

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM

Quorum noted

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

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

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:31 PM Motion by Mr. Dunkelberger, seconded by Mr. Beckert, to approve the minutes of July 19, 2012, as amended.

VOTE

4-0

Chair concurs

Public Comment:

6:33 PM Mr. Fisher said that the petition for the fireworks ordinance would go in Monday; that he had talked with Ms. Rawski this afternoon and she confirmed it was all set to submit to the BOS.

Mr. Moynahan said that he was sure they would see something and bring that up for discussion at their next meeting. He thanked Mr. Fisher for his update.

Department Head/Committee Reports

6:34PM Mr. Short said that the BOS had a letter in front of them from the District Attorney's office regarding a case that they were involved in some time ago where they seized over \$10,000 as part of a case. He clarified that what the District Attorney's office was asking was whether or not they would accept any or all of the funds as a result of the plea agreement that was reached, adding that it looked like the \$10,000 appears as though it would be forfeited. He said that there were certain stipulations that, if they got the money, it would be required to be used in the Police Department for training or equipment or another category he didn't have in front of him. He added that there was no guarantee they would get any of this money, but they had to at least make a step towards the process of accepting it. He said that the Chair had a form there that he had to sign and that it was whatever the pleasure of the Board was to at least acknowledge and accept whatever part of that money they got.

Mr. Murphy said that he thought this was an opportunity for the Town to, perhaps, acquire funds.

Mr. Murphy moved, second by Mr. Beckert, that the Board of Selectmen approve the acceptance of any possible share of the criminal forfeiture in the case of State of Maine v. Brennan Spofford.

VOTE

4-0

Chair concurs

Mr. Short said that the only other thing he had he noticed was on the agenda and would touch on only briefly. He said that the letter sent to Kittery regarding the discussion about contracted services has had no response, adding that he has had follow-up conversations with the Chief with no mention of what their next move was, although he suspected no news was good news.

Ms. Adams asked if there was a reason why the video streaming wasn't on.

Mr. Moynahan said that Mr. Blanchette was out of Town and he was the one who signed on to the computer; adding that he (Mr. Moynahan) didn't get here early enough to ask if any of the staff may have turned it on.

6:38 PM Mr. Moulton said that this was in regard to contracting with Clean Harbors for the Town's Household Hazardous Waste Day, that the contract would not exceed

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

\$12,000, and the tentative date was October 13, 2012, pending approval by the Board.

Mr. Moynahan asked if this was a budgeted item.

Mr. Moulton said that it was.

Mr. Hirst asked if the price was the same as last year.

Mr. Moulton said that it was a little more than last year, adding that they took into account fuel prices, and that it was \$1,000 more than last year.

Mr. Beckert moved, second by Mr. Hirst, that the Public Works Director be authorized to enter into contract with Clean Harbors for Hazardous Waste Day not to exceed \$12,000 total cost.

VOTE

4-0

Chair concurs

Mr. Moulton discussed the idea of Pay-as-you-Throw concept regarding Municipal Solid Waste (MSW), asking if the Board would consider supporting that idea and his doing some research to present to the Board.

Mr. Moynahan said that, if he worked with the Solid Waste Committee (SWC) and he came up with substantive information for his idea, then they could discuss whether or not at budget time if that was an avenue they would want to proceed with.

Mr. Dunklberger said that he thought the idea was fine but wanted to see some meat behind it.

Mr. Moulton said that he just didn't want to do the work if the Board was going to shoot it down anyway.

Mr. Moynahan said that he thought it had been talked about in the past, so, certainly the homework should be done now, that they could be better prepared.

It was the consensus of the Board for Mr. Moulton to proceed with the research.

New Business (Correspondence List):

6:42 PM

#1

TO : Board of Selectmen

FROM : Town Clerk

REF : Copy of memo from Roberta Beavers to Town Clerk

Mr. Moynahan said that this was a memo from Ms. Rawski asking for direction; that the note said that Ms. Beavers had been getting a lot of phone calls asking for phone numbers and emails of members of the BOS. He said that he, personally, did not want his personal information out there to just anybody. He added that his phone number was certainly already publicized, but that was his personal opinion. He said that he thought he was accessible but thought that he did not necessarily need to be on the web and all of that, reiterating that that was his personal opinion. He asked the Board for their input.

Mr. Murphy said that this bothered him a little bit because they did have available for department heads and committee members a list of every Town employee and committee member and their phone number and, in some cases, their emails. He added that he thought that there was a State law, now, which provided for and, in some cases required, that these be kept somewhat restricted because of personal safety and personal privacy issues. He added that, if citizens really wanted to know, then they could find out but to throw it out there for the broader public just to randomly call or cause a ruckus didn't particularly appeal to him. He did add that he wouldn't mind too much, he supposed, if his cell number were advertised.

Mr. Moynahan said that his home phone number was advertised and that was sufficient; that he would not give his cell phone number to anybody, as that was

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

used for business and he had concerns about being subjected to spam regarding his email.

Mr. Dunkelberger suggested there was another option and that was to have eliotmaine.org addresses for each member of the BOS. He added that, like Mr. Moynahan, his home phone number was fine.

Mr. Murphy said that if the emails were that accessible they would be an even further opportunity for people involved in serious matters to have their time taken up by someone who didn't bother coming to the meeting – it kind of bothered him a little bit. He added that, as a matter of fact, for anyone who wanted to reach him it was already pretty-well known that emails to him could be sent to Ms. Thain at her email address and addressed to him and she got them to him. He added that, in the meantime, the Board members got email from Mr. Blanchette and so forth and Mr. Blanchette printed out copies for him, saying that he came down almost every day to pick up his messages.

Mr. Beckert said that his phone number has been unlisted for years beyond any reasons to do with the Town. He added that Town employees have been instructed for the last 16+ years that, if someone needed to get him that they were to give them the number. He said it was the same with his email address and he has never had anybody have a problem finding him. He said that he was honestly not in favor of everybody's phone number and email address being placed on the Town website because he thought it did create a privacy issue and, if people were that in a need to get ahold of them, then they could get the information right here at the Town Hall. He added that he thought Mr. Dunkelberger had a good idea about setting up Town email addresses for each of the Selectmen.

Mr. Moynahan said that they could certainly look into that but, for the time being in giving Ms. Rawski direction, it sounded like consensus that the Board did not want this information published on the website at this time.

The Board agreed.

#2 TO : Board of Selectmen
FROM : Public Works Director
REF : Requesting to be on Agenda

This was already discussed.

6:45 PM
#3 TO : Board of Selectmen
FROM : Public Works Department
REF : Committee questions

Mr. Moynahan said that this correspondence from Mr. Moulton somehow got lost in the shuffle so he brought it back on the agenda so the Board could discuss the concerns. He invited Mr. Moulton to speak to this.

