

BOARD OF SELECTMEN'S MEETING
September 13, 2012 6:30PM

Quorum noted

6:30 PM: Meeting called to order by Chairman Moynahan.
Roll Call: Mr. Moynahan, Mr. Murphy, Mr. Beckert and Mr. Hirst.
Absent: Mr. Dunkelberger.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:32 PM Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of July 26, 2012, as amended.

VOTE
3-0
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of August 2, 2012, as amended.

VOTE
3-0
Chair concurs

The minutes of August 9 were not approved pending research by Ms. Lemire of clarification on page 28.

Public Comment:

6:35 PM Mr. Pomerlau said that later on in the agenda the Board had some time allocated for discussion on a November vote for the Route 236 Sewer Project, noting that there was a memo in the correspondence from Ms. Rawski saying that the last date to make a decision to go forward was the 24th and he knew there had been discussion about whether or not that was going to happen on the 24th – in November. He added that, if there was nothing on the agenda, then he would like to make a statement to it now.

Mr. Moynahan said that that was on the agenda for the Board's discussion later in the evening.

Mr. Pomerlau asked if they would allow public comment.

Mr. Moynahan said that they may but that it was the Board's business and they had a full agenda.

Mr. Pomerlau said that if they were not, then he would like to make his comment now.

Mr. Moynahan clarified that it was on the agenda; that they would see how far they got into the agenda and, if time allowed, then they would take more public input than normal. He added that they tried to keep it to a minimum because they had a lot of work to do.

Mr. Pomerlau asked if he should make a comment now or wait until later.

Mr. Moynahan said to wait until later in the meeting.

Mr. Moynahan asked if there were any other additional public comments for anything not on tonight's agenda.

There were none.

Department Head/Committee Reports

6:37PM Mr. Moynahan said that, at this point, a report from the CEO was in all the Board member boxes and they would postpone any discussion of that to either the 20th, if they had a meeting, or the 27th, their next scheduled meeting.

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Mr. Moulton said that he had out two things he got into their box this week; that he spoke with Mr. Blanchette about submissions from department heads and asked if the Board could speak to that.

Mr. Moynahan reminded him anything that had big substance, like a vehicle purchase, should be in the Board's boxes the Friday before the meeting so that everyone had a chance to review it.

6:38 PM

Mr. Moulton said that that was the first item. He discussed the pick-up truck bid results: Bill Dodge Auto Group - \$32,326.00; Portsmouth Chevrolet - \$32,977; O'Connor Wheels - \$33,690; Weirs Motor Sales - \$34,839.00, saying that the original intent was to enter into a lease/purchase agreement to not deplete the Highway Vehicle Reserve Account but that the lease option would cost the Town an additional \$7,000+/- in interest over 5 years. He added that the reserve account had adequate funds (\$35,038.00) to completely fund the purchase; that that would save the Town the cost of interest and suggested they purchase the truck outright.

Mr. Moynahan asked if this vehicle was next on his vehicle replacement.

Mr. Moulton said no, that it was determined to replace the Dodge that had a transmission problem as the Board decided not to put the money into the transmission because the value was worth more than the truck, itself.

Mr. Moynahan said that their options were to remove most of the money from the reserve or stretch that out over a period of five times, which would cost the Town an additional \$7,000. He asked if everyone had had a chance to review the information Mr. Moulton had provided and if anyone had any questions.

Mr. Beckert asked which vehicle Mr. Moulton preferred – Chevrolet over Dodge.
Mr. Moulton said yes, at this time.

Mr. Beckert said that he asked only because the Dodge they had, they had transmission problems with that vehicle four different times.

Mr. Moulton clarified that they have had transmission problems with the Ford that they currently owned, too, including the new one.

Mr. Hirst said that he wondered how that would impact Mr. Moulton's CIP and if he had taken that into account.

Mr. Moulton said that he had and, as he previously discussed, if they did a lease/purchase, even though it was \$7,000, it would allow him to maintain that and push the replacement of a six-wheel dump truck out two years.

Mr. Hirst clarified that Mr. Moulton thought he could make his CIP commitments okay.
Mr. Moulton said that it would be tight but, yes, he thought so.

Mr. Beckert moved, second by Mr. Hirst, that the Director of Public Works be authorized to enter into agreement with Portsmouth Chevrolet for \$32,977 for the vehicle that they proposed.

Discussion:

Mr. Moynahan said that they should clarify that the amount would come out of the vehicle reserve fund.

Mr. Moulton asked if they wanted to go to Chevrolet because they were closer or...Bill Dodge would be a GM product, as well, and that was a little bit less.

Mr. Beckert asked if he would have to run it back and forth to Westbrook for service under the warranty or could they take it to Portsmouth.

Mr. Moulton said that they could take it to any local GM dealer.

Mr. Beckert said that he would withdraw his first motion if Mr. Hirst would withdraw his second.

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Mr. Hirst said surely.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen authorize the Public Works Director to go to Bill Dodge Auto Group of Westbrook for the vehicle that they have proposed at the price of \$32,326.00.

VOTE

3-0

Chair concurs

Mr. Moulton said that he had one other thing – an emergency service generator – if the Board would like to discuss it.

The Board agreed.

Mr. Moulton said that this was something he had put forth in his CIP for this year. He said that he has obtained 3 price quotes for the purchase and installation of a 20 KW auto generator system for the Highway Garage, explaining that they currently had only a small portable generator system that only serviced a portion of the facility. He added that they were an emergency response facility that worked in conjunction with the Eliot Police and Fire Departments as well as independently during winter storm maintenance operations. He said that the price quotes were: CNC Electric - \$9,500.00; Moriarty Electric Company - \$9,800.00; M & L Electrical Service - \$10,800.00, adding that he would like to purchase and install the generator prior to the winter season and asked for the Board's input.

Mr. Moynahan said that he didn't have the quotes in front of him but he knew that when he reviewed them that Moriarty had a little more detail in the content of the language, adding that they just wanted to make sure that, even though CNC may be slightly less than they, in fact, included all that. He asked if, when they sent out requests for proposals, did they send out a full list of all the components of that bid.

Mr. Moulton said yes.

Mr. Moynahan suggested Mr. Moulton include those with his packets and correspondence so that they could make sure that they were, in fact, pricing apples for apples.

