

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM

Quorum noted

5:30 PM: Meeting called to order by Acting Chairman Beckert.

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

Absent: Mr. Moynahan.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Dunkelberger, seconded by Mr. Hirst, to approve the minutes of July 3, 2013, as amended.

VOTE
3-0
Chair concurs

Motion by Mr. Dunkelberger, seconded by Mr. Hirst, to approve the minutes of August 8, 2013, as amended.

VOTE
3-0
Chair concurs

Motion by Mr. Hirst, seconded by Mr. Murphy, to approve the minutes of August 15, 2013, as amended.

VOTE
2-1 abstention (Mr. Dunkelberger)
Chair concurs in the affirmative

Public Comment:

5:37 PM Mr. (Bob) Fisher said that at the last Selectmen meeting Ms. Rawski made a comment about so far from the polls; that he kind of questioned her and said that Ms. Rawski was absolutely right. He added that he was wrong and he wanted it to go on the record that Ms. Rawski did a fantastic job, reiterating that she was absolutely right.

5:38 PM At this time the Board agreed to take up H#1 RHR Smith.

H#1 TO : Board of Selectmen
FROM : RHR Smith
REF : Audit Information

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. (Chris) Backman gave a brief overview of the audit report. He discussed page 14, which listed all of the Town of Eliot's assets and totaled \$2.465 million dollars; liabilities of \$422,110, and the Town's total fund balances of a little more than \$2 million dollars. He said that the recommended fund balance was 30-90 days and Eliot, with a \$2 million dollar fund balance and \$12 million in operational expenses, was at 60 days so Eliot was right in the middle of the standard recommendations.

Mr. Hirst said that he had a question on page 18 regarding ECSD's fund. He said that he was troubled by the Accounts Receivable number of \$32,688 and wondered how that came about, how was the Town owed \$33,000, who owed it, what was the aging on it, and any other information RHR Smith might have on it.

Mr. Backman said that they were provided a full accounting; that it was a QuickBooks file that was provided; that it was in line with what the beginning balance was in the previous year. He added that he did not question it or have any concern about it.

Mr. (John) Bernier said that that was for program fees outstanding as of June 30, 2012. He added that it was his understanding that there were summer program fees where they would enter the program prior to June 30 but the programming ended in July or August so a bill would get sent out. He said that RHR Smith could provide the Board with a complete listing, not only of last year's number, but this year, as well.

Mr. Hirst asked if RHR Smith thought that was an unusual or unacceptable practice to have monies owed to the Town from that department.

Mr. Bernier said that for recreation that was a standard practice. He added that their concern was if the Town allowed extension of credit to people who used the Town's programs and they didn't pay; that that didn't send a good message to the people who did pay for those services. He added that 'aging' was a good term to use; that that was where the concern would be in whether all the people were paying their bills and that was something RHR Smith would have to look at and would certainly be happy to dig a little deeper for the Town to provide some more information.

Mr. Hirst said that he was uncomfortable that the Town had accounts receivable in that department; that that suggested to him that the Town should be getting money in advance and not billing; that the aging was an issue, as well.

Ms. (Norma Jean) Spinney (Treasurer) agreed that she could give the Board that information.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. Hirst asked how to justify a \$119,000 operating loss (page 19) for that department.

Mr. Backman said that the way the Town planned to budget that was that the General Fund paid some of ECSD's bills, adding that a line or two down was a transfer in of \$152,000 and that was the General Fund contribution to that operation.

Mr. Hirst asked if that meant that the operating costs were higher than the revenues by roughly \$118,000.

Mr. Bernier said that was by the service fees.

Mr. Hirst said that that was something that could probably be addressed by adjusting fees or looking at programs that might not be producing.

Mr. Backman said yes. He added that on that same page there was a \$29,000 transfer in on the sewer and that was saying the same thing about the sewer in that the Town might want to look at their sewer rates.

5:43 PM

Mr. Hirst said that the Town was in the process of doing that; that the Town has made an adjustment but was looking at it even further. He asked for clarification of information on pages 30 and 31, whether they were observations or criticisms, regarding policies for custodial credit risks for deposits, policies for custodial credit risks for investments, investment policies for credit risks, and policies for interest rate risks.

Mr. Bernier said that those were observations. He added that, in their management letter, they suggested that based on their observations the Town ought to have these policies. He said that that would bring the Town into compliance with the statutes; that the statutes clearly mandated what a town could or could not do and a town's policies should be consistent with that.

Mr. Hirst said that on RHR Smith's proposal for the coming year ending June 30, 2013 they didn't mention a timeframe for the delivery of the audit. He discussed his concern that the Town received the prior audit (6/30/12) roughly 10 months later than the end of the period audited.

Mr. Backman apologized for the delay. He explained that it was their first year, trying to understand how the Town operated and how everything was put together in the prior audit, and how RHR Smith was going to put it together this year. He added that some of the stuff had been co-mingled and it was difficult separating out the numbers. He said that, then, they got later and later into the season, with

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

different commitments, and again apologized for the delay. He added that it wouldn't happen this year because they had flattened out the learning curve.

Mr. Hirst asked if RHR Smith if they had an estimate for delivery for the coming year if the Board authorized the proposal.

5:47 PM Mr. Bernier said that November 1st was their target date.

There were no more questions from the Board.

Mr. Beckert said that the next item was the service agreement.

Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen engage Ronald H. R. Smith & Company for the Town of Eliot June 30, 2013 audit for an amount not to exceed \$9,500.

DISCUSSION

Mr. Hirst asked if the Board could ask RHR Smith to insert a proposed November 1 drop-dead date for the receipt of the audit.

Mr. Bernier said that they would be more than happy to do that. He added that they would send the Town an amendment to the proposal letter for that date.

VOTE

3-0

Chair concurs

5:48 PM At this time the Board heard from Ms. Jennifer Fox and Mr. Chuck Ott regarding a letter the Board received several meetings ago from Senator Angus King.

Mr. Murphy said that the letter was requesting a statement from the Town regarding Eliot's position on naming the York River Wild & Scenic, a project that has been looked at for several years now. He added that the Town has supported this in past years but Senator King was requesting supplemental support and he had asked Ms. Fox in to answer questions that some Board members had regarding any impact designating the river Wild & Scenic would have on people who owned property on the river.

Ms. Fox said that she was a resident of Eliot and served on the Open Space Committee; that when Mr. Murphy talked with her, she invited Chuck Ott who was on the Steering Committee for the Friends of York River. She said that she believed the letter from Senator King was to see if the Town still supported the study bill proposal that was currently before the Senate. She said that this had already passed the Congress with Ms. Pingree and the Town actually sent a letter

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

of support back when Ms. Pingree made her request. She clarified that this was just a request to study the river and was not to the point, yet, of naming the York River as Wild & Scenic. She said that, as a resident and member of the Open Space Committee, this plan was in alignment with Eliot's Comprehensive Plan and Open Space Plan and as expressed by people as an important project to pursue in Eliot for the York River.