Mr. Moulton said that it was a series of questions that were posed to one individual (Mr. Dupuis of Sturgeon Creek Enterprises, LLC/Sewer Committee Chairman) and read the letter for the benefit of the public audience.

Mr. Moynahan clarified that there was a perception of financial interest and gain from members of committees and boards that have been involved with this.

Mr. Moulton said that that was his take on that question (#9). He added that he didn't know where the Board stood on it, that that was how he took it, and that Mr. Dupuis was present and could speak for himself. He said that everything was for the best effort of the Town and that was why it was open to the public; adding that everyone had their input, which was good, that there were pros and cons to everything and not everyone would agree. He said that the way some of the questions were written were for an engineer and not specifically for Mr. Dupuis, that they might be more directed to the Board or to himself. He added that, in his opinion, there should be some kind of chain it went through, whether it went through the Board and then to department heads or committees, he didn't know, but he thought there should be some normalcy so that questions could be

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

answered for the folks, reiterating that it might not be from Mr. Dupuis but from Underwood Engineer as it related to the sewer; that he might be able to answer them; that Mr. Dupuis ran a business and was a subcontractor to the Town and this was Town-related business.

Mr. Moynahan said that he thought that all correspondence would come from a board through its Chair to another Chair of any other board. He added that he thought that any of these questions could be responded to and, if it did not apply to the work a certain board was doing, then that board could simply say it did not apply to the work they were doing, he would think. He said that he has gone through this list and some of them were engineer questions and have been asked and answered throughout and maybe they needed to be answered again or the locations for that information could be pointed out to folks. Mr. Moynahan, specific to #9, which was Mr. Moulton's concern, asked if anyone involved with the boards and committees had been asked to sign any financial submission.

Mr. Dunkelberger said that he thought that the answer to #9 was a simple yes or no.

Mr. Moynahan clarified that, then, the answer was no, that they were not going to have people sign disclosures and financial forms.

Mr. Dunkelberger said that, when he had proposed the ad-hoc committee to get together to provide some direction and answers, these were the questions he kind of had in mind; adding that having an ad-hoc committee that had a cross-section of viewpoints with regard to this whole project would provide its own filter as to the questions that would be asked, as well as the lines of information that could be pursued for answers. He added that he would push the Board to get this ad-hoc committee formed and charter them with the project, as well as the ability to go out and answer these questions.

Mr. Moynahan said that the ad-hoc committee was going to be discussed later on in this meeting.

Mr. Beckert said that what concerned him about question #9 was that, in his opinion, this was not within the purview of the BC to ask that question of any board or committee member or individual or business; it was not their purview. He reiterated that that particularly bothered him that that type of question was coming from the BC.

Mr. Moynahan said that they were supposed to be advisory to financial communications within the Town, not makeups of boards and committees.

Mr. Beckert said that, if they thought their purview was to be the watchdog for the entire Town on possible conflict of interest of financial gain, then they were wrong; that was not within their purview.

6:52 PM

Mr. Murphy said that a number of these questions have already been answered in public discussions on the project and he didn't see why they were included in this, except maybe as a place to accumulate a large amount of information that would be handed out as a package to people later on in the future. He said that the problem here was that the BC was an elected committee of the Town and their job was very, very shallowly described in State statute and, so, saying that they couldn't do what they were trying to do couldn't be said, either. He added that they would hope that the members of the BC would be reasonable in the things they thought they needed to know and, instead, demonstrate a trust in the government of the Town to proceed in a way that seemed best for the Town. Mr. Murphy said that many things that were in process had been talked about for many years and, finally, possibilities were arising and the Town, through the BOS primarily and supported by various committees, was trying to accomplish those consistently with the Comprehensive Plan. He added that for a certain group, particularly the BC, to try to adopt an attitude of distrust and opposition to what has been a clear path of the Town was, to him, extraordinary. He added that they were individuals and their right to look into things was their right. He said that many of these questions, he thought, no one should be required to answer if they didn't want to, adding that some of them were very important and many of them

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

have been answered. He reiterated that he didn't see why they were on this list because the answers were already out there.

Mr. Hirst said that he just wanted to point out that the request asked for the answers in writing and asked if there was any objection to doing that.

Mr. Moynahan said that, within parameters, he didn't think there was any objection. He clarified that, if these questions provided from the BC were in their meeting, was there a document of that agenda item in the minutes available because, if so, then any of these requests from board chair to board chair could be answered and could be discussed and, certainly, their committee, perhaps, would respond that the engineers were responsible for particular items. He added that he thought the Board's opinion on #9 was that no one was going to be asked for that type of information to be shared or discussed or accused or whatever one wanted to call it.

Mr. Dupuis said that his basic concern was why he was singled out or why was no one on any other committee singled out. He added that he was invited by several members of the BC to attend and the list was given to him, saying that the following morning he sat down with Mr. Moulton to review it and was instructed not to attend the meeting until the Board had discussed. He said that, as it was, he didn't get home from North Carolina in time for the meeting. He reiterated his concern, adding that a lot of the questions were answered in public hearings; that it was not his purpose to delay and wanted to keep forward progress going on the issues at hand. He added that he wanted to accommodate the BC; that they had undergone a lot of stuff last year when they first started; that they had pledged to Mr. Reed, at the time, that they were going to investigate things and try to get a maintenance program, which has never been established in the age of the system and that that was what they have been working on. Mr. Dupuis said that he and Mr. Moulton took a 16-hour course in the last two days about reviewing that stuff. He added that the wealth of any local community, any local government of any town, was not only measured by what was in the bank, that the primary thing that it was measured by was its existing infrastructure and Eliot was in a very failing system. He said that they needed to convey that to all the people in Town. He said that he reviewed why they lost, adding that they only lost by 16 votes and it wasn't a landslide vote. He said that they knew the public was at that meeting when they talked about it and, had they targeted every one of the 641 sewer users in the community and gotten two votes from every household, then they would not have lost that vote. He said that they failed to show the people who used it how important the vote was and now he was being accused of targeting the users and cautioned not to put messages on bills unless the SC sent the same message to everyone in the Town. He said that the SC did not have a budget; that their committee fell under Mr. Moulton's budget and asked who would pick up the mailing cost. He said that they could always list these things online but not everyone in Town had a computer. Mr. Dupuis said that he was under the belief right now that more than 90% of the BC was not in favor of the sewer and they weren't from the start. He said that he felt that he needed to personally sell the fact that it was needed, adding that it was needed for the good of the community. He clarified that he did not stand to gain anything other than the possibility of being awarded the bid to maintain, explaining that he did not install new systems, that they were Compliant Space Specialists - trained specialists to keep the maintenance program going on existing equipment. He reiterated that he did not install new stuff and the rumor floating around that Sturgeon Creek would gain a huge financial by this passing was not so.