Mr. Moulton said that he usually did and apologized.

Mr. Murphy said that he wondered in Moriarty's, it seemed to him a full, quotation he included the option of a 5-year extended warranty for \$476, asking how that 5-year extended warranty work with the 3-year manufacturer's warranty; was it on the same material or everything else but that, did it precede it or follow it, did they have 8 years, etc.

Mr. Moulton said that it was his understanding was that it preceded it, so it would be above and beyond.

Mr. Hirst clarified that he would have 8 years total.

Mr. Moulton said yes. He added that he could get confirmation on that.

Mr. Hirst said that he noticed that the low bid was CNC but it was only \$300 less than Moriarty and, for \$300, it would be his thought to stay local.

Mr. Moynahan said that it did state in the BOS policy language that whenever possible to keep local with that type of thing. He added that this was part of a line item budgeted for this year and asked if there were thoughts from the Board about allowing the Public Works Director to move forward with this request.

Mr. Beckert asked if they wanted the extended warranty with it.

Mr. Moulton said that he had a year to decide so, essentially, that was something he could put in next year's budget.

Mr. Fisher asked when those bids were published because he didn't remember seeing them in the paper.

Mr. Moynahan asked if he published.

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Mr. Moulton said that he did not publish them in the paper.
Mr. Moynahan asked how many contractors Mr. Moulton solicited.
Mr. Moulton said four.

Mr. Moynahan clarified that he solicited four contractors and three supplied bids.
Mr. Moulton said that was correct.

Mr. Moynahan asked the Board if that was a sufficient process.
The Board said yes.

Mr. Beckert moved, second by Mr. Hirst, that the Public Works Director be authorized to enter into contract with Moriarty Electric Company of Eliot, Maine for the purchase and installation of a generator not to exceed \$9,800.00.

Discussion:

Mr. Hirst asked if Mr. Moulton was going to be able to use funds he has for the gas work that was separate and not included.

Mr. Moulton said yes, that it was a budget item.

VOTE
3-0
Chair concurs

Mr. Moynahan reminded him to, as always with new contracts, make sure that they had proper certificates of insurance and that sort of thing.

6:47 PM

Ms. Davis said that she wanted to do a follow-up on their joint meeting and she had a few questions she would like to get an update on (gave handout to Board). She added that she didn't know where these questions stood and, if the Board had time to review them quickly, that would be great, if not, they could follow up.

Mr. Moynahan said that he could go down, if the Board would allow him, and answer a couple. He said that they did meet on budget formats and approved a format that was forwarded on to department heads for this year. He added that they did take some of Mr. Strong's information and they added additional columns to that. He said that the Board has developed a budget calendar for this year and should be completed at any time, that Mr. Blanchette was working on that and would be provided, as well, and passed out to department heads. Mr. Moynahan said that #3 was addressed in the letter that he mentioned earlier that all correspondence to department heads for requested information would be through the respective chair, disseminated through the Administrative Assistant to the department head and, from there, tasked to respond with answers and information in a timely fashion, adding that that was clarified in the letter that went out to all department heads, as well. He said that, regarding #4, he couldn't speak for the Board just yet as they haven't discussed it. He added that he was sure they would bring departments in for pre-meetings to go over some of the format, saying that the BC could always schedule with department heads early on, too. He said that they did not have to be joint meetings if her committee wanted to get a jump-start on meeting with them but the budgets would not be due until the end of November. He said that he thought that #5 would be addressed to Mr. Blanchette. He asked if Mr. Blanchette had a copy of this.

Mr. Blanchette said that he did.

Mr. Moynahan said that he could not speak to #6 and asked other Board members if they knew of any letter planned from the SC to the users.

Mr. Murphy said that he didn't think there was anything finalized, adding that it had been discussed from time-to-time and there was a possibility, perhaps, but he didn't think any action had been accomplished.

Mr. Moynahan clarified that this Board would be made aware of anything that went out to users prior to.

Mr. Murphy said that he would hope so, yes.

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Mr. Hirst said that to his knowledge that there was no draft that had even been addressed.

Ms. Davis asked if a copy of that would be made available to the BC prior to being sent out.

Mr. Moynahan said that as long as they could remind Mr. Blanchette to make sure they got the letter; that if it had something to do with financials and budget items, for sure.

Ms. Davis said that she believed it had something to do with the TIF and the ad-hoc committee that met on Mondays she thought had been tasked with reporting to the residents of the Town, so she was wondering what this letter concerned and if it related and had any bearing on the TIF.

Mr. Moynahan said that they would make sure that if it had any bearing on that type of thing that everyone that was involved would be informed.

Mr. Beckert asked to clarify whether this request was coming from the BC or the ad-hoc committee.

Ms. Davis said both.

Mr. Moynahan said that, if the letter to the residents pertained any financial information and that sort of thing, then it would certainly make sense to have those groups involved.

Mr. Beckert commented that it would be public information anyway.

Ms. Davis clarified that it would become public information prior to it being sent to the sewer users.

Mr. Moynahan said yes. Reading question #7: "Is the Route 236 Sewer Extension Expansion warrant article for funding going to be a referendum question on the November ballot?", he said that that was in their work for this evening so he could not speak to that yet.

Ms. Davis asked to go back to #1, saying that when the BC submitted the sample budget they also included a sample highway division annotation sheet and she was wondering if that was something that was going to be implemented this year.

Mr. Moynahan said that he thought that, when they talked, as a Board, that that would work for one department and each would be different so they could not come up with just one template and the language in the draft letter that went to department heads indicated that they were required to have back-up documentation that reflected their budget requests.

Ms. Davis said great and thanked the Board.

Mr. Moynahan said that once they got that information, if there were different additional things, then they could all go from there and that was what they have been tasked to do. He asked Ms. Davis if that answered all her questions.

Ms. Davis asked if she could just touch base with her other members.

Mr. Moynahan agreed.

Ms. Davis asked if anyone else had a question.

Mr. Reed asked if they had sent a copy of the letter they sent to department heads to the BC.