5:53 PM Mr. (Chuck) Ott said that under the Wild & Scenic Act that governed this it was called the Wild & Scenic Partnership Program, which was developed for communities that have rivers that may meet this designation on which there was private property ownership. He added that the law was very specific that there were no federal regulations – emphasizing that the use of the properties continue to be under the jurisdiction of the State of Maine and local municipality. He added that it also stated no federal ownership or management of the land and that it was regulated through existing State and local authorities. He said that, maybe more importantly, they were seeking the study bill, which would fund the study of the York River like the quality of the water, the resources, the flora and fauna, the culture, the history of the river that, as municipalities, they often couldn't afford. He explained that at the end of that study the Town would have information that would help the towns manage the river wisely – independent, scientific information. He said that, at that point, the Towns looked at the information and decided if designation made sense and, if they didn't believe it would, they walked away. He added that the National Park Service (NPS) had the same prerogative. He reiterated that they were primarily seeking this study money that they desperately needed to conduct the kind of studies that were necessary for the wise management of this remarkable river.

5:55 PM Mr. Hirst said that Mr. Ott said that there wouldn't be any federal regulation or oversight but also mentioned the NPS, which, to his mind, had a history of making rules and regulations on public lands – what one could and could not do.

Mr. Ott said that he would point to the law, itself, which clearly and specifically stated that there was no federal regulation of any land use whatsoever. He added that it did require, if they applied for this designation, that towns intended to leave the river free-flowing and not erect any dams. He said that the other thing he would point to was the Lamprey River, which was the nearest river designated a Wild & Scenic Partnership in New Hampshire. He said that they asked them if they had had any difficulty or adverse situation with NPS intervention of rules and they had not heard of anything from them that would lead Mr. Ott's group to believe that. He discussed that, unlike the Alligash that was under a different set of rules, this would be a Wild & Scenic Partnership and he thought that partnership meant that local and State governments partnered with the NPS to do the necessary research to determine if York River deserved the designation. Mr. Ott said that there was less than ¼ of 1% of rivers in the US that were so

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

designated and very few in the east; that most happened early in this Act (1968) and was mostly to protect rivers in the west. He discussed his concerns over the many rivers in the region that were already polluted and that he didn't want to see that happen to York River, calling it a 'gem'; that they came to Eliot because the river started in Eliot and it seemed reasonable to come to their neighbors asking if they wanted to be part of this. He reiterated the information Eliot, as well as York and Kittery, would gain by supporting the study; that he believed if they didn't have the information they could not manage that river wisely.

6:01 PM Mr. Hirst said supposing the study was done and it was determined the river was polluted he asked who would be in charge of remediation and who would pay for it.

Mr. Ott said that that would fall under the same rules and regulations that they currently abided by – the State of Maine and town ordinances.

Ms. (Nancy) Shapleigh asked how many private property owners there were that would be involved. She said that properties along the river were governed by Shoreland Zoning ordinances – both local and State, she thought. She asked where the money would come from for the study.

6:03 PM Mr. Ott said that he was told by Ms. Pingree and Mr. King that that money was there; that that money has already been allocated; that they were among a very small number of municipalities seeking to access those funds.

Mr. (Stephen) Sanborn said that his only concern was the overboard discharge at the old Marshwood High School and wondered if that eventually went into the river.

Ms. Fox said that that went into Sturgeon Creek, which went in the other direction; that it was not part of the York River Watershed. She wanted to emphasize that the request from Mr. King was whether the Town still supported the study bill as it did three years ago. She added that she would be happy to get additional information on what the next step would be if it was found that the river did qualify for the Board.

Mr. Beckert asked for the Board's pleasure on this issue.

6:05 PM Mr. Murphy moved, second by Mr. Dunkelberger, that the Board of Selectmen agree to support this study as requested by the letter from Senator Angus King.

Mr. Hirst asked if the study went forward, completed, and forwarded to the Town of Eliot what would be the next step; would the BOS have to rule on it and agree to support it as a Wild & Scenic river.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. Ott said yes; that if Eliot chose not to then that was the end; that the Board could determine, based on the information from the study, if it was a good fit for the Town of Eliot.

Ms. Fox added as well as the NPS, and she believed that was the way it happened in New Hampshire, could determine if only certain towns would like to participate, then they could enter the program, not on a complete watershed basis, but town by town.

Mr. Murphy suggested this might go to a Town Meeting rather than just having the Selectmen decide.

Ms. Fox said that that would be a decision of the Town; that she thought the BOS could determine if they wanted to put it to a vote.

Mr. Dunkelberger asked, once the study was complete and they offered the Town entrance into the program, would there then be federal rules and controls put on that river.

Mr. Ott said no; that was explicitly laid out in the Act law.

Ms. Fox said that that was information she was willing to get for the Board to educate the Board and community.

6:08 PM Mr. Murphy asked if the State, such as the DEP, would have power to exercise control over the Town.

Mr. Ott said no more and no less than they had right now.

Ms. Fox said that, regarding the Lamprey River, it has made funds available to the town; that it was a different program in the NPS than being a regulatory program; that it was a program that provided unique resources to the town for these unique rivers. She added that what they have done in New Hampshire was obtain funds for conservation with willing landowners so it has been able to work with the land trust to do conservation projects where there were willing landowners. She acknowledged that she was hearing concerns and would get the legislation to the Board, adding that the regulations did not change from what was already in place.

DISCUSSION CLOSED

VOTE

3-0

Chair concurs

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Department Head/Committee Reports

6:10 PM G1. Public Works Director

Pump Station Upgrades

Mr. Moulton discussed the potential for obtaining a CWSRF loan for the sewer pump station upgrades; that the Town would be required to bond for up to 20 years for the loan. He added that they knew the upgrades to Pump Stations #1 and #2 were imminent; that the estimated cost was \$1.16 million; that he had supplied the letter from Underwood Engineers that showed the impact to rate payers to obtain the \$1.16 million to meet the requirement of the need to repair within 5 years, and the difference in impacts with the two options. He said that he was looking for direction from the Board on this. He said that a scope of work was laid out in the Underwood letter, as well, for additional monies to recommend and get a better handle on preliminary engineering for the pump station work/costs for the sum of \$15,000. He added that, if the Board wished to move forward with that, then he would recommend using the reserve account versus putting a lot of money into the current pump stations that needed a lot more work than what was in there for funds now.

6:13 PM Mr. Murphy said that his understanding was that this recommended \$15,000 for a study would more deeply and narrowly define what the problems really were and, perhaps, a better schedule for sequencing them in an appropriate way; that this was something that could be started soon. He added that the study might lead to confirming that a pump station needed to be replaced now and the other might wait 2 years, or something like that.

Mr. Moulton said yes; that it was an aging system.

Mr. Murphy said that he didn't think this level of investigation has been done yet.

Mr. Moulton agreed.