7:00 PM

Mr. Moulton said that it would actually be a loss because maintenance would be minimal on a new system and on the upgrades to the existing system. He added that a contract for maintenance would diminish, that there would still be maintenance – general cleanings and things like that – but there would be no economic gain by anybody, adding that the only people who would win would be the citizens of the Town of Eliot. He said that, yes, it did include upgrades and those were a benefit to the sewer users but, again, for Sturgeon Creek and for him to manage, the maintenance would be minimal at that point because the upgrade would be complete and they were starting at zero, where they should have started in 1986, they were starting at zero. He said that, then, they would have a maintenance plan and, working with the SC, one of the tasks they were trying to

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

get done before next June (wouldn't be done before November) was a maintenance schedule, a plan. He added that that was why he has been before the Board to get some organization of the sewer district, sewer department or whatever one wanted to call it, so that it would be spear-headed primarily, as he has requested, by him and under the control of the BOS with help from the SC. He said that there would be one direction and not going in ten different directions, adding that he thought that was one of the things that had happened in the past and they needed to have some organization, that was the intent – to organize it and manage it whether the TIF passed or not. He added that they were looking at significant upgrades to Pump Stations #1 and #2 at a cost to the sewer users and potentially the Town and that all has yet to be determined. He said that anyway one looked at it, it was a plus to the Town and maintenance would diminish. Mr. Moulton said that he instructed Mr. Dupuis not to answer the questions because he was a subcontractor to the Town even though he was the SC Chair and he was under his direction. He said that he took personal offense above and beyond him, that it even asked for the relevant department heads on there and, in his opinion, he felt they all needed to work together and not work against each other. He added that, however this turned out, it turned out, but it seemed like they were butting heads on too many issues.

Mr. Moynahan said that they were still tasked to do a maintenance plan for the system regardless of what happened with the TIF. He added the SC was a technical advisory board so their task was to provide information to Mr. Moulton and the BOS on how to proceed. He added that the Board has also tasked the SC to assemble technical information as it related to the TIF adding that they were two separate items, of sorts, and to lump them in was not fair to anybody here. Mr. Moynahan said to Mr. Dupuis to continue the path that he had been directed to – review this and answer what questions he thought related to his committee. He said that #9 was not related to any person involved with any board or committee in Town he thought was the consensus of the Board.

7:05 PM

Mr. Pomerlau said that there wasn't enough time this evening to address all the points he heard on that. He added that, to the question of revealing financial disclosure, there was a conflict-of-interest law in the State of Maine and there was a conflict-of-interest policy here in the Town of Eliot. He said that, simply put, there was a reason for these conflict-of-interest documents and that was to protect the public's interest. He said that it didn't accuse anyone, it didn't pass innuendos; it said that, if someone was on a committee in any municipal organization and that person stood to gain at some point throughout the process of the work of the committee, then that person needed to reveal that. He reiterated that it wasn't an accusation or innuendo, but a simple fact of law that if someone was voting for something then the public had a right to know that, in the end if it went that way, that person was going to benefit from it. He said he got really concerned about people that protested too loudly about having to reveal their financial interest on the committees they sat on. He asked what was the problem; it was just about being above-board in following the Town and State statutes on simply revealing where one stood on a particular issue, as far as financial gain.

Mr. Moynahan said to Mr. Dupuis that he was hired as a subcontractor for the Town of Eliot to do maintenance of the system where he was asked if he had any conflicts of interest as it related to the system, adding that he was brought in front of the Board and there were questions about that. He said that the Board, at that point, saw no conflicts of interest with Mr. Dupuis being involved with the municipal system of the Town of Eliot. Mr. Moynahan said that this conversation has happened and he apologized that Mr. Pomerlau was not involved with that.

Mr. Pomerlau said that that was not the point; that that didn't mean they could be precluded from serving; that that was not what the statute said; it just meant it needed to be revealed.

Mr. Moynahan said that he thought that, at this point, the Board was choosing #9 as not something that this Board was going to be allowed to be asked of any people at this point in time.

Mr. Beckert said that this Board was the one who ensured conflict-of-interest rules were followed, not the BC, and he would stand by that; that he didn't care if

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

they were elected six ways to Sunday, that it was not within their purview. He added that it was this Board's responsibility and it was taken on a case-by-case basis and that was how it was handled. He added that he has read the Right to Know law; he's read the disclosure laws and has dealt with them for longer than most people in this room have sat here or lived here.

Mr. Pomerlau said that he was just asking a question; was he saying that the public didn't have a right to know that there was a financial interest.

Mr. Beckert said no, that he said that this Board was the Board that governed that and oversaw it, not the BC or any other board.

Mr. Moynahan stopped Mr. Pomerlau's interruption and said that he could speak when he was called on.

Mr. Beckert said that this situation has been addressed by the Board of Selectmen when Mr. Dupuis was hired through the Department of Public Works to do the work and if that didn't satisfy people...

Mr. Moynahan said that if the Board saw any potential or perceived conflicts of interest as they went along then this Board would address those, as needed. He added that that was part of their job and were tasked to do.

Mr. Beckert said that to target one specific member of one committee; and he didn't care if somebody thought that was not what was intended; that list was handed to him, specifically. He added that it wasn't handed to the whole committee and it wasn't handed to all the committees, it was handed to Mr. Dupuis and it has the appearance of a skunk walking through the room.

Ms. Shapleigh asked if they could read the question so that everyone in the room could know what was being discussed.

Mr. Moynahan read #9: *"Have Sewer Committee members, Business Development Committee members and relevant (involved) town employees sign a Disclosure of Financial Interest form for the R2TS project."*

Ms. Shapleigh clarified that it wasn't one person, that it was all of them that served on the committee that did all the volunteer work. She said that people who were sitting in the audience who haven't volunteered to do anything were going to continually criticize those of them who had been here many, many years, adding that some were natives and that she had been here 47 years trying to give back to the Town. She said that she personally resented somebody asking those kinds of questions that were truly none of their business.

7:10 PM

Mr. Moynahan said that he didn't think they wanted to point fingers or anything like that to anybody. He added that what they had determined was that it was this Board's job to determine whether there were perceived or true conflicts of interest as it related to anything that occurred in the Town, including the potential R2TS project. He added that, regarding the rest of the letter of what was asked, the SC could respond to any of the technical items that applied to their committee, as they were tasked to do technical advisory work for the Town. He added that if it did not apply, then they could respond to that with saying that the BC needed to seek that information from the Town engineers, etc., and if there were things the SC could not answer then don't answer, but #9 was certainly not something that anyone would be asked to do.