Mr. Moynahan said not as of yet; that the draft was completed and he told Ms. Davis that she needed to review it; that his signature was on it already. He added that that needed to be out by September 15th; that he and Mr. Blanchette had worked on that this week, asking if Ms. Davis got a copy from Mr. Blanchette to review, then they could make sure everyone got copies from there.

Ms. Davis said that she hated to reiterate but the information in the letter to the sewer users may not involve financial information but it was a letter that regarded the TIF and she didn't think it was appropriate to go out to sewer users only, rather than the entire Town and she was just concerned that this was going to be overlooked.

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Mr. Moynahan said that, before anything went out, this Board had to approve any mailings to citizens, so they would be made privy to any documentation that was looking to be sent out.

Ms. Davis said that she really appreciated that and thanked the Board.

New Business (Correspondence List):

6:53 PM

#1

TO : Board of Selectmen
FROM : Catherine Corkery
REF : NH Sierra Club, Schiller Plant

Mr. Moynahan invited Ms. Corkery to speak.

Ms. Corkery said that she brought a couple of her friends and just wanted to go over a few things. She said that she and her colleagues were here tonight to propose a way to address the dangerous risk posed by Eliot's neighbor – the Schiller Station – the coal-fired power plant in Portsmouth (NH). She added that they would like to do three things: briefly describe the public health threat, summarize the concerns and past attempts by the Town of Eliot, and review a potential avenue for the Town to actually find a solution. She said that she would like to introduce to the Board Kimberly Richards, from Eliot, who would briefly describe the past attempts of the Town of Eliot; Glen Brand who is the Chapter Director of the Maine branch of the Sierra Club; and Attorney Zachary Fabish who would speak on the Clean Air Act and the Section 126 Petition. She commented that they would be very brief because she could see that their agenda was very long and she wanted to respect that. Ms. Corkery said that the Sierra Club was the nation's oldest and largest grassroots organization started by John Muir in 1892 and, in part, their statement of purpose says "...start to explore, enjoy, and protect the wild places of the earth..." She said that Schiller Power Plant has three 50 megawatt electric electricity-generating boilers, two coal-fired boilers, and one wood-fired boiler, which was owned and operated by Public Service Company of New Hampshire (PSNH). She added that they reported in 2010 to the State of New Hampshire that the Schiller Power Plant emitted 3,255 tons of sulfur dioxide, over 900 tons of nitrogen, about 15 pounds of mercury, and over one million tons of carbon dioxide. She said that these four pollutants are just a few of the dangerous materials that came out of the smokestacks and other emissions included arsenic, cadmium, soot, and lots of other things. She said that the power plant's airborne pollution presented a real risk for the people of Eliot and that the health-based standards were in place to protect the public health. She said that the American Lung Association (ALA) listed almost 4,000 young people under the age of 18 with asthma, 1,500 adults with asthma, and just over 7,000 people with chronic bronchitis in York County, Maine and that these were the folks who were more at risk of having an attack from a bad air day that would send them to the hospital, adding that Schiller Power Plant was a major source of the pollution in the Eliot area. She said that while there were other sources of smog, ozone, and haze the biggest one at Eliot's doorstep needed Eliot's undivided attention and Eliot needed to be heard. Ms. Corkery said that the Sierra Club has monitored the issues at Schiller and New Hampshire's other coal-powered plants for years with serious concern for ozone-forming nitrogen, the smog-causing sulfur, climate-changing carbon, and the nerve toxin mercury but the Town of Eliot has endured for decades over these emissions and many more. She added that the people of Eliot have long-awaited relief and peace of mind from their neighbor. Ms. Corkery said that she hoped that the Eliot BOS considered this suggestion of filing the Section 126 Petition to the EPA to get the relief that has eluded the Town. She said that Schiller Power Plant has been Eliot's neighbor since 1949 and Kimberly would summarize what it has been like for those decades in Eliot. She said that after Ms. Richards spoke, she asked Attorney Fabish to elaborate on the Section 126 Petition.

Ms. Richards said that she was a member and a volunteer for the Sierra Club but she was here, more than anything, as a concerned citizen. She said that her family has lived in Eliot for several generations and, as she was sure they were all aware, there have been concerns for many years about the light pollution, the noise, the arsenic in the soil, the soot on the cars; that folks have been complaining about these things for years and she couldn't help but wonder that, if it was doing that to their homes and soil, what was happening to them. She added that, as it turned out, it was doing a lot. She said that she suffered from chronic bronchitis and just assumed that was her lot in life but, as it turned out, that was not necessarily the case. She said that there have been plenty of efforts by folks trying to raise

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their concerns about these sorts of issues; that citizens of Eliot have approached the State of Maine, the State of New Hampshire, and even PSNH about these concerns but, eventually, they would run up against roadblocks. She added that there were no results because there was no avenue to express these concerns; that the issue needed to be a violation an existing regulation or law, such as the Schiller Plant did X, which caused Y, and this was a direct violation of Z. Ms. Richards said that the third part of the equation was what was missing before but they had that now and all they needed to do, as a Town, was to file some paperwork. She said that her message to you all, to the Board, was that they had a chance to do something truly great, not just for themselves and the Townspeople today, but for past generations who have suffered and for future generations so hopefully they won't have to.

Mr. Faulkner said that he had sent an email to Ms. Corkery that he would be willing to speak this evening and apparently she did not get it. He wondered if the Board wanted him to give them some background on this prior to discussing the legal ramification, adding that he could wait.

Ms. Corkery suggested that they wait and, if there were questions, then definitely; she thanked him.

Mr. Moynahan said that he needed to stop their presentation for a moment as they had a scheduled public hearing for 7 PM.

7:00 PM
#2

TO : Board of Selectmen
FROM : Roland L. Felch III, dba Roadhouse Tavern
REF : Liquor License Application

Mr. Moynahan opened the public hearing for the application of a liquor license by Roland L. Felch III – Roadhouse Tavern at 987 Dow Highway, Eliot, Maine. He asked if Mr. Felch was present.

Mr. Felch said that he was. He said that he has been going through the process of purchasing the Roadhouse Tavern from Jacquie Sheltie; that he has been working there since the opening, helped through the opening; in general, he has been in the restaurant business for 20+ years working in every capacity and always felt that at some point he would own a restaurant. He added that, after being there for almost 2 ½ years, just found that he really liked the community and liked the location and just really enjoyed the business. He said that he did not plan to make any drastic changes to the business and the ultimate plan was to, with myself and a certified well-educated staff, work in 100% compliance with the State of Maine, the Eliot Police Department, and the Town of Eliot, Maine.