Mr. Hirst asked Mr. Blanchette if there was any problem with taking this money out of the reserve.

Mr. Blanchette said no; that this was an appropriate use of that money.

6:15 PM Mr. Murphy moved, second by Mr. Hirst, that the Board of Selectmen approve this request for \$15,000, taken from the Eliot Sewer Reserve Fund, to do a preliminary engineering study; which will determine a maintenance need and repair schedule.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

DISCUSSION

Mr. Fisher asked if there hadn't been enough studies done under the umbrella of the Route 236 studies not to have to do this one.

Mr. Moulton said that they were preliminary estimates and this would further define what the upgrade costs would be and what exactly should be done; that this could be in a step process of what they needed to address immediately and what they might need to do a year or two on.

Mr. Murphy asked if this study would have to have also been done for the Route 236 study, if that had been approved.

Mr. Moulton said that was correct, adding that it would have been paid for under the TIF funds.

DISCUSSION CLOSED

VOTE

3-0

Chair concurs

6:18 PM Transfer Station Hours

Mr. Moulton discussed three options for Transfer Station hours in preparation of potential budget reductions. The three options were a Saturday closure, a Tuesday closure, or to close Tuesday and Thursday and be open Wednesday and Saturday. Taken into account was the need to reduce costs in labor, minimize the use of heat and reductions to electrical usage, dump/haul, special waste, repairs and maintenance, diesel, and new equipment, as well as comments and ideas from residents. He also discussed the difficulty getting replacement workers on Saturdays versus weekdays and that 75% of the trash currently came in on Tuesdays and Thursdays; that Saturdays did have busy moments and was convenient for many of the residents who worked late.

Mr. Murphy suggested they wait until the Town Meeting to make a decision about this; that the need to go this far would depend on the vote.

6:20 PM Mr. Dunkelberger asked Mr. Moulton if it would be possible to work with the Kittery DPW to trade Saturdays so that both stations would close opposite Saturdays and residents from both towns could use the other's stations on those days their own was closed.

Mr. Moulton said that he has had many conversations with the Kittery DPW Director and passed many ideas back and forth. He said that some concerns were

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

how they would estimate the volume of trash brought in by each town's residents and how did they manage that; that Eliot currently had two compacting units and Kittery had one; that Kittery had added trash costs and shipping and Eliot's rate was better. He added that, to him, there were a lot of variables that needed to be further discussed because, waste-wise, Eliot was set up for disposal of waste cheaper than Kittery was. He said that Eliot was starting a pilot pay-to-throw program; that Kittery tried it and it was voted out by the Kittery Town Council that they (Kittery) were looking to see how it worked in Eliot; that back-ups needed to be discussed on how trash should be dealt with in the event that machinery broke down with two towns utilizing one facility. He added that they (Kittery and Eliot) had had some good conversations and had many ideas that could work with further discussion and cooperation.

Mr. Dunkelberger said that his biggest concern was that, from a fiscal point of view, the Saturday closure (Option 1) made the most sense; however, when he was working he could not get to the Transfer Station during the week; that Saturday was his only option. He added that that day may be the low density day but, for some working people, that was the only option. He asked if they closed on Saturday could they shift the hours to cover more of the evening.

6:25 PM Mr. Moulton said that the 10 operational hours on Saturday (10AM – 5PM) made up the biggest chunk (almost 2/3) of the almost \$85,000 he was asked to cut – approximately \$35,000 – with personnel, etc.; that other days would save some money, as well, but he was looking at heat, too. He added that he tried to look at everything.

Mr. Dunkelberger said that he understood and was suggesting that Mr. Moulton might come up with some options on the hours, such as being open until 7 PM on a Tuesday.

Mr. Moulton said that they could do something like that; that the goal would be to maintain the 18 hours of operation. He explained that, currently, the station was open 9 hours on Tuesday and Thursday and, if they stayed open later on one of those days, then he would have to reduce hours on the other day to maintain the 18 total hours.

Mr. Dunkelberger said that, instead of 10 AM to 6 PM, make it 11 AM to 7 PM.

Mr. Moulton said that that was a possibility.

Mr. Murphy asked Mr. Moulton for a rough comparison of the amount of trash generated in Kittery versus Eliot; was it proportional to the population about 11,000 to 6,000.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. Moulton said that it was.

Mr. Murphy said that was about twice as much from Kittery and, if Eliot let them come, then Eliot would be taking on a bigger burden than Eliot actually has.

Mr. Moulton added that, if Eliot went to Kittery, then Kittery would take on a bigger burden because they had fewer options to handle trash volume.

Mr. Murphy asked how many hours Kittery was open

Mr. Moulton said that Kittery was open 40 hours a week; that that allowed them to spread it out a little more.

Ms. (Donna) Murphy asked what was occurring on Saturday that increased the cost significantly as opposed to Tuesday and Thursday.

6:28 PM

Mr. Moulton said that there has always been the rule that Saturday was the heavier day, at times, for people to bring in their bulky items and such, so there were extra people to assist; that during the week he managed it with less. He acknowledged that those one-hour periods on Saturday were very busy but they were limited busy times and a steady flow he could manage with fewer people. He said that he had looked at many variables; that Saturday would be the best option but Tuesday worked, too. He added that he was looking at consecutive days because of cost of heat, electricity, etc. Mr. Moulton said that, on Saturdays with 10 hours, they had three full service hours (the busy times) with seven where they were just kind of sitting there and on Tuesdays and Thursdays they had a steady flow of traffic all day; that they opened the buildings up in the winter with 7 hours of heat loss, additional electricity, additional hours in personnel; that even if it was 5 hours on Saturdays, there was a lot of downtime on that day because people came in in droves, not in a steady flow.

Mr. Fisher said that he thought that all the proposals Mr. Moulton made should be put on a ballot for November for the people to decide, as they were footing the bill for this and should have a say, not the particular department head. He added that, if the people were willing to foot the bill for it then let the department head figure out how he would get it out of his budget.

Ms. (Rebecca) Davis asked if there was a reason Mr. Moulton couldn't open shorter hours for the three days.

Mr. Moulton said that they could do any variable but the bottom line was that it had to equal one day of operation. He also said that due to current union negotiations he didn't know if that presented any limitations on the management of operations.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. Dunkelberger said that one thing regarding this would be that Mr. Moulton would lose the heat and power savings versus a Saturday close.

Ms. Davis said that it would be open for the same number of hours.

Mr. Moulton said that it wouldn't be closed consecutively; that closing consecutive days would give them four days of nothing spent on heat, electric, etc.

Ms. Davis asked if he knew what his heat and electric bills were and what the savings would be for one day so that, perhaps, people wouldn't mind spending a little extra in heat to get the three days.

Mr. Moulton said that he had those calculations but not with him; that he could provide them.

6:35 PM Ms. Davis asked if there were commercial people who came in on Tuesday and Thursday that made up the higher volume.