#4

TO : Board of Selectmen
FROM : Eliot Budget Committee
REF : Budget Year Commencement

Mr. Moynahan said that this was a note from Ms. Davis, BC Chair, giving the Board an update for the Board's meeting next week with the BC. He suggested they answer this when they met with the BC next week.

The Board agreed.

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

#5

TO : Board of Selectmen
FROM : David Emery
REF : Video-taping changes

Mr. Moynahan said that, apparently, there was some interference in the audio for the video-streaming. He added that Mr. Blanchette has indicated in the note that the ceiling fan was interfering with the quality of the recording and had Mr. Fisher check that. He asked Mr. Fisher to speak.

Mr. Fisher said that they found out that it wasn't the ceiling fan causing the problem but was the apparatus cooling the equipment behind the wall in the meeting room.

Ms. Lemire said that, in listening to the meeting on her recorder, she could hear the fan.

Mr. Moynahan said that maybe both were causing problems, in unison, when both were on together. He added that it was something to explore to get better audio.

Mr. Beckert suggested they might look into sounding for that door.

Ms. Adams commented that it was a really strange place to put a mic way up there. She thought that, if they had mics in front of them, then that would be better and, maybe, have another one at the back of the room for the people who were here. She added that she found the same thing because, if they went back to November during the winter, they would not hear that noise at all; nothing was running but, when that was on, it made a background sound and she couldn't hear very well.

Mr. Fisher said that he thought that the Police Department had a decibel meter that he could come in here and read decibels, as it was now, turn the fan on and see if there was a difference.

Mr. Moynahan said that the CEO had one of those and said to Mr. Marchese that maybe they could get a couple of recordings one afternoon.

Mr. Dunkelberger said that he could communicate that to the IT Committee.

Mr. Moynahan agreed but added that they had the ability in the Town office to do that noise measurement.

Mr. Dunkelberger said okay.

7:15 PM
#6

TO : Board of Selectmen
FROM : Lee Downer
REF : ARC Bark Mulch Processing Facility

Mr. Moynahan read the letter from Mr. Downer regarding the impact of ARC's incompleteness of their bark mulch facility and screening of that facility. He asked Mr. Beckert if this would be the purview of the PB.

Mr. Beckert said that it was actually a code enforcement issue.

Mr. Moynahan asked if Mr. Marchese had received a copy of this letter.

Mr. Marchese said yes and that he really appreciated Mr. Downer taking the time to express his concerns about the project. He said that he believed that this project, like other projects in the Town of Eliot, has been impacted by the economy, adding that if the economy was on-track, then he thought they would be much further ahead than they currently were. He said that the project was fully permitted to do what they were doing here, that the State DEP was ongoing with their site evaluations and the monitoring of what was going on. He did agree that vegetation and stabilization of the site was key and he was trying to get those answers. He reiterated that he thought the main factor was the economy, that things were not moving as fast as they had anticipated.

Mr. Moynahan asked, regarding the planting of vegetation, if that was a DEP requirement.

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

Mr. Marchese explained that, with any site like that, re-vegetation and stabilization was key to get that done as quickly as they could.

Ms. Adams said that this really concerned her. She clarified that she didn't live, like Mr. Downer did, to look at it every day, when she went by it and saw it. She added that saying it was because of a bad economy just didn't cut it with her; it was going to be like the Great Hill project and would go on and on and on and what happened if they went out of business and it didn't get done. She asked if the Town could bring them into compliance, speed this up for completion, were there any fines that could be leveled against them, when businesses didn't do what they said they were going to do. She said that this was their Town and she would hate to see that there when she was 80 years old because the economy wasn't good enough for them to do anything about it.

Mr. Moynahan asked the CEO if there were timelines involved with the ARC permit.

Mr. Marchese said that he did believe that the PB did establish a timeframe.

Mr. Moynahan suggested they review that and then, at that point maybe, they could have a better discussion of how to have a conversation with ARC. He said that, if Mr. Marchese could get that information to the Board, that would be great.

Mr. Fisher asked if there were bonds floated for this project.

Mr. Moynahan said that he was unaware.

Mr. Dunkelberger asked if ARC currently had a project in front of the PB.

Mr. Beckert said no.

Mr. (John) Chagnon said that he was a party with Mr. Downer when the ARC proposal went to the PB and they had an agreement with ARC that was, he thought, called a 36B court case and in that they agreed to a 3-year timeframe. He said that there were other things at play here regarding the timeframe, not that it was anything the Town was a party to, but he and Mr. Downer would appreciate it if the Town would work to make a timeframe because it could go on for another ten years.

Mr. Moynahan said that the Board would get the hard data from Mr. Marchese to clarify their compliance or non-compliance and would make decisions from there. He clarified that the 36B would have nothing to do with the Town, as that was a civil matter.

7:20 PM Mr. Hirst clarified that there was an agreement to Mr. Chagnon and asked if that was in writing.

Mr. Chagnon said that it was.

Mr. Hirst asked if he could furnish a copy to the Board.

Mr. Moynahan clarified that that was a civil matter.

Mr. Hirst apologized, adding that he didn't catch that.

Mr. Dudek asked if there as an address where this ARC project was going on.

Mr. Moynahan said that he did not know the physical address.

Mr. Beckert said that he couldn't tell him the physical address but, if he went in to the ARC facility through the entrance by Dave's Auto, it went in and past where the ARC buildings were and up the grade to part of the old Roland Goodwin gravel pit.

Mr. Chagnon said that, if he went out to 587 Goodwin Road, he could look down and see it.

Mr. Moynahan reiterated that they would get information for Thursday from the CEO and bring this up again.

7:22 PM

#7

TO : Board of Selectmen

FROM : CEO

REF : Assistance

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

Mr. Moynahan asked Mr. Marchese to speak to this.

Mr. Marchese said that he thought it was a great opportunity for the Town, that it was a win-win situation. He said that the gentleman had recently graduated and was having a hard time getting experience so, through the State program, the Town got his assistance for free and the State reimbursed him for his time. He added that, obviously, he wouldn't be doing code enforcement activities but he would assist him with plan reviews and things like that.

Mr. Moynahan clarified that it was no cost to the Town and would be work experience for this gentleman trying to pursue a career. He asked for Board member input.

Mr. Murphy said that it seemed like an interesting and reasonable and valuable project to take on. He added that he thought they hadn't done this before and so he thought it would be quite interesting to see how it worked out, both for the Town and the person involved.

Mr. Fisher said that he was wondering if it was possible that, when people were talking, if they could come up forward, explaining that he had a hearing impairment and it would make it much easier for him to hear them.

Mr. Moynahan said that if they were an agenda item he would try to do better about getting them up front but commentators could just stay where they were.

Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen accept the services of this School to Work Coordinator to work along with the Code Enforcement Officer within the office at no cost to the Town.