Mr. Moynahan clarified that this was a new license and would be separate from the renewals they have had with Ms. Sheltie in the past.

Mr. Felch said that that was correct.

Mr. Murphy said that there was a reference to a diagram but it was not included in their application. He added that he remembered the diagram from earlier this year and his question was whether Mr. Felch intended to have the porch that faced Route 236 to be part of his service area for customers.

Mr. Felch said yes.

Mr. Murphy said that that was omitted on the previous application and he didn't know if Mr. Felch's diagram showed that porch as being part or just had the interior rooms as his service area.

Mr. Felch said that he believed it did to the left-hand side; it showed the service area on there.

Mr. Murphy clarified that it included the porch.

Mr. Felch said that was correct.

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Mr. Murphy said that his second item was that, on question #19 he was asked what the distance was from the premises to the nearest school, school dormitory, church, etc. and his answer was 1 mile to a church and he wasn't sure which church the applicant was talking about. He added, however, he measured this as he did earlier this year and his premise was about .15 miles from the Baptist Church, which was across the road and down almost a stone's-throw, so that should be corrected. He added that 1 mile suggested that things were perfectly safe but if it was only 1/10th of a mile down the road that was kind of different and ought to be part of the record.

Mr. Felch agreed.

Mr. Hirst asked if there was an ordinance or rule that said that it had to be a certain distance from a church or a school.

Mr. Moynahan said no.

Mr. Beckert said that the only thing he noted was that they didn't have any comments from the Police Chief.

Mr. Moynahan said that he had contacted the Police Chief and the Chief had no concerns regarding the application or the current business.

7:05 PM

Mr. Ciesleszko, 12 Spinney Creek, said that he looked on this favorably; that corner of Town right there needed that business as a restaurant and with liquor. He added that they have been quite responsible in the past from what he has seen and, as long as he carried on that same thing, it looked like a good fit and a tribute to that area.

Mr. Moynahan asked if there were any other public comments.

There were none.

7:06 PM

The Public Hearing was closed.

Mr. Moynahan said that, at this point, the Board would need to take an action, or not, on the request for a liquor license.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen approve the application of Roland L. Felch III, dba The Roadhouse Tavern at 987 Dow Highway for a liquor license.

VOTE
3-0
Chair concurs

Mr. Moynahan requested Mr. Felch make the correction with the distance.

Mr. Felch said that he would.

Mr. Moynahan asked Mr. Blanchette if they needed to sign that.

Mr. Blanchette said yes, once they got the correction.

Mr. Hirst asked if they should also have the print that Mr. Murphy was referring to; the sketch.

Mr. Felch said that he had one.

Mr. Moynahan asked him to provide that to the Town, as well.

Mr. Felch said that he would.

7:08 PM

At this time, Mr. Moynahan moved the agenda back to #1 under New Business.

Attorney Fabish said that he wanted to talk briefly about the Clean Air Act (CAA), explaining that this was the flagship law that sought to make sure the air in the country was clean for people to breathe. He said that the basic way it was structured was that states set limits for emissions from pollution sources within those states. He added that the EPA came up with what it thought, based on the best available science at the time, what was a safe level for a pollutant to be in the air. He said that states then took that information and used that to figure out what the emission limit should be for power plants and chemical plants and for other places that give off a lot of air pollution in those states. He said that the problem with all of that was that air pollution didn't respect state boundaries; that the

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pollution from one state could and did blow directly into other states, particularly where there was a source right on the border between the two states, which created kind of a problem because it wasn't a situation where the down-wind state could issue a permit with emission limits to the source in the up-wind state; that it was not legal for that to happen. Mr. Fabish said that what the CAA did was, and was an amendment that Congress made a long time ago, to create a special process where a down-wind political subdivision – state, county, town – could petition the EPA directly to say that there was a source or a group of sources of pollution in an up-wind state and they were sending their pollution into their (down-wind) jurisdiction and, as a result, they were having difficulty maintaining levels of air that were consistent with the air quality standards that the EPA put out. He said that this section of the CAA was called Section 126 and the petition under 126 was called the 126 Petition. He said that, with this in mind, the Sierra Club took a look at the Schiller Plant with regard to sulfur dioxide, which was a dangerous air pollutant; that it has been determined that even short-term exposure to relatively low concentrations of sulfur dioxide could trigger asthma attacks, particularly in adverse populations such as the elderly, the young, and people with lung disease; it could cause respiratory distress and could lead to hospitalization of people and just all kinds of terrible ill health impacts. He reiterated that these health impacts could occur at very short-term exposure – 5 minutes – and at relatively low concentrations. He said that the EPA issued an air standard for sulfur dioxide that was set at basically 75 parts per billion; above 75 parts/billion on an hourly average was unsafe and, in setting this standard, they calculated that this would save a huge number of lives – something like close to 6,000 lives every year and prevent something like 54,000 asthma attacks every year across the country.