Mr. Moulton said the only commercial allowed were people bringing in brush and things like that; that it was all residential trash.

Mr. Pomerleau said that, to him, the #1 priority would be finding a solution that best accommodated citizens' ability to get to the Transfer Station; that there were some people who had no choice but to go on Saturday because they worked during the week and believed that Saturday had to be included in the solution one way or another. He added that he thought Mr. Moulton would have the same savings with a Thursday-Saturday option and, as far as the availability of staff, in this economy he didn't know how they would have a problem finding people to work. He discussed that people's behavior would adjust based on the limited availability of open hours.

Mr. Moulton said that he didn't disagree. He added that he had a list of 10 people for Saturdays and he was down to 1 that he asked last week, that he got to his last name before he was able to get a replacement for someone; that 9 of 10 refused because it was Saturday. He said that he has been in on Saturdays covering personnel; that he didn't want to, but did, because that was his job; that he gave a lot of time and like time off, too. He reiterated his reasoning for a Saturday closure, adding that these options were just suggestions.

6:37 PM Mr. Fisher asked what the Town had generated for power with the new solar system.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. Moulton said that that was implemented in the middle of a month so he didn't have a full month's bill so he couldn't give them a full answer. He added that for the estimated 2 ½ weeks that it was operational the power bill at the Highway garage was decreased by \$200; that the bill went from around \$212 to around \$11. He said that that would be taken into consideration come budget time. He explained that there were three buildings, when solar had mass production of power, that would be impacted – the Highway Garage, the Transfer Station and anything above and beyond peak, would go to the Police Building.

Mr. Hirst commented that Mr. Moulton needed to make a decision shortly after the 27th.

Mr. Moulton said that that was why he brought it forward; that with an \$85,000 cut he needed to implement this sooner rather than later. He added that he would need an answer from the Board after the vote.

Mr. Hirst said that that meant that putting it on a ballot in November probably wouldn't work.

Mr. Moulton said that that was correct.

6:40 PM It was the **consensus of the Board** that they would not make a decision until after the vote on Tuesday.

G2. Did not come in on time so was not addressed.

6:41 PM At this time, Mr. Beckert asked to take up H#9, with a letter from Mr. Moulton, regarding a sewer allocation.

H#9 TO : Board of Selectmen
FROM : Sanborn Development, LLC
REF : Request for sewer allocation

Mr. (Mike) Dupuis, SC Chair, said that Mr. Sanborn came before the SC in reference to the allocation of sewer in the amount of 2,000 gpd on Mr. Sanborn's property on Route 236. He added that the SC discussed this further; that Mr. Dupuis contacted Mr. Moulton and Mr. Moulton did some research because of the current moratorium. He added that they had one other applicant before Mr. Sanborn on Maple Street. He said that they were not asking for the moratorium to be lifted but would like to discuss the allocation of gallons per day and the savings they have realized through the I&I repairs they were doing on the line.

Mr. Moulton's letter requested granting the 2,000 gpd allocation to Mr. Sanborn's active building permit for his lot on Route 236 (in TIF District) as well as a

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

residential request on Maple Avenue on the premise that the Public I&I work totaling an estimated 23,600 gpd be resolved, as anticipated, before the end of the 2013 calendar year as well as an additional 7,320 gpd from private I&I issues being resolved. He said that, as of the last Kittery sewer billing, Eliot's estimated sewer use was 164,000 gpd. He added that this was to assist the Town with development within its current means and to not discourage business development. Mr. Moulton said that the first round of I&I brought between 40,000 and 60,000 gallons; that they were very successful and had done well. He added that this was the second phase from the smoke testing and this was looking at another almost 31,000 gallons additional I&I they were looking to take out. He said that he would be bringing a remediation plan to the Board; that they could do some in-house and would need help with some of the work.

Mr. Dupuis said that Mr. Sanborn, regarding the particular property, had received a building permit back in the 2006-2007 timeframe. He added that they did some research and found that, while there was a record of the building permit, there was no record that an allocation was given at that time. He said that there may have been a mix-up when the building permit was issued at that time in following procedure, as that was one of the steps would have been required to be done to receive the permit.

Mr. Sanborn said that he had a real nice tenant that would like to come to Eliot and build a nice office building. He added that the SC asked him to talk with Ms. Painchaud and she indicated that, based on conservative figures, between personal property and property taxes they might be looking at between \$80,000 and \$90,000 tax revenue per year.

6:45 PM

Mr. Dunkelberger asked if they needed a moratorium.

Mr. Dupuis said that Eliot had a 200,000 gpd allotment and their total daily usage was currently 164,000. He added that, on the books, they had the hotel in the other TIF District that was allocated certain gallons and they had the senior project that was to go in on the corner of Bolt Hill Road and Route 236, which allocation was 30,000 gpd. He added that the SC had been told that that was dead in the water. He said that, on paper, they had 200,000 in allocations; that they had a right to reclaim that 30,000; that, indirectly, they didn't need the moratorium but on paper, for accounting purposes, they were at the maximum.

Mr. Dunkelberger discussed his concern that the Town has already put out the word that there was a moratorium and asked how many people have not put forth a project or not requested a sewer allotment from the Town.

Mr. Dupuis said that, prior to Mr. Sanborn, they had only one other applicant on Maple Street.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. Dunkelberger reiterated his concern that others did not come forward because of the moratorium.

Mr. Dupuis said that he didn't know that anyone had not.

Mr. Dunkelberger said that they had another item and it was too bad the Board didn't address that first.

Mr. Beckert said that they could take up the 30,000 gallons next and roll it into this present issue, if the Board wished.

Mr. Dunkelberger asked if they pulled that 30,000-gallon commitment back did they now require a moratorium.

Mr. Dupuis said no.

Mr. Dunkelberger suggested the Board take that up first.

Mr. Beckert said that, whichever way these items were taken up, that was not the issue because the 30,000gallons has not legally been addressed; that the Town has not sent the person holding that allocation informing them that the Town was going to pull it back; that until they had done that they have not covered their legal bases. He added that the Board could take up H#7.

Mr. Dunkelberger said that they could but, since they did have a moratorium, he was not inclined to agree with exceptions; that he was pro-business development but this was a principle for him, as far as consistency.

Mr. (Denny) Lentz asked the SC what the criteria were for accepting priorities as far as people asking for allocations.

Mr. Dupuis said it was the priority of the applicant; that it was first-come, first-served.