VOTE

4-0

Chair concurs

Mr. Moynahan asked if the gentleman needed a letter from the Board indicating that they approved that.

Mr. Marchese said that they had the minutes and thought that was adequate.

7:24 PM
#8

TO : Board of Selectmen
FROM : CEO
REF : Financial Statements

Mr. Moynahan said that this was in regard to financial statements; that Mr. Donhauser had talked about cross-training and training Town staff for certain functions and Mr. Marchese has offered to step into whatever roles were needed. He asked Mr. Marchese to speak to this.

Mr. Marchese said that he thought it was an excellent opportunity to learn something new. He added that he did have some background in accounting but not a formal education. He said that he thought it would be good to work with Mr. Donhauser and he thought he could help out the Town.

Mr. Moynahan said that the Board was meeting with Mr. Donhauser next week and they could discuss with him the willingness of an employee and he may want to consider sharing some of the responsibilities. He added that he didn't think there would be any more action on this at this point, that they would wait to discuss this with Mr. Donhauser. He thanked Mr. Marchese.

7:25 PM
#9

TO : Board of Selectmen
FROM : Central Maine Power
REF : Location Permit Applications

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

Mr. Moulton said that he had looked at the proposed location for the new pole and he had no issue with the placement of the pole and recommended the Board sign the permit.

Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen authorize Mr. Moynahan to sign the permit to allow Central Maine Power to place a pole along Route 101, 435 feet south of Route 236 and extending in a southerly direction for a distance of 225 feet, with expected construction to start November 2012 and completed by October 31, 2013.

VOTE

4-0

Chair concurs

7:29 PM

#10

TO : Board of Selectmen
FROM : Central Maine Power
REF : Town Pole Permits

Mr. Moulton said that, again, he looked at the pole location and he did not see any issue with the relocation of the pole 25 feet northerly from the existing pole location.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen approve the pole permit, as requested.

VOTE

4-0

Chair concurs

#11

TO : Board of Selectmen
FROM : Xfinity
REF : #1 Digital Network Enhancement, #2 Program changes

This was informational

#12

TO : Board of Selectmen
FROM : Rebecca Davis
REF : Economic Development Study

Mr. Moynahan said that this was a note from Ms. Davis regarding the Economic Development study with two companies listed. He added that he attached the person who had done theirs and, again, he thought the Board could bring this next week with the BC and have further discussions. He added that he thought it would be smart to have the person who did the Town's financial tabulations involved, as well.

The Board agreed to discuss this next week with the BC.

7:30 PM

#13

TO : Board of Selectmen
FROM : FEMA
REF : Hazard Mitigation Plan

Mr. Moynahan said that this was from FEMA regarding York County's Hazard Mitigation Plan and approval of the 29 participating York County jurisdictions' mandatory requirements. He added that he didn't think they had to do anything with this but had the ability to solicit funds from FEMA. He gave Mr. Moulton a copy and said that Mr. Muzeroll and Mr. Short should have copies, as well.

#14

TO : Board of Selectmen
FROM : York County Community
REF : Request to meet with Board

This was a letter from Brad Bohon of York County Community Action requesting to come in to meet with the Board to give them an update about changes in the past 12 months and services being provided to Eliot residents.

It was the consensus of the Board to have him come in.

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

Mr. Hirst asked if this was the outfit that provided the bus for the Town for \$6,000.

Mr. Moynahan said yes.

7:32 PM
#15

TO : Board of Selectmen
FROM : York County Budget Committee
REF : Caucuses to elect members of the York County Budget Committee

Mr. Moynahan said that this was a memo from the York County Budget Committee, asking if everyone had had a chance to read this and if there was any discussion or anything required.

Mr. Murphy said that he thought it was a chance for this Board to alert the audience of this opportunity – the possibility of having a non-elected citizen making himself or herself available for a position on the York County Budget Committee that existed. He explained that there were five districts in the County and they were in District #5, which contained the towns of Eliot, Kittery, York, Ogunquit, and Wells. He added that the information provided here showed that, for each of these five districts, three members were chosen to be on the budget committee – one of them was a citizen and two of them must be elected officials. He said that, in the Town of Eliot, members of the BC or BOS could opt to make themselves available to be voted on, as it was not necessarily a guarantee one could get on there because there were five towns involved and only three members to represent those five towns on a fifteen-member committee for the whole county. He added that, at the current time, one of the elected official slots was empty and the citizen slot and other elected official slots ended in June and, so, all three of those slots of Mr. Sinden's district were available for people to apply for to be on the county budget committee. Mr. Murphy said that this was not a trivial position and, if he was not so busy, then he might seriously consider doing this, himself. He said that Mr. Reed was on the budget committee and did an excellent job. He reiterated that this was an opportunity for civic-minded people and they did not have to be elected but could apply as a public citizen. He added that there would be a caucus on Wednesday, September 5th at 6:30 PM at the Alfred Town Hall and, at that time, everyone who took their position seriously would try get there and elected officials would be the group of people who would do the electing of the candidates for the slots that were available for the various districts of the county. He said that it only took about two months' worth of work and maybe seven or eight meetings of a couple hours each during that period.

Mr. Moynahan said that he had the information packet here if anyone who was interested.

7:37 PM
#16

TO : Board of Selectmen
FROM : Robert Pomerlau
REF : Timeliness of Meeting Minutes

Mr. Moynahan said that this was an email from Mr. Pomerlau to him for the next BOS meeting agenda to consider "*the following when reviewing the Ordinances Governing Boards, Committees, and Commissions*" and asked if Mr. Pomerlau wished to speak to this.

Mr. Pomerlau said that it was in reference to the delinquency of meeting minutes, pretty much across the board and what he saw was a lack of an actual standard and he would hope the BOS would try to establish – and his memo back was very helpful with some information he didn't know and that he had had discussion with Ms. Rawski - adding that he understood there wasn't a simple solution to this. He added that that there were two areas he would point out that there was a quick resolution and answer to: one was the more video-taping committees would use the faster this problem would go away because it would become an immediate record and a detailed, permanent record, which by law was allowed to serve as the minutes of the meeting and would take a lot of pressure off of a lot of committees and, in particular, it seemed that on his list the more delinquent ones were the more important ones – the PB and the BOS and the SC – with all the critical information that was going out as everyone prepared for the TIF and making the information going on at the meetings available to the public he was really urging

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

the Board to stop making their special meetings in that room and use this room so that they could have video tape of it. He said that all three of the special meetings since the Board started them were still lagging with minutes and that no one knew anything as to what went on there. He added that the other was the SC meetings, that they were way back in March and what meeting minutes they had met a bare minimum of the statute, they told what was voted on and what was brought up, and if anyone was looking for detail, looking for substance, then it wasn't even remotely close to the meetings that were done here at the BOS and a video tape would go miles. Mr. Pomerlau said that, in the Maine statute, it said it should be available to the public in a reasonable time and that was wide open to interpretation.