7:12 PM

Mr. Fabish said that what they did was look at Schiller Station's permitted emission divestiture, which was what they were allowed to emit under their permit as issued by the State of New Hampshire, and they analyzed that to see how it would comply with the 75 part/billion sulfur dioxide standard. Standing at the easel that held a graphic, he said that this was called a dispersion plume from the Schiller Plant crossing over the river into Maine showing predicted peak impacts based on the emission limits from the plant. He said that every colored area on this was above the standard and, in some cases, some of the peak areas were significantly above the standard; that, in fact, they predicted a peak three times above the standard. He said that Maine and Eliot didn't really have a way to regulate this plant directly; pollution came from New Hampshire, blew into Maine, and, besides this 126 Petition, Maine was just kind of stuck dealing with it. He explained that, by filing a petition with the EPA saying that this source was causing unhealthy air in Eliot's jurisdiction the EPA was required, under the CAA, to address that petition within 60 days. He said that if they granted Eliot's petition, agreeing with them that it did look like this was causing pollution in Eliot's area that was inconsistent with the safe levels they have set, then the EPA could place the plant on a 3-year compliance schedule and no longer than 3 years, at the end of which time the limits needed to be ratcheted down to a safe level. He said that this was the process that could be taken here and has been used successfully in other areas. Mr. Fabish said that, similarly in the State of Pennsylvania, there was a plant called the Portland Plant, which was a large coal-fired plant and coal was basically the source for sulfur dioxide emissions in this country; that this plant was on a river that separated Pennsylvania from New Jersey and enormous amount of sulfur dioxide were blowing from Pennsylvania into New Jersey. He said that New Jersey did exactly the same kind of model the they did here, which was to use EPA-approved software developed, in part, by the EPA and consistent with guidelines put out by the EPA for exactly this purpose, which was to analyze pollution coming from a single source. He added that they submitted a 126 Petition to the EPA that said the Portland Plant was making it difficult, if not impossible, for them to maintain healthy air in their jurisdiction. He said that the EPA agreed; that the petition was filed in September 2010, the EPA issued its findings and came up with a rule trying to correct the problem and, as a result, by January 2015 the Portland Plant was required to limit its emission to a level that ensured that air quality was protected and that was not even by the end of those three years that that had to happen; that there was an interim date by which emissions had to be ratcheted down. Mr. Fabish said that his point with this example was that this was a viable pathway and was something that could happen very quickly. He added that at the end of the day he thought that they would just want to say that they would like this to be considered as an option; that it was a way of dealing with pollution from the Schiller Plant; it was a fast pathway; and ultimately, it approached what was really a justice and fairness issue in that this was a plant that was not in Maine, it was in New Hampshire but, nonetheless, sent its pollution into Maine and this was a way of addressing that.

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Mr. Murphy said that there has been sort of a shorthand reference to the sulfur reduction, asking if when he said that did he mean to include the half a dozen other things which needed to be reduced and, when the EPA came in, did they address those other things and require that they be reduced at the same time.

Mr. Fabish said that they talked about the other pollutants because they thought it was beneficial for the Town to know; that this would just pertain to sulfur dioxide.

Mr. Murphy clarified that that was what the EPA measured; that they didn't look at the other things but assumed the others would be reduced in proportion; that they didn't test for them but only for the sulfur.

Mr. Fabish clarified that, in this process, it would be a petition saying sulfur dioxide from this plant was making it difficult for them to have air consistent with sulfur dioxide standards and, so, it would be purely the sulfur dioxide. He added that the solutions for dealing with sulfur dioxide included things like scrubbers, injecting different sorbents into the flue gas stream of what was coming out of the plant and that had an add-on benefit of taking care of a lot of other pollutants. He said that, in fact, PSNH's other coal-fired facility in New Hampshire – Merrimack Station – New Hampshire required it to reduce its mercury emissions and they installed what was called a 'wet struc' and that took care of mercury but, typically wet scrubbers were used to take care of sulfur dioxide, adding that certain controls definitely had benefits for other pollutants as well as the primary pollutant it was geared for.

7:17 PM

Mr. Beckert said that he read the petition, which was fine, but asked how many signatures were needed.

Mr. Fabish clarified that petitioning the EPA was filing a document; that it was called a petition but it was not the same kind of petition requiring many signatures from residents.

Mr. Beckert clarified that it would be like a letter of concern from the municipal officers. Mr. Fabish said yes.

Mr. Hirst asked to what extent, if at all, have they dealt directly with the Schiller Plant and have they found out whether or not the plant may be in the process of remediation already.

Mr. Fabish said that they have been engaging with PSNH generally, not necessarily with respect to this issue, but they have definitely had communication with New Hampshire Department of Environmental Services (NHDES), which was the agency that did the permitting for the Schiller Station Plant. He said that they recently issued a new draft permit for the facility addressing sulfur dioxide, which reduced the limits slightly but not nearly enough to take care of this problem; that they spoke with the engineer today about this very issue that this didn't address the underlying problem and they didn't get any indication that the NHDES was going to move rapidly to take care of it.

Ms. Norton commented that to address this and ask the EPA to look into it was not, by any means, going to put anybody out of work at the Schiller Station; that it was not going to jeopardize anyone's job; that it was just looking into the safety of the air quality here in Eliot. She added that, if they looked at the statistics – she knew they were discussing a lot about just the breathing problems – there were great majority of people down in South Eliot have, and have lost family members to, cancer, which was also one of the bad effects of the same pollution from the coal-burning plants. She said that there was a huge concentration of cancer in that area.

Mr. Despina, Station Manager at Schiller Station, said that he was present on behalf of PSNH and the employees of Schiller Station, many of which were residents in the communities on this side of the river in Maine. He said that he wanted to make sure that everyone clearly understood that they operated their facility in full compliance with all their local, state, and federal permits that regulated them. He added that what was being discussed here was regarding the National Ambient Air Quality Standards and they were fully aware of those standards. He said that they fully recognized their obligation to assist in non-attainment resolution that existed, whether in the State of Maine or in New Hampshire, so there was no need to petition or otherwise contact the EPA. He said that, once the EPA issued its final instructions on how to conduct the modeling, then they would

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know for certain what the situation was in this area and what role they needed to play to reduce and get, whether it was in New Hampshire or Maine, back into attainment.

A member of the audience asked if Schiller had made any motion to install the necessary scrubbers that would help clean this stuff out.

7:22 PM

Mr. Despina said that they were always looking for ways to reduce emissions and, as it pertained to sulfur, he would just give them a few examples. He said that they were a deep-water port, which enabled them to go out to tap the world market in coal, and for the last 10 – 20 years or so they have burned, predominately, what was referred to as low-sulfur coal well below their current permit limits. He added that, back in 2006, they converted one of their coal-fired boilers to 100% wood-fired boiler and that was not regulation-driven but was something they did on their own. He added that about two years ago they entered into a partnership with Lindt Chocolate, explaining that they utilized a by-product of their chocolate manufacturing process, mainly the cocoa shells, and mixed that as part of their fuel mix in the coal units. He said that, for every ton of cocoa shells that they burned, they displaced the need of a half of a ton of coal. He said that, again, that that was not regulation-driven, so they were always looking for ways to reduce emissions anyway they could.