6:50 PM Mr. (Russ) McMullen said that at a prior meeting he addressed the sewer problem they were having, commercially, on Route 236; that he was told at the time by the Chairman to bring these companies forward and the Board would work with them. He added that this month alone they have had two major businesses that want to put in large office buildings in Eliot; that his calculations came in almost exactly as Ms. Painchaud's did on the Sanborn property. He said that they turned away a 100,000-square-foot office building; that he has calculated these, with minor building costs, at \$28 million. He added that the total revenue the Town has turned done this month alone, on an annual basis, was \$342,000, adding that that

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

was almost enough money to pay for the TIF project the Town just voted down. He added what people may not realize was that this money would go into the General Fund and not the TIF Fund and the taxpayers needed to know that. He said that Eliot was facing deficits from the State, both in school and community, and either the taxpayers were going to pick up this tab or commercial properties on Route 236 were going to pick up the difference for them. He said that it made him very sad to see that the Town has turned away, in one month, \$342,000 in annual tax revenue and would very much like to support the allocation request for Mr. Sanborn's property.

Mr. Murphy suggested the Board could revise the description of the moratorium to permit the allocation of new applicants to the extent the Town's engineers say that there was an available amount of gallons.

6:53 PM

Mr. Hirst added I&I realized by judicious repairs; that that was where this capacity would be coming from. He added that they wouldn't be reversing the moratorium but using savings achieved from fixing leaks as well as the anticipated gaining of 30,000 gallons back.

Mr. Dunkelberger asked, if they were so certain they were going to achieve these savings, why did they continue the moratorium.

Mr. Murphy said that was a good question, adding that, if they took it away, then they might have a sudden rush of applicants the Town couldn't satisfy.

Mr. Dunkelberger said that went back to his original question of how many people had not applied because there was a moratorium.

Mr. Beckert said that the PB did not have a rush of approved applicants at all at this point in time; only Mr. Sanborn and the private resident. He added that the others were only inquiries and have not started the PB process for approval and not asked for an allocation.

Ms. (Donna) Murphy said that it was her understanding that someone coming in for, say, an allocation of 20,000 gpd, then there was the option of purchasing that through Kittery.

Mr. Beckert said that that would be once the new ordinance was passed in November. He added that the new provision would say that, with reserved allocations, if someone wants to keep it beyond what was being used, then they would have to pay for that.

Mr. Blanchette clarified a point by saying that, with the new IMA, it was the Town of Eliot that would purchase, not individuals.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Ms. (Rebecca) Davis said that it was her understanding that the Town could purchase more units of gallons and asked why they couldn't do that.

Mr. Murphy said that the Town would have to appropriate funds to do that. He added that the TIF would have paid for 200,000 more in the expectation that that amount would be used out there; however, if the Town purchased it, then that would cost several hundreds of dollars; that they have not yet negotiated with Kittery on whether Eliot could get gallonage in smaller increments.

6:58 PM

Mr. Sanborn said that, with no building there now, they were probably talking a year before it would be connected. He added that he needed the allocation or they would walk.

Mr. Beckert said that the Board could either make a decision on this now or they could move to H#7, which addressed the 30,000 gallons that would be available once the Board legally covered the bases regarding the Bolt Hill Road project.

Mr. Murphy moved, second by Mr. Hirst, that, on the basis of the information provided by the Sewer Department and the slow delay in the actual need for this sewerage and in the expectation that the Town will have this amount of gallonage available, the Board of Selectmen approve Mr. Sanborn's 2,000 gallons per day request and, also, the request from the Maple Avenue resident for household usage at 120 gallons per day.

DISCUSSION

Mr. Dunkelberger said that, if they lifted the moratorium, then he could support this but, right now, he could not.

DISCUSSION CLOSED

VOTE

2-1 (Mr. Dunkelberger opposed)
Chair concurs in the affirmative

At this time the Board moved to H#7 on the agenda.

7:01 PM
H#7

TO : Board of Selectmen
FROM : Planning Assistant, Kate Pelletier
REF : Villages on Great Brook, approvals and allocations

Mr. Beckert said that the Board asked the Planning Assistant to look at the status of Villages on Great Brook Elderly Housing Project approvals and allocations. He said that, while the subdivision approval was current, the sewer allocation and

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

extension had expired. He said that, per all accounts and by Eliot's ordinance, their allocation stood expired and it was the Acting Chair's recommendation that this Board vote tonight to send a certified letter to the on-record owners or principles of that property indicating that the Eliot Board of Selectmen was pulling back the allocation that was assigned to that subdivision.

Mr. Hirst moved, second by Mr. Murphy, that the Board of Selectmen send a certified letter to the on-record owners or principles of that property indicating that the Eliot Board of Selectmen had determined that the sewer allocation had expired and the Board was rescinding the allocation that was assigned to that subdivision. Also included in the letter was an invitation to come back to the Town if the project needed an allocation in the future.

DISCUSSION

The Board discussed including an invitation in the letter to come back to the Town if they should want to apply in the future. Also discussed was a timeframe for a response and the fact that the actual approval had expired so no timeframe was needed, as the allocation was coming back.

DISCUSSION CLOSED

VOTE
3-0
Chair concurs

7:11 PM Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen lift the moratorium for sewer allocations.

VOTE
3-0
Chair concurs

7:12 PM
New Business (Correspondence List):

H#2 TO : Board of Selectmen
FROM : Sierra Club
REF : Town of Eliot Good Neighbor Petition

Mr. Beckert said that H#3 was a letter of concern from Mr. Hirst on filing this petition and asked the Board how they wanted to deal with these two items. He asked if, as far as the Good Neighbor Petition as it was currently written, were there any other comments from Mr. Dunkelberger or Mr. Murphy before getting into Mr. Hirst's concerns.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. Murphy said that he believed they had a final, complete version and that Mr. Blanchette had a copy that was signable.

At this time, the Board discussed H#3.

H#3 TO : Board of Selectmen
 FROM : Grant Hirst
 REF : Schiller – 126 filing

Mr. Hirst read his letter of concern regarding the potential for frivolous lawsuits; that Attorney Mills, in her letter to the Board, did not rule out the possibility that this could cost the Town money and considerable time to defend, if a lawsuit was filed; his discomfort relying on data only from the Sierra Club with their documented goal of going after coal-fired plants on a country-wide basis; that the Sierra Club would not indemnify the Town for any expenses to the Town and would not be party to the filing; that new EPA air quality standards were currently being designed and the Schiller Station was already in a license renewal process, which may give the Town the information it was seeking soon.

7:17 PM Mr. Dunkelberger said that he shared Mr. Hirst's concern for potential litigation but did not share his confidence in the State of New Hampshire, which would be running the review process. He added that the State of New Hampshire had no reason to close the Schiller Station and everything to gain by keeping it open and he had no confidence that New Hampshire would listen or act on any concerns. He said that they could wait for the EPA standards but he understood that they had been proposed for a while and it may be a while before they came out. He added that this request to the EPA established a definitive timeline.

Mr. Murphy read a portion of Sierra Club's argument under Section G. on page 8, which discussed New Hampshire's Department of Environmental Services' failure to address Schiller's impact on Eliot and southern Maine.

7:25 PM Mr. Beckert said that he believed what was before the Board tonight was that the Board had been directed by a vote of the Town to submit this Good Neighbor Petition to the federal EPA. He added that they had a corrected copy before the Board for signature to be forwarded to the EPA. He added that the Town was informed that they would be responsible, possibly, if there were any legal ramifications requiring funding to support any suit and would have to be voted on by the Town to approve funds or withdraw completely.

Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen have the Chairman sign for the Eliot Board of Selectmen, as amended, and proceed to send it to the Environmental Protection Agency, as well as Eliot's congressional representatives.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

DISCUSSION

Mr. Hirst said that at two places in the filing, one in the letter and one in the document itself, it stated that there were no SO₂ emission controls on the Schiller Stacks and he found that very difficult to believe. He added that, if they were going to do this in 'good faith' he believed the Town should ask PSNH if that was a correct statement. He asked if it was 'good faith' when the information was readily available and the Town failed to ask.

Mr. Murphy asked if Mr. Hirst had any reason to believe it was untrue.

Mr. Hirst said that SO₂ emissions from the Schiller stacks have been an issue for years and he found it very difficult to believe that they didn't have at least some emission control on the stacks for SO₂. He added that he thought it would be foolhardy to make this filing until the Town knew the answer to that.

Mr. Dunkelberger reminded that the answer from Schiller Station was that they met all of the requirements of their permit and the Board offered them plenty of opportunities.

7:28 PM Ms. (Donna) Murphy asked if this petition was relying solely on reports generated by the Sierra Club.

The Board said yes.

Ms. (Donna) Murphy said that she would agree, then, because the Sierra Club had an agenda and it was not focused on what was in Eliot's best interest; that it would be responsible to research any questionable data.

Ms. Davis said that she received some information from Mr. Despina, which said that since the new 2010 NAAQS standard went into effect there has not been a single hour above the 75 ppb measured at Pierce Island and, in fact, was much lower. Ms. Davis gave a letter to the Board that discussed her concern with filing this petition, her reasons, and asking if the Board could postpone submitting the petition until the air quality standards process was complete. She also said that she thought it was somewhat misleading to remove the dollar figure originally put into the warrant language that left people little understanding of the potential cost of filing this petition.

7:30 PM Mr. Dunkelberger said that he thought they were beating a dead horse; that the citizens of Eliot have already voted to go forward with this fully aware of the possibilities so he thought that they should do this.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Ms. (Nancy) Shapleigh said that the Sierra Club at a previous meeting said that they had lawyers and there would be no cost to the people of Eliot. She added that she disagreed in that she thought that people had no idea what the Town might be getting into; that she thought it might be extremely costly and somewhat frivolous. She said that it seemed to her that the Town find some way to do some monitoring so that the Town had facts as back up; that she hated to see this Board move forward with this petition without more checking.

Mr. Pomerleau agreed that they were beating a dead horse; that every person had the right to breath clean, healthy air and the people of Eliot were fighting for that right. He added that the only new piece of information that has been brought forward since the Town voted was some potential, unspecific, undefined EPA study that was coming out. He asked how many more potential lives was the Town willing to risk on some speculation that the federal government was going to clear all this up for them.

7:33 PM Mr. Dunkelberger said, as a reminder, that this was a request for the EPA to take a look at the data, as modeled, and to take their own look at Schiller Station to see whether they were doing anything wrong; that in his mind, what they were asking was for the EPA, who has the resources, knowledge and ability, to take a physical look at Schiller Station and do the monitoring that they were all talking about to see if, in fact, the modeling actual supported what was happening in that petition.

Mr. Blanchette said that the Town has contacted the Maine DEP and their answer has always been that they have no regulation over the Schiller Plant.

Mr. Beckert said that he agreed with Mr. Dunkelberger that the federal EPA was the Town's best bet.

Mr. Hirst said that on the strength that the Town told the Board to do this he would vote to do it; that his complaint was that he thought they should have waited to let the process run its course at Schiller on the operating permit.

DISCUSSION CLOSED

VOTE
3-0
Chair concurs

7:37 PM
H#4

TO : Board of Selectmen
FROM : Senator Dawn Hill
REF : Good Neighbor Petition

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

This was a letter of support from Senator Dawn Hill for the Good Neighbor Petition.

H#5 TO : Board of Selectmen
FROM : erics@shareinmyday.com
REF : Summary Report (video streaming)

This was informational.

7:40 PM

H#6 TO : Board of Selectmen
FROM : Maine Power Options
REF : Pricing for electricity

Mr. Blanchette said that this was for the streetlights; that the Town's contract was going to expire and he would recommend at least 23 months, if not 35 months.

Mr. Hirst asked if they should look at the options they had upon the renewal of the contract to become owners of the poles or owners of the lights.

Mr. Blanchette said that it was a good idea but that the Town didn't have any monies to purchase any of the lights.

Mr. Hirst said that the only options available would involve costs or what the Town already had.

Mr. Blanchette said that that was correct. He added that if the Board wanted to seriously research costs then he would recommend the 11 month contract, which would give them time to do the research and budget for it.

Mr. Hirst asked, based on Mr. Blanchette's experience, did he think that there was any reasonable likelihood that another option would be better. He said that they were making rapid improvements in the LED's and supposedly starting to have some reliable street lights in LED's. He added that they were expensive to purchase and believed that CMP would not change that; that the Town would have to purchase the fixture in order to go to that. He said that the Town could phase it in and understood that there was a substantial savings in electricity. He clarified that this didn't change that because this contract was for the electrical cost.

Mr. Dunkelberger asked if Maine PowerOptions was the only provider.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

7:44 PM Mr. Blanchette said no; that they could go through CMP; that this was the cheaper provider. He added that the Board could view this as the rate and, then, seriously consider looking at changing some of them to owning them as one thing to look at in ownership was would they be renting a space from CMP to put the light on CMP's pole. He reiterated that he thought there were some good options out there but the Board still started with what their rate would be.

Mr. Beckert said that the letter indicated a potential 5% increase this year and, possibly, that much again next year.

Mr. Hirst asked if this contract only contemplated rates or did it also contemplate the same ownership the Town currently had.

Mr. Blanchette said no because the ownership was with CMP; that this was with another company and was just the electrical portion. He added that Maine PowerOptions has been set up to broker between the utility company and all the State, municipalities, and entities related to municipalities, such as sanitary districts.

Mr. Hirst said that this, then, didn't preclude the Town from looking at a study of the ownership of poles.

Mr. Blanchette said absolutely not.

7:46 PM Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen enter into a power contract with Maine PowerOptions for a period of 35 months at \$0.0577 per kilowatt hour.

VOTE

3-0

Chair concurs

7:47 PM

H#8

TO : Board of Selectmen
FROM : Charles Rankie
REF : Town Manager Search Committee

Mr. Murphy said that he talked with Mr. Rankie last week and Mr. Rankie seemed to have strong feelings about the duties of this search committee to look into the selection of a town manager. He added that he was not convinced the Board should adopt Mr. Rankie's position that this Board turn over to that committee all the work involved in getting a town manager. He said that he believed Mr. Rankie wanted the search committee to be in charge of preparing the advertisement for the town manager, preparing the final version of the job description and, presumably, have a hand in writing the contract. He said that he

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

thought that this Board had to retain the power they were required to have by law; that the Board would be happy to accept any suggestions from the committee.