Mr. Moynahan said that they recently sent out a letter, which they have several times, urging the boards and committees to be timely with their agendas and minutes and to get them to Ms. Rawski as soon as possible. He added that they tried to do that continuously throughout the year and acknowledged that there were times when the different boards and committees were lagging behind and some groups they didn't have agendas or minutes for and it was a requirement. He said that they did take it serious and, even though citizens may not see those memos going out, they did go out to the boards and committees.

7:40 PM
#17

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Ordinance Governing Boards, Commissions, and Committees

Mr. Moynahan said that they got this last week and were to review and bring it back tonight to see if there were any changes or alterations that they would like to see. He added that he had it at the last meeting that on page 3 of the Procedures at (2) the Town website should be added as one of the post locations. He said that, on #8 under Procedures, they had discussed about timelines, which was to what Mr. Pomerlau was just talking about, and Mr. Dunkelberger had reminded him that some of these boards were unable to accommodate that.

Mr. Dunkelberger said that this Board has had that difficulty in the past when not all members were present, which was why he would resist setting any specific requirement.

Mr. Moynahan said that he understood, adding that he was just reciting what he had written down. He said that he thought Mr. Murphy had mentioned, on page 5 (13) a., adding non-advertised, non-public meetings. He said that (14) was one of the bigger ones he had questions that they had talked about before – communications with department heads requesting information from boards and committees. He explained that his thinking was that all should be formulated in a meeting from a board or committee that went through the Chair specific to the department head so they had the proper chain of command so as not to have multiple requests for information.

Mr. Murphy said that he did tell Mr. Moynahan the one concern that he had picked up on and suggested as a possible change.

Mr. Beckert requested that they have Ms. Thain redo this and insert the changes in red so that they had them to review, again, and in the meantime, Mr. Murphy may find something else.

Mr. Moynahan agreed.

#18

TO : Board of Selectmen
FROM : Eliot ME Live Detail
REF : Video Streaming Hits

Mr. Moynahan said that this showed what the viewership was and that he wasn't sure he knew how to make sense of this; he wasn't sure if the viewership showed in the right-hand column or not but Mr. Blanchette was not here to speak to this.

Mr. Dunkelberger said that, if he was to guess, he would say the first one – Eliot ME Live – would be the number of people on right now watching. He added that

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

the next one was the video on demand (VOD), so that was 224 people that were watching later and, then, he thought it was broken up by individual, as far as which meeting was being watched.

Mr. Moynahan clarified that, on the third page board selectmen 5, they had 23 people watching that.

Mr. Dunkelberger agreed.

Mr. Moynahan said that he thought this was informational; that they were still looking to do the upgrades in the meeting room out there to be able to post some of those meetings and see what, if any, upgrades needed to be done if the service is truly a benefit to the masses. He suggested just holding onto this as they progressed with video-streaming.

Mr. Hirst asked what the status was of the installation of the video-taping for the conference table.

Mr. Moynahan said that he had hoped that that would be included with this update from Mr. Blanchette so he wasn't sure. He added that it was supposed to be coming at any time.

7:45 PM
#19

TO : Board of Selectmen
FROM : Barbara Thain
REF : Requests from individuals to be appointed to Sewer Expansion Committee

This was regarding people who had requested to be appointed to the Route 236 Sewer Expansion Committee.

Mr. Moynahan said that since they advertised this they have had four people submit requests and suggested this may be enough to set up a working group. He asked if they needed to have some involvement from this Board, as well, at least for some direction for them.

Mr. Donhauser said that he actually submitted an application to Ms. Rawski today.

Mr. Moynahan asked for the pleasure of the Board.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen appoint John Chagnon, Russ McMullen, Donna Murphy, Robert Pomerlau, and Richard Donhauser as members of the Route 236 Sewer Expansion Committee.

VOTE

4-0

Chair concurs

Mr. Moynahan said that, now, this Board was tasked with who was going to set up the group and they needed to come up with their tasks or did this Board need to identify further what they would be tasked to do.

Mr. Hirst said that they needed a mission statement.

Mr. Moynahan said that those were the words he was looking for. He asked if this Board should define it or should the Board let them define it.

Mr. Beckert said that they were appointed by the Board and, if they wanted to come up with a mission statement and see if this Board would approve it, then that was fine. He added that that was usually what any other appointed committee did but the Board should give them some direction of what was expected.

Mr. Murphy said that they just called this a committee and wondered if this was an ad-hoc committee of the BOS or were they setting up a new, standing committee of the Town. He clarified that he assumed this was an ad-hoc committee of this Board to advise this Board.

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

Mr. Moynahan agreed that that was how they were looking to set this up.

Mr. Murphy suggested that should be near the top of any explanation of its purpose, saying that they didn't want to set up a group that would just kind of float and do anything; that they should report to the BOS in order that the BOS may better accomplish the governing of the Town, it seemed to him.

Mr. Moynahan suggested they should probably amend the motion to include that it was an ad-hoc committee.

Mr. Beckert moved, second by Mr. Hirst, that the committee the Board of Selectmen just set up will serve as an ad-hoc committee and answer to the Board of Selectmen.

VOTE

4-0

Chair concurs

Ms. Shapleigh said that she was curious where the SC who has done a lot of work with this fit in with this.

Mr. Moynahan said that he thought that all the committees would be involved at some point in time. He added that the Board would create the direction for the group and have the boards and committees share the information that they have separate from what their direct tasks have been.

Ms. Shapleigh said that her next question was what was the mind set of these people that were on this committee; were they for this sewer expansion or opposed to this sewer expansion; did anyone interview them to know.

7:48 PM

Mr. Moynahan said that the Board did not interview any of them and he didn't think it mattered if they had for or against but were just looking for additional people to be involved with gathering information and asking some questions; saying that that was what he thought they were looking for. He added that collectively, perhaps, one of the Board members could take a lead on writing down a brief direction or goals and objectives for the group that the Board could pass on to them and let them set it up from there. He asked who was going to set up the first meeting with them.

Mr. Murphy discussed that they had not discussed how big this was going to be or how many members would be on it, whether regular members and alternate members or associate members.

Mr. Moynahan agreed, saying that they would not just terminate the process; that they would continue to get people.

Mr. Murphy clarified that it was not a closed committee and there was room for more people.

Mr. Moynahan agreed there was room for more people. He asked Mr. Dunkelberger if he would like to get the group going.

Mr. Dunkelberger said that he would be happy to at least formulate some ideas for the Board to consider with regard to direction, adding that he would be having surgery soon, which would kind of take him out for a while.