Mr. Ciesleszko clarified that Mr. Fabish said that it was New Jersey that brought the 126 Petition against the plant in Pennsylvania. He said that he couldn't believe that, if their Town just made out this form and sent it, that the party was over and then it would be out of their hands. He added that they (Eliot) could get tied up in this where one would think they were going to Maine to fight this against the plant and spread the amount of money it would cost to run this. He asked if there was any cost to applying this 126 to the Town in time and money.

Mr. Fabish clarified that, regarding the intervention in New Jersey, the statute said that petitions could be filed by political subdivisions and that included counties, towns, and states. He said that it was just a petition; it was not initiating litigation and that it was not a situation in which people would go to court and argue things but was actually quite simple and easy. He explained that it was essentially taking the information, giving it to the EPA and asking them to do their analysis.

Mr. Ciesleszko clarified that there was no additional onus on the Town, that they were off the hook, that no additional work was required of them after the 126 was filed.

Mr. Moynahan said that the letter said in the next to last paragraph, "...is not a lawsuit of any kind, and poses no costs or financial risks to the petitioner."

Mr. Ciesleszko asked, in regard to their complying right now, were New Hampshire's regulations less than the federal regulations; how could a state regulation be less than the EPA and, if they were following the state regulation, shouldn't that at least be a minimum to the federal regulations currently in effect.

Mr. Fabish said that the unfortunate reality was that state regulations fell short of achieving the air quality standards all the time. He added that there were air quality standards that were issued decades ago and there were areas of the country that still did not have compliance with them despite the fact that the CAA was passed. He clarified that it wasn't a case where the government has set a regulation and the state regulation was supposed to mirror it; what the federal government did was to say 'this' was the level of air quality that was safe and then it was up to the states to kind of figure out how they were going to achieve that and they may not do it right. He said that, in this case he would say that, if Schiller were complying with the permit, then that didn't necessarily mean, at all, that it wasn't problematic vis-à-vis the air quality standard.

Mr. Ciesleszko clarified that the federal standard was only a wish instead of a mandate.

Mr. Fabish said that it was somewhere in between
Mr. Ciesleszko, in the New Jersey case, asked, if they didn't meet their on-going betterments, were there shut-down clauses; were they under a gun if they couldn't meet the requirements.

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Mr. Fabish said that they were a bit under the gun; that they were required to reduce their emissions and that it was up to the facility to determine how they were going to do that.

Mr. Cielezsko said that he would, just as a comment, proceed with great caution in this; that he didn't like it right off the bat.

7:28 PM

Ms. Richards said that the bottom line here was that it was their health they were talking about and the levels that were being determined at the federal level were determining what was healthy for them to breath and what was not – that was the focus here. She added that, if they had to get the EPA's attention by doing this petition, which would essentially take them out of a huge stack of things wanting the EPA's attention and say address this now, then by doing that and it turned out that everything was good with the plant – wonderful – and maybe they could figure out what was causing such bad levels. She added that the American Lung Association gave Eliot a grade of D as far as air quality.

Mr. Fisher said that back in about 1980 they came across the same thing trying to reduce emissions from the Schiller Plant; that they were buying coal from off-shore, and it was dirty coal. He added that anthracite was available from Virginia and West Virginia, adding that it was very expensive but very, very clean compared to what they were getting from Europe. He was wondering if the plant was still buying European coal versus Virginia or U.S. coal.

Mr. Despins said that the coal they currently buy was predominately from South America.

Ms. Norton said that South America had different standards from the U.S.

Mr. Moynahan said that in the package of information they had from Sierra Club the piece missing was the petition and any information that would go along with that. He added that he thought that all this was helpful information for the Board to peruse but it wasn't complete. He said that he thought there was some more information they would need before they, as a Town, would commit to something that still had so many questions.

Mr. Beckert said that he would like to see sample wording for the type of 126 Petition letter they were talking about. He said that he had to believe that that had to reference certain portions of the law that they were not in compliance with, so rather than the Board freelance something, he would like to see a sample petition before he made a commitment either way.

Mr. Moynahan agreed and that the Town would not be liable.

Mr. Fabish said that they would be happy to get that sort of thing to the Board.

Mr. Murphy said that he would like anything they asked the EPA to do to be all-inclusive. He wondered if they would come down here and take new measurements; did they do a true site study for the whole region, verifying data collected in the past or did they just accept the data from the applicant and analyze that data rather than coming out and measuring for themselves what was really going on.

7:30 PM

Mr. Fabish said that, with the plant in Pennsylvania, New Jersey put together a petition, cited some modeling, and the EPA took a look at it and said that that was very interesting and that they would do their own analysis, which they did, but it was limited to the sulfur dioxide. He clarified that it would be limited to the pollutant the petition concerned.

Mr. Murphy clarified that, if the petition mentioned other things, then they might test other things.

Mr. Fabish said that they might but they might also say that Eliot didn't have a legal focus to take a look at those things and so they would limit themselves to just look at the one issue.

Mr. Murphy asked if the national standards limit themselves to sulfur dioxide or include others, also.

Mr. Fabish clarified that there were national standards for a number of different pollutants.

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Mr. Murphy said that it was more a matter of practice that they homed in on sulfur dioxide as a 'canary in the mine' to carry along these others.

Mr. Fabish said that theoretically a 126 Petition could involve any number of different air quality standards but they would have to have evidence or analyses indicating those standards were being violated.

Mr. Brandon asked who did the modeling.

Mr. Fabish said that it was done by an air modeling expert by the name of Steve Klapka and is based in the mid-West.

Mr. Brandon asked if the EPA or other communities used him to do modeling for 126 applications.

Mr. Fabish said not for 126 applications; that the EPA has its own modelers on staff that it used for this sort of thing. He explained that there was a community of air modelers that used the software that was developed by the EPA and a working group to do this. He added that it was done in strict adherence to EPA's protocols and it was, in fact, done on the modeling that the EPA did in the Portland situation.

Mr. Murphy said that he thought that they probably should do something but what to do was the question. He added that they had another committee in Town that has conferred with the Sierra Club and he was wondering if the Energy Commission (EC) rep was willing to speak to this issue.