Mr. Dunkelberger said that he essentially agreed with Mr. Murphy; that he had no problem with the search committee formulating a job description as a recommendation to the Board and, then, the Board would edit and make changes as the Board saw fit because the town manager would be working for the Board. He added that he thought it was a win-win that the Board actively sought the search committee's input but the Board had to retain final responsibility.

Mr. Hirst agreed.

Mr. Beckert also agreed. He said that this committee was set up as an extension of this Board to work under the direction of this Board and nothing more.

7:49 PM

Mr. Murphy said that he had reviewed the tentative version of the town manager job description already prepared and found it simpler, perhaps, than similar ones that other towns had prepared. He added that his inclination was that they simply adopt the actual wording in the statutory town manager plan; that it laid out exactly what the law would allow and require the town manager to do under the plan that the Town has already adopted.

Mr. Dunkelberger said that the State statutes were an excellent place to start; however, there were some Eliot exceptions and one of them was the Eliot Fire Department; that another was that the statute said nothing about the town manager being at the Board of Selectmen meetings and he thought that ought to be in there. He said that Mr. Murphy's idea was good about forming the foundation but there needed to be some additions to that.

Mr. Fisher said that they had a charter commission going on and imagined that commission would have input on the town manager.

Mr. Pomerleau agreed that the Board should have the ultimate last say but, on the other hand, he thought it was a mistake to micro-manage before they presented the Board anything; that the Board put them together to make recommendations so let them do that and, then make a judgment once they were in the Board's hand.

7:53 PM

Mr. Beckert agreed that the Board needed to give the committee some direction of what the Board expected them to come back to the Board with.

Mr. Dunkelberger said that that went back to expectations and went back to Mr. Rankie's letter that the Board needed to make it clear that the committee would be advising the Board and not directing.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. Murphy said that his view was that the chief task, and maybe the only task, this committee should be performing was simply to look over all the applications and select the ones that had merit, do the initial interview very carefully, and select a subset of those to pass on to the Board, yet, provide to the Board all the information on the whole list of candidates so that the Board would know how many have applied and how many were chosen. He added that after the interviews this committee would hold then the subset they passed on would be interviewed by the Board. He said that he thought that interview and that selection and that observation by the committee of the applicants was the committee's big task, not to write the advertisement or the job description.

Mr. Beckert asked if they knew when the committee was set to meet.

7:55 PM Mr. Murphy said that he was working on that now.

Mr. Beckert recommended the Board strongly consider what direction they wanted to give that committee of the Board's expectations between now and the next Board meeting.

Mr. Dunkelberger agreed, as he believed they needed some discussion because he didn't agree with Mr. Murphy. He added that he thought there was a lot of talent on that committee in different areas and to limit them in the input with regard to interviews would be a mistake.

Mr. Beckert reiterated his recommendation that the Board come prepared to discuss their ideas on a basic direction and what the Board expected the committee to do and come back to the Board with.

Mr. Hirst said that it was entirely possible that all people on the committee just simply couldn't meet at certain times and to do it when the majority could; that they had to move forward with this because time was of the essence.

7:58 PM Ms. (Mary) Fournier asked what format was the vote taken to approve the town manager position.

Mr. Beckert said that it was included in the Administrative budget, which was discussed at Town Meeting.

Mr. Blanchette clarified that the town manager position was being funded through the position that was funding him; that when he left the town manager would take over so it was not additional funds and not an additional position; it was a transition from one to the other. He added that it was roughly \$86,000.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

8:10 PM
H#10

TO : Board of Selectmen
FROM : Mark Phillips
REF : New Building Permit Fees

This was regarding used manufactured housing (Marshwood Estates) and the negative monetary impact on people getting a building permit for the same.

Mr. Dunkelberger said that Mr. Phillips made a valid point. He added that they would have to change the ordinance.

Mr. Beckert said that was correct.

Mr. Hirst asked if the fees were not just adopted at the most recent Town Meeting and, if so, in order to change the fees, they would have to have another Town Meeting.

Mr. Beckert said that was correct.

Mr. Hirst suggested the answer to Mr. Phillips was, while he may have a valid point, there was nothing the Board could do about the fees until, or unless, it went to another vote of the people.

The Board agreed.

Mr. Beckert said that this should be forwarded to the PB for any possible action.

8:05 PM

It was the consensus of the Board to forward this back to the PB.

8:06 PM
H#11

TO : Board of Selectmen
FROM : Code Enforcement Officer, Jim Marchese
REF : Tax Map 1, Lot 143

Mr. Beckert said that, to him, this was informational at this point to let the Board know that the CEO has given this notice to this resident and he didn't think there was any action required of this Board this evening.

Mr. Dunkelberger asked if Mr. Blanchette had read this.

Mr. Blanchette said that he has not read it in any great detail but he has read it.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. Dunkelberger asked Mr. Blanchette to please do so and go over it with the CEO because he was having trouble with some of the logic that the CEO was putting forth in this.

Mr. Beckert suggested the Board might want this forwarded to the Planning Assistant to review it as to how it pertained to the PB and the sections of the ordinance the CEO quoted.

Mr. Hirst agreed.

Mr. Murphy said that he would like to take a look at the building, himself.

Mr. Blanchette asked Mr. Murphy to let him know when Mr. Murphy was going as Mr. Blanchette may go with him.

8:07 PM

H#12

TO : Board of Selectmen
FROM : Dept. of Agriculture, Conservation & Forestry
REF : Floodplain Management Ordinance

This will be forwarded to the Planning Assistant and PB.

8:08 PM

H#13

TO : Board of Selectmen
FROM : Tax Increment Financing Program
REF : Next steps

Mr. Dunkelberger said that in a previous discussion the Board had talked about having a workshop to brainstorm options and he thought that was where they left it.

It was the consensus of the Board to have the Chairman set that up, to include all the key players.

Mr. McMullen asked if any discussion of dissolving the TIF would be part of their workshop.

Mr. Beckert said that it could be; that he was sure that, at this point, everything was on the table.

Mr. McMullen said that he would be sad to see that happen. He added that, if that was going to be a topic of discussion, he suggested giving it some time and prepare the cost of dissolving this TIF, extensively, because there would be serious consequences. He added that, after being on that committee and working

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

with the two attorneys, they discussed that during the committee and the costs were extensive.

Mr. Beckert said that anything was open for discussion in the workshop.

Old Business (Action List):

8:10 PM

1. Tax Increment Finance Program – Potential projects, next steps, subcommittee

This was discussed.

2. Good Neighbor Petition

This was addressed.

3. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short

This was ongoing.

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

Mr. Beckert expressed his concern that that hasn't been done yet. He asked if they had done anything to move forward with this.