Mr. Moynahan suggested if he could get something for next Thursday, perhaps, as far as the goals and objectives and on Thursday, if no one else was willing, then he would start the meetings with them; go over the goals and objectives, let them create a mission statement, try to show the process, and all that.

Mr. Dunkelberger said that, depending on how things went, he might be able to join Mr. Moynahan later.

Mr. Moynahan said okay. He thanked everyone for volunteering their time.

#20

TO : Board of Selectmen
FROM : Eliot Police Department

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

REF : Dispatch Services

Mr. Moynahan said that this was the Police Chief's response to increased fees and dispatching and he wanted to make sure everyone had a copy of what the Board had tasked the Chief to do. He added that this was more informational at this time and that has been submitted.

7:50 PM

#21

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Follow up on letter

Mr. Moynahan said that he had asked Mr. Blanchette to follow up with Mr. Markel, Kittery Town Manager, in regard to a letter Eliot sent to them July 17th on the 2-Way Communications billing statement and that, as of August 13th, they had received nothing. He added that he had also requested that they get the original bill from Kittery because he thought there were questions whether or not the original bill was made to Kittery and resubmitted to Eliot. He said that, at this point, they would just wait for correspondence from Kittery

#22

TO : Board of Selectmen
FROM :
REF : NO CORRESPONDENCE

Mr. Moynahan said this was about budget goals, adding that at this meeting they were to discuss what their goals for the budget season would be. He added that he didn't know if they were going to determine an increase maximum or decrease to enhancements of services and some discussion on a zero-based budget. He said that he thought they were tasked tonight to be prepared to have this conversation and see what direction they wanted to take.

Mr. Murphy said that he would have to confess that he had not given it any thought, as he had been very busy doing some other things that had taken an awful lot of his time to do them well. He said that he wasn't sure it was possible for them to lay out a specific course in regard to what they were going to do with the budget; that they had historically started with requiring each department to consider what its needs were and whether they had been successful in the past couple of years and how much they thought their budgets were going to require to have something to work with. He added that starting out with a zero budget he thought was silly because one had to start with adding things to it and that was what department heads did already – they knew they had employees; were they going to fire them and rehire them all over again and which one did they hire first in order to get away from the zero line of the budget. He said that maybe he misunderstood the interpretation of that and how it was applied; that he would be happy to be instructed by someone who knew more than he did.

Mr. Dunkelberger said that he thought they needed to talk to the department heads if this Board was to go with zero-base budgeting because this Board needed to find out if department heads would understand that and, then, provide them some guidance. He added that they could give them some guidance as far as coming in with either no increase in the current budget or some incremental increase, which is the guidance he thought that the Board should give them rather than coming in with a wish list.

Mr. Moynahan said that that was what he thought they were or – at least his intention was to have that direction be discussed so that the Board could communicate that to department heads so that when they were preparing their budgets for budget schedules they would have a starting point.

Mr. Murphy said that he thought it would be too upsetting to require department heads to start from zero and justify their whole departments; it was too shattering and simply wasn't elegant to tell them to justify their whole departments, start from zero – it just did not make sense. He said that he thought they really should start from where they were this year and, if they wanted more, then they should justify that and, if they could get along with less, then try to find a way to do that.

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

He said that he thought that was the way they have done it; the way they were used to thinking, and to force them to adopt a new way of thinking might be difficult.

7:55 PM

Mr. Hirst said that he was going to defer any comment and let the rest of the Board go.

Mr. Beckert clarified that they were going to meet with the BC next week and suggested a lot of the discussion on philosophies of both this Board and that committee on where this Board thought they should go versus where they thought this Board should be heading would take place then. He added that he wasn't sure he totally agreed with zero-based budgeting.

Mr. Moynahan said that, maybe, wait until this Board talked with them and maybe they could explain zero-based budgeting before this Board made their directives to the boards and committees.

Mr. Beckert agreed, saying that he hadn't been convinced enough that that was really where they needed to start. He did agree with Mr. Dunkelberger that they did need to give department heads direction and, if this Board expected them to have a no-increase budget based on the figures they had this year, then this Board ought to tell them that, up front, and not tell them later on down the road or, if this Board was going to say no more than a 2% increase, then give them that direction but he didn't know what that number was yet. He said that discussions next week with the BC may clear some of that up, in his mind. He added that he would like to hear feedback from department heads, as a group.

Mr. Moynahan said that, at this point, they would wait until they met with the BC and, maybe, they could explain those zero-based items and answer some questions for members here and, at that point, the Board could come up with their own thoughts on this.

Mr. Beckert said that zero-based budgeting was basically building a budget from ground zero; that one started with no figures and then put the budget together. He added that he wasn't sure that was the way to go.

Mr. Moynahan said that there would be nothing at this point; that they would wait until they met with the BC then bring this up again after that meeting.

The Board agreed.

7:57 PM
#23

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Town Manager Plan

Mr. Moynahan said that he has included this for discussion if the Board chose to have discussion as it related to this. He added that they had had many conversations in the past about certain things lacking in the Town and a lot of it stemmed around town manager responsibilities versus the current Administrative Assistant role that they have. He added that this information that he had Mr. Blanchette provide indicated that they could have a town manager with the Board of Selectmen makeup, saying that he didn't see much in the way of charters, here, so he didn't think this was as drawn out of a process as some of the ones in the past that have been discussed, which required a charter commission and to define a charter and all that. He said that it may be something they wanted to consider; that there was information in front of them and they could certainly follow up and explore further.

Mr. Dunkelberger suggested setting up a workshop specifically to address this because he thought it might require a little more research as well as maybe getting some examples of contracts, services, and expectations.

Mr. Moynahan asked the Board if that sounded like a sensible approach.
The Board agreed.

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

Mr. Moynahan said that he would add it to the AIL and schedule it for one of their meetings.

Ms. Adams said that she didn't know if it would be helpful to the Board but she was reading past minutes – she didn't know if it was last year or the year before – and the Selectmen charged the Comprehensive Plan Implementation Committee (CPIC) with actually looking at a charter-form of town government. She added that, if they haven't made their report to the Board and maybe it would save the Board time not to have to schedule their own workshop, to have the CPIC report their findings back to the Board, if they haven't already.

Mr. Murphy said that he believed that committee had been very busy and distracted from that line for quite a while. He added that he was the liaison to that committee and they have not been meeting regularly lately but they did consider this and it was one of the chief concerns. He added that Mr. Beckert would remember that and might know more.

8:01 PM

Mr. Beckert said that he had the same recollection as Mr. Murphy; that they had not been meeting recently; that they didn't have a formal report but, at the time, it was felt that this town manager/selectmen form of government without a charter was the thing to look at versus the full-blown charter commission. He said that that process, if one read through the statutes, could take up to three years and it was a lot of work if it failed. Mr. Beckert said that a lot of towns in Maine that had a straight Board of Selectmen form of government have gone with this town manager/selectmen form of government as governed by the statutes and thought it was worth looking into further.