Mr. Case, EC, said that he would be happy to talk to this. He said that, personally, he loved what the Sierra Club did, in general, and he applauded their efforts to clean up the air that they (Eliot) breathed. He added, with that said, he did read all of the reports very carefully; he got on the computer and looked up the national air quality standards and a number of other things and he would respectfully ask the Sierra Club folks to see if they could modify their report in the following ways: to use sulfur dioxide levels that were closer to Eliot than they did (they used Bar Harbor, Maine); attempt to use upper air wind patterns that were closer to Eliot than Gray, Maine; he liked the fact that they used weather data at Pease Air Base; he was bothered that the other five pollutants that were listed in the national air quality standard were not addressed. He said that he personally thought that the particulate pollution in Eliot was really bad; that in South Eliot one could wipe it off their house with their finger and the others didn't look real nice, either. He said that he didn't think the report really addressed the fact that the power plant in question did not operate 100% of the time and asked if they could incorporate that change. Addressing Mr. Despina, he said that they were all under the impression that they had converted one of their boilers to natural gas, which was much cleaner, and asked if that was true.

Mr. Despina said no and that he might be referring to their Newington Station, which was the one with the tall stack, and that was converted to oil and gas sometime back in the early '90's.

Mr. Case said that those were his questions. He added that his opinion was that he thought that what they were doing was great but if they were going to put that report in front of the EPA as backup then it probably needed a little bit of work and he didn't think it would be that hard to do.

7:37 PM

Mr. Fabish said that, on the issue of background levels, the reason they used the background level they did was because it was based on an actual monitor that reported these values. He added that they used that one because it was the lowest one in Maine and tends to undercount impacts because the way the analysis was done is that they looked at what was coming from the plant and add that to the background, which gave them the overall impact; it told them whether they were over that safety threshold. He said that the lower the background level used the more forgiving the analysis was and they used the lowest in the State specifically to be as conservative as possible. Mr. Fabish agreed that using one closer would give a more accurate picture of what the background was and would be a more accurate analysis but where they have deviated they have done so to make the analysis more conservative.

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Mr. Moynahan said that he thought that, at this point, what they would like to see a copy of any proposed petition with some legal language to assure that any direction the Town went in, the Town was protected. He added that the EC brought up some concerns that should be considered in any reports the Sierra Club would do. He added that he appreciated them coming in and sharing important information with them and, if she could provide the requested information to the Administrative Assistant, then the Board would surely bring it up.

Ms. Corkery said that they could certainly do that and they could also provide support to the Town, as they were organizers, and she knew there was a lot of concern of the plant in the area, adding that other towns have also voiced their concerns. She added that she had a sign-on letter that they were holding onto to ask other towns and businesses and other local community organizations to sign onto in support of the work done by the Town of Eliot. She said that, regarding the petition Mr. Moynahan mentioned, they had over 350 people from Eliot signed on and then about 600 people from the surrounding communities, and that was just a petition they had at the local farmer's market. She said that she would talk to the Administrator to do what she could and be further in communication with him.

7:41 PM
#3

TO : Board of Selectmen
FROM : York County Community Action
REF : Request a meeting with the Board

Mr. Moynahan invited Mr. Bohon to speak.

Mr. Bohon thanked the Board for their time. He said that his point in coming tonight was simply to update the Town on some of the programs and services they had to offer. He said that each year the Town gives them some financial support and he thought it was incumbent on them to let the Town know what that money was doing. He added that he was going to be very brief about some of the programs and give some brief detail about what those programs did within the Town; more broadly about what they do in all of York County; and, finally, to ask the Board to let them know if there was something they were missing that the Board may be aware of. Mr. Bohon said that York County Community Action (YCCAC) was one of ten community action agencies in the State; they served about 25,000 households each year through a variety of programs: WIC, Headstart, Housing, Transportation, Health Care and Community Outreach. He added that they initiated a new program this year and it was sort of a simple program and it basically said that there was no wrong door for a client to come through to get not one service but a variety of services. He explained that what they found is that they often had clients come into their agencies, whether it was in Kittery or Biddeford or Sanford asking for fuel assistance only to find that they also needed health care and transportation and housing assistance. He added that they have gone through this massive training and educational piece with all of their staff, which was about 350 people, to let them know about all the services that all their programs offered so that they could address those needs comprehensively. He said that what they might find was that someone might come in to fill out a LIHEAP application and go home and say, "Gosh, I'm at risk of foreclosure and I'm not sure..."; and he suggested they deal with that when the person came in the first time, so, it was efficient and effective. Mr. Bohon said that their WIC program served about 5,000 people each year and that he thought they had 49 clients from Eliot in WIC right now. He said that last year they took a cut of \$70,000; they lost 2 full-time positions and 1 part-time job, but they began a volunteer program and recruited people from the community to come fill those spots, adding that they weren't going to make their clients miss their appointments because YCCAC couldn't fill those spaces so they were able to do that through volunteer services and they continue to do that. Discussing Headstart, he said this was an early childhood education program that provides children with a safe and environment in which to grow and learn and get prepared for Kindergarten. He added that they started Headstart on Monday and they started with a funding deficit of \$131,000. He said that Headstart has had some severe cuts and, more importantly, they have lost \$500,000 in four years; that this year they lost 7.5 positions and they had to eliminate 17 slots for children in their Headstart program; that they had 16 sites last year and they have 13 now. He clarified that there was only 1 child from Eliot in the Headstart program but, again, he was giving them a broader picture about what they were doing. He said that their housing program provided mostly counseling services: pre-purchase, post-purchase, home ownership education, and they also have a foreclosure prevention program. He said that,

