6:47 PM Mr. Moulton discussed a fill-in request for an individual on an as-needed basis.

Ms. Adams said that this came up before and asked how the Town advertised for a need for people to work in this Town. She added that it was said before that it would go up on the website and, as far as she knew, this never went on the website. She added that she was concerned that they didn't put it out enough when they were looking for people. She said that she didn't think the Town did a good job that there might be an opening and that people were welcome to apply.

Mr. Moynahan said that the last time the Town had a need for fill-ins the Board directed Mr. Moulton to advertise and he had one application, which was equal to the one he received at his office.

Mr. Moulton said that that advertisement was in two papers.

Ms. Adams said that she had never seen them and she looked at the paper almost every day.

Mr. Moynahan said that they were rare because the Town didn't go through personnel all that often.

Mr. Murphy suggested these types of things be posted around Town.

Mr. Moynahan said that he didn't think this was really need but just filling up Mr. Moulton's pool of fill-in people; that this person came in and asked if they could be on a call list; that they might never work a day.

Mr. Murphy said that, nevertheless, if the Board accepted this, then the position was filled. He asked if Mr. Moulton wanted more people to apply for this.

Mr. Moulton said that, as long as the Transfer Station was open on a Saturday, he would take a pool of 100 people.

Mr. Murphy asked if they could establish a place where Eliot openings could be posted so people would know.

There was some discussion around this.

Mr. Murphy moved, second by Mr. Hirst, that the Board of Selectmen set up two sites at the Eliot Transfer Station and the Eliot Town Hall for a public bulletin board where municipal employment opportunities are offered to the public and for department heads to notify the Town Clerk for posting to the Town website.

DISCUSSION

Mr. Hirst said that he thought they had the Fire Department looking for people, too.

Mr. Moynahan said that he thought it was much like Mr. Moulton's department – the more the better.

Mr. Hirst suggested they make sure that all the department heads know.

SPECIAL BOARD OF SELECTMEN'S MEETING
August 15, 2013 5:30PM (continued)

DISCUSSION CLOSED

VOTE
3-0
Chair concurs

Ms. Rawski supported department heads letting her know when they were hiring so she could post it to the website and asked that that be included in the memo to department heads about these advertising posting places.

Mr. Moynahan said that that has been resolved and asked if the Board wanted to take any action on the specific application before them.

Mr. Murphy said that this applicant was a very hard worker and knew the Town very well; that she used to run Eliot's parks department and suggested Mr. Moulton would have an excellent employee.

Mr. Murphy moved, second by Mr. Hirst, that the Board of Selectmen approve the hiring of Corinne Corrigan as a part-time fill-in Transfer Station employee at \$10.40 per hour.

VOTE
3-0
Chair concurs

6:55 PM Mr. Moulton gave the board a hand-out and asked for direction regarding the information.

Mr. Moynahan said that the Board would review this and he thought the Board would have this in a different setting next week.

6:56 PM Ms. Rawski, Town Clerk, discussed the charter commission nomination process. She said that the hand-out basically said that, at the BOS July 3rd meeting the Board approved moving forward with the creation of the charter commission, therefore, the following question would go before the voters on November 5th, 2013: "Shall a charter commission be established for the purpose of revising the municipal charter or establishing a new municipal charter?" She said that that was the wording that must go on by State law; that if the creation of the charter commission passed, then the membership would be comprised of nine members, six to be elected and three to be appointed by the municipal officers; that State law allowed for the election of charter commission members at the same municipal election as the referendum for the creation of the charter commission; therefore, the nomination for the six members to be elected opened on Monday, August 12th, which was 85 days prior to the election; that completed nomination papers will be due to the Clerk by the close of business on Monday, September 23rd, 2013. She said that this was an announcement that positions were open and the Town was looking for six positions to elect.

Mr. Murphy asked if there was a position compatibility limitation.

Ms. Rawski said that there was nothing in the law that stated that; that she could look further into the law for conflicts, but, that it was just that people were residents, 18 years of age, and registered to vote.

Mr. Hirst asked if they need to be residents of the Town.

Ms. Rawski said that, for the six to be elected, yes; that the three that the Board appointed, as municipal officers, did not need to be residents of the Town because that allowed it to be opened up if the Board wanted to have an attorney, a professional for legal purposes, for example.

Ms. Adams asked how many signatures were needed.

SPECIAL BOARD OF SELECTMEN'S MEETING
August 15, 2013 5:30PM (continued)

Ms. Rawski said at least 25 and not more than 100; that one should get at least 30-35 because, once she reached 25 verified Town residents, she was done checking.

7:00 PM
Executive Session

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen move into executive session as allowed by 1 M.R.S.A. § 405.D, Discussions of labor contracts.

VOTE

3-0

Chair concurs

7:50 PM Out of executive session. There was no action needed.

Adjourn

There was a motion and second to adjourn the meeting at 7:51 PM.

VOTE

3-0

Chair concurs

DATE

Mr. John J. Murphy, Secretary