Mr. Murphy said that the statute outlined in great detail precisely what the town manager did, the rules, and the limits of his power and so forth, so they didn't have to write up a new job position or job description for the Town and must follow the one that was in the statute; that they would be consistent with many other towns who did it that way; that it saved a lot of time and the Town could adopt those very quickly.

8:05 PM
#24

TO : Board of Selectmen
FROM : Janet A. Saurman
REF : Letter of Appreciation

Mr. Moynahan read this letter: *“Dear Board of Select People, I write to express my appreciation for the fine response I received today from Town employees. An unfortunate and somewhat unpleasant situation developed on my property, that being a dead opossum decaying in the well of a basement window. I called the Eliot Police Department for direction as to who in town might provide some help in the removal of the carcass. Judy, the receptionist/dispatcher was polite, listened, and understood my situation. She told me she would make a few calls on my behalf and find who in town could help. Within minutes, she called back and told me someone from the Highway Department was on his way. Sure enough, just as I was hanging up, and friendly and polite Highway Department employee, Mr. Beauregard, arrived and took care of the entire problem. Just one more example of the benefits of living in Eliot, whose town employees are polite, responsive, and dedicated. Many thanks to them and to you for all you do. Sincerely, Janet A. Saurman”*

Mr. Moynahan asked that copies of this be forwarded to the Police Department and the Public Works Department.

#25

TO : Board of Selectmen
FROM : Eliot Fire Department
REF : Department Head Report

Mr. Moynahan said that this was a department head report from the Fire Department. He said that Mr. Muzeroll indicated some changes specific to his department like they had talked about when they had the department heads in. He added that if there were additional items the Board would like to see from that department then they should communicate those to him.

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

Old Business (Action List):

8:06 PM Mr. Moynahan asked if the Board wanted to continue keeping these on their off Thursdays and schedule these to try to get some of them off or were there specific things anyone wanted to speak to tonight.

Mr. Beckert asked if there was any update on the ECSD space in the school as Mr. Dunkelberger was still gathering information. He added that he could report that the PB this Tuesday past approved the additional use of the school building for the housing of the ECSD offices.

There was no more discussion and Mr. Moynahan said that he would continue to schedule items on their off Thursdays.

1. Sewer Contract Committee – Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette – IMA Update
2. Monthly Reports from Department Heads
3. Sewer User Rates, reserved allotments, odor, maintenance– Sewer Committee
4. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short
5. Community Service Space – Mr. Dunkelberger, Mr. Hirst, & Mr. Blanchette
6. Auditor – Management Letter
7. Budget Preparation for next year – time line, etc.
8. Regionalization of Town Services – Mr. Moynahan, Mr. Hirst
9. Legal issues – pending and Consent Agreements
10. Information Technology – IT Committee
11. Amend Ordinance Governing Boards, Committees, & Commissions, Time lines for posting Agendas and Minutes
12. Liaisons to committees – review existing members & try to fill open spots
13. Employees – Cross-training, Charting earned times, job descriptions
14. Dispatch Service – Contract with Kittery, request from same, costs
15. TIFD reports and updates – Mr. Blanchette
16. Review Sewer Rates
17. Monthly Special Meetings for Action List

8:07 PM

Selectmen's Report:

Mr. Hirst said that he had a list of things to add to the AIL, which he sent to Mr. Blanchette.

Mr. Moynahan said that if he had them now and wanted to speak to them...

Mr. Hirst said that there was no need to speak to them at this point if they could just put them on.

Mr. Moynahan said that usually those things were discussed within this venue so that everyone could choose whether or not they were added.

Mr. Hirst could not find his list.

Mr. Moynahan said that Mr. Hirst had a couple of items he wanted to add to the AIL and, if it was acceptable to the Board, he would add those automatically and, if not, they could wait to hear what Mr. Hirst had.

The Board agreed to add Mr. Hirst's suggestions.

Other Business as Needed

There was no other business tonight.

8:09 PM

Executive Session

Mr. Beckert moved, second by Mr. Hirst that the Board of Selectmen enter into executive session as allowed by 1 M.R.S.A. § 405.6.A "Discussion or consideration of the employment, appointment..."

VOTE

4-0

Chair concurs

BOARD OF SELECTMEN'S MEETING
August 23, 2012 6:30PM (continued)

Mr. Fisher asked what the executive session was about.

Mr. Moynahan said it was about discussion or consideration of the employment or appointment.

Mr. Fisher asked for what department.

Mr. Moynahan said that it did not indicate on the executive session.

Mr. Beckert said that it was a personnel issue.

Mr. Fisher asked for what department.

Mr. Moynahan said that when there is a discussion of Town employees they had to do it in executive session; that there were right to privacy laws and could not indicate who.

Mr. Fisher said that he wasn't asking who but what department was hiring.

Mr. Beckert said that under that whole hiring, retention, etc., came discipline; that it was all under that same statute.

Out of Executive Session

8:52 PM Mr. Moynahan asked if there was any action of this Board from executive session.

Mr. Beckert moved, second by Mr. Hirst, that in the event that code enforcement issues arise at Cole Brown Estates that the Town of Eliot seek the services of either South Berwick Code Officer or Kittery Code Officer to address those issues.

VOTE

4-0

Chair concurs

Mr. Moynahan said that he would reach out to both towns to see what their availabilities were in the event Eliot needed assistance from them. He clarified that the other executive session they had in their packets had been withdrawn until further information.

Mr. Pomerlau said that he thought the Board took too literally executive sessions on personnel matters; that he was reading from the municipal manual and, in the specific chapter, it described the conditions under which they could go in to executive session and it said: "any personnel matters concerning employees or officials but only when public discussion damages a person's reputation or a person's right to privacy would be violated." He added that he knew there was a clear distinction that, if family issues were brought in, then that's private – that's a personal situation, private matters that didn't become public. He added that wage information, job descriptions, general personnel descriptions don't fall under that category and were public information items, so, when the Board went into those sessions to raise someone's pay, as they have many times and the Board called them executive sessions, he thought they were in violation of the chapter; that he did not see how that person's reputation could be injured in any way, shape or form and it wasn't a matter of his privacy because that was public information.

Mr. Moynahan said that someone else had brought up a comment and he was going to follow up with Mr. Blanchette, that they have brought this up in the past about what was allowed, wording, and all that and he would follow up again and try to get the Board as much information as they could to make sure that they were doing things the right way.

Adjourn

There was a motion and second to adjourn the meeting at 9:55 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John J. Murphy, Secretary