Ms. Lemire said that Mr. Moynahan was supposed to work with Ms. Muzeroll-Roy for the final RFP's last week.

Mr. Beckert asked if they still had the subcommittee in place.

Mr. Dunkelberger said yes.

Mr. Beckert asked what the intention of the subcommittee was.

Mr. Dunkelberger said that the subcommittee was looking for multiple RFP's.

Ms. Lemire added the August 27th vote, as well.

Mr. Dunkelberger agreed, saying that the funding might play a part in that.

Mr. Beckert said that, dependent on the August 27th vote, was it reasonable to expect that, regardless of the vote, the subcommittee, in conjunction with the

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

BOS Chair and ECSD Director, could get together and figure out the steps forward.

Mr. Dunkelberger said that they were just waiting for the ECSD Director to get multiple bids and the Chairman was helping her do that.

Ms. Lemire agreed, saying that he was to work with her on Friday.

Mr. Beckert said that they needed to ask for a report from the Chairman.

Ms. Davis said that there were things on the ECSD list that she thought the Board would discuss whether they were even necessary; that in discussion with Town people she understood that there had been a lot of volunteer time and labor offered as a donation so that much of this expense would be mitigated. She added that there was a \$10,000 door that was being requested that seemed unnecessary and asked if that was going to be brought up for discussion at some point.

Mr. Beckert discussed his frustration that the subcommittee, with the parties involved, needed to come back to the Board with something and right now nothing was happening.

Ms. Davis asked if there was any time limitation on the move.

Mr. Beckert said that he didn't think the school had pulled anything back.

Mr. Dunkelberger agreed.

Ms. Lentz said that it was her understanding that the school said that no construction would be carried on when school started.

Mr. Beckert said that he thought that they needed to revisit that with the school department.

Mr. Lentz asked if there was one person who was responsible for this move and carry out that the people asked to be done a year ago.

Mr. Hirst said that he and Mr. Dunkelberger shared that because they were the subcommittee.

Mr. Lentz said that, with all due respect, they had made a joke of this and the voters; that they had made a joke out of the people who voted for this.

Mr. Dunkelberger said that he would agree with him.

Mr. Beckert said that that was why he would like to see this move forward in some fashion and get a report back from the subcommittee, the Chair, and the ECSD Director on where they stood.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

8:15 PM

Mr. Blanchette said that his comment was that the school said that they didn't want any construction during school, asking how many weeks they had off during holidays; that that was the next period of time they had to go in and do construction.

Mr. Fisher said that, being a volunteer, he would do it on a Saturday.

Mr. Beckert said that that was why he thought everything needed to be revisited because there were options and the possibility of moving it forward a lot quicker than they were.

Mr. Pomerleau said that he wondered what the school meant by 'during school'. He added that, even with some limitations, there was probably a strong likelihood they could move in there anyway and, then, complete the necessary changes when school was no longer in session, with a break or whatever.

5. Town Manager - Job description, sample contracts, hiring committee

This is ongoing.

6. Municipal Charter November Referendum

This is ongoing.

7. Policy creation/review – Ordinance Governing Boards and Committees, Park Ban Ordinance

Mr. Murphy discussed better organizing this ordinance in a logical manner and work with Ms. Thain to accomplish that.

8. Employees – cross-training, charting earned times, job descriptions - BOS

This was ongoing.

9. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review - BOS

Mr. Hirst asked if there was a list of those committees/liaisons and who did not have a liaison.

Mr. Blanchette will get this information.

10. Budget Preparation – Fiscal year 2015, goals, formats, etc. - BOS

The Board agreed they needed a meeting on that.

11. Auditor – R_HR – BOS

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

This was addressed.

12. Pay-per-Bag Recycling – 6-month trial, public information sessions

This is ongoing.

13. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst

Mr. Hirst said that they had met with South Berwick and agreed to have another meeting, probably in December, and to meet on a regular basis. As respected Kittery, he said that they had requested meetings with them, but they were so tied up with the town manager situation that they have not gotten back.

14. Legal issues – BOS

15. Sewer - User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton

This was ongoing.

Mr. Dupuis said that they were trying for a meeting with Mr. Hankin next Friday.

16. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews – BOS

Mr. Beckert asked Mr. Blanchette to turn the heat up on getting these reports, recognizing the department heads were busy, but the Board needed and wanted to have these.

17. Research grant opportunities – AED's for Town buildings

It was agreed to ask for a report on this from Mr. Muzeroll and/or Ms. Muzeroll-Roy.

18. Comp Plan follow-up

19. Pending - new unions

20. Treasurer Hiring Committee

8:24 PM

Selectmen's Report:

There were no Selectmen's reports tonight.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Other Business as Needed

There was no other business tonight.

Executive Session

8:25 PM Mr. Blanchette clarified that one of the correspondences that the Board had did not belong in executive session - the request for a sewer abatement.

Mr. Moulton said that he provided the Board with a memo last week as it related to an abatement request for a resident in Eliot. He discussed his concern with granting this request and that there were some outstanding payments as it related to that. He added that the party has made payment since then that the party thought was the 3rd quarter payment for 2012 but supporting documentation clearly showed more costs outstanding than just that one. He said that he was looking for direction from the Board.

Mr. Dunkelberger said that this was due to high consumption swimming pool fills and horse care.

Mr. Moulton said that was correct. He added that the outstanding bill went back to 2011.

Mr. Hirst asked if this letter had gone yet.

Mr. Moulton said no; that that was why he had brought it to the Board.

Mr. Hirst asked what the \$102.90 was for.

Mr. Moulton said that was the cost of the abatement of that 3rd quarter 2012 would equal – 3,500 cubic feet X \$.0290 per cubic foot.

Mr. Dunkelberger asked if he didn't really get a good deal on 'this'.

Mr. Moulton said that he thought so. He added that there were outstanding bills of over \$1,000 dating back to 2011. He added that his recommendation was, and would continue to be, to meter it or not allow it, per the ordinance, then that way it was fair an accurate; that for the time, energy, and cost to do an abatement, in most cases, it didn't equal the cost of the abatement.

Mr. Dunkelberger said that he saw no reason for an abatement based on the information presented.

Mr. Hirst said that the Town had a process for placing liens on properties that did not pay their bills.

BOARD OF SELECTMEN'S MEETING
August 22, 2013 5:30PM (continued)

Mr. Blanchette said yes; that there were most likely liens on the property already.

8:28 PM Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen deny the request for abatement of the sewer bill of Mr. Mark Robinson of 744 Main Street.

VOTE
3-0
Chair concurs

Mr. Blanchette said that, as far as the other executive session, the individual was not present so he didn't know if the Board wanted to take it up.

The Board declined to take this up at this time.

Adjourn

There was a motion and second to adjourn the meeting at 8:30 PM.

VOTE
3-0
Chair concurs

DATE

Mr. John J. Murphy, Secretary