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since January, they have had nine families from Eliot come and get services through that program and they have saved their homes, which YCCAC was very pleased with. He added that these were families that were at risk of losing their homes by default and they were able to work with the courts and the lenders to get those mortgages modified. He said that their transportation program was probably the most visible one; that they had buses and vans and volunteer drivers. He said that the volunteer driver program was very strong here; that it transports Eliot clients to medical, dental, and behavioral health appointments and foster care appointments. He added that this past year they had 13,000 more miles than they had the year before. Discussing fuel assistance (LIHEAP), he said that they just got word this morning from the business office that they were expecting the LIHEAP funding to be the same as it was last year and that was a blessing, as they were really worried because they didn't know. He clarified that that wasn't an official word, yet, but that was coming from Olympia Snow's office so they felt pretty confident that it would work out that way. He said that last winter was very mild and they felt very fortunate that they were able to provide everyone who needed assistance with assistance; enough to get them through the winter; that they would see what happened this year. He said that, very often, they reached out to churches and other organizations to help when they find they don't have enough money. He added that when they found a family that exhausted their LIHEAP benefits and exhausted their emergency fuel benefits they would very often have churches step in and give \$100 for a family, or the United Way or some other organization, so they were confident this year that they would be able to get through the winter. He said that the community outreach office in Kittery covered the Eliot area and it provided people who needed services with those resources so, if they had an Eliot resident who was homeless or needed shelter, then they might connect that person with the Red Cross or a church or some other organization that could give that person shelter and a home. Regarding hunger, he said they might connect them with a food pantry or some other organization. Mr. Bohon discussed health care, saying that he thought this was the glowing star for them right now. He added that he was very happy to say that they were awarded a 1.2 million-dollar New Access Point Grant last month to open a new health clinic. He said that they have had for the past six years had a health center; that it was a federally-qualified health clinic that has allowed them to provide dental, medical, and behavioral health services to homeless individuals and to those who live in subsidized housing. He said that, now, they were a community health center; that York County was the only county in the whole State that didn't have one and now they did. He added that they were going to expand from 2,000 clients to 6,000 clients; that they were going to hire a new doctor, a new dentist, new licensed clinical social workers, new dental commissions, new medical personnel and they took Maine Care, Medicare, commercial insurance and anyone without insurance was welcome; that nobody was turned away. He reiterated that this was very exciting and that they will be able to open up this clinic to everyone. Mr. Bohon said that last year they had 12 residents from Eliot use their health center and they hoped they could expand that, adding that he knew they were a pretty good distance away; that it was going to open in Springvale but they were the only place in the County that would accept all insurance and their health care director said that no one would get turned away. He added that, if someone couldn't pay, that that was okay because they did have leverage to assist anyone who needed that help. Mr. Bohon said that what he was asking of the Board, now, was for them to let him know if there was something they could do that they were missing and that they take this word out into the community and let people know that they were here; that they had an office in Kittery and in Sanford and that they had outreach workers and all these programs and services to help the people who were really in need. He said that, if they had any questions, then he would be happy to answer them.

7:47 PM

Mr. Fisher said that he thought that they were doing a wonderful job. He asked what percentage of the dollar did they run their staff with.

Mr. Bohon said that they had a 7% admin operational fee, so, 93 cents of every dollar went to services, adding that that was very low. He said that there were other organizations that did work comparable to YCCAC that were at 14% and 15% so YCCAC staff didn't get paid a lot of money.

Mr. Moynahan said that he appreciated Mr. Bohon coming in and explaining their services once again. He added that they had just sent out the requests for funding forms to all the outside agencies; that YCCAC should be receiving that shortly and that the Board would be reviewing that come the budget season.

Mr. Bohon thanked the Board.

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7:49 PM
#4

TO : Board of Selectmen
FROM : John Melrose, Eaton Peabody
REF : Business Development Study (No correspondence)

Mr. Moynahan said that Mr. Melrose was present and invited him to speak.

Mr. Melrose said that his career began 36 years ago with the Maine Municipal Association (MMA) as their Community Development Director.

7:50 PM

At this time, Mr. Blanchette said that he had a corrected liquor license and asked that it be signed.

The Board agreed and they signed the liquor license.

7:51 PM

Mr. Moynahan said that the Town had reached out to Mr. Melrose in regard to a proposed sewer expansion project as it related to financial projections that their current TIF made. He added that, from there, he would let Mr. Melrose speak to his proposal and what he would offer with that.

Mr. Melrose said that to get to where they were today he did talk on a couple of occasions with Mr. Blanchette to try to get the background he needed to put this proposal together. He added that he also talked with Underwood Engineering and that they were provided a fair amount of material, as well, in terms of fact sheets that had gone out previously to the voters. He said that it was his understanding that the Town had a referendum on the subject in June, but that the Town had had a prior vote, as well, that had authorized the use of the TIF for this particular purpose. Mr. Melrose said that one of the things they would certainly like the Board's feedback on was whether they hit the mark, adding that they were coming on this in a fairly quick fashion to try to assess what the Town's needs were. He added that his guess was that there were many opinions and what they were principally focusing on was the question of what would be the economic return or economic impact if the Town was to proceed with this project. He added that what they proposed to do was to give an overview of where Eliot stood out compared to the rest of the State of Maine and use Eliot as a point of reference to other communities. He said that from the research and work that he has done over the years, particularly with the so-called service center coalition; that he thought that Eliot was part of a service center as Eliot has always been characterized as contiguous to Kittery. Mr. Melrose said that they knew that there were roughly 60 or so communities in the State that have 80% of all the jobs, 80% of all the commerce and there were certain characteristics of those communities. He added that they also knew that there were about 120 or so communities in the State that have sewer services and they were able to look at some of those characteristics and show where Eliot stacked up relative to those today. He said that one of their first objectives was to just give the Town some benchmarking as to where their community sat relative to their neighbors similarly situated from the standpoint of population; from the standpoint that Eliot has a fairly high traffic corridor highway in Route 236. He added that he was a former DOT commissioner so he was familiar with the data base that the DOT has. He added that, in Item #2, they really talked about picking those corridors here in York County that have a volume similar to the volume Eliot has. He added that it may or may not surprise them but it was not a terribly large number of communities; that Eliot was actually in a fairly small club when they got into the 11,000 to 18,000 average annual daily trips. He said that there were a couple in York that went beyond that but they were thinking they would look at just the ones that fit where Eliot was. He said that the range, as one would expect, dropped off the further one went north and was higher the closer one got to Kittery and, so, what he threw in there in Item #2 was really looking at those corridors that had something like 12,000 to 17,000 in terms of average annual daily traffic. He said that, from there, they wanted to do a characterization; that here was where he had to be straight with them that they were doing this in a fairly rapid fashion as it was his understanding that they wanted to try to make something available to the public before the vote came out, so they would be looking at the type and extent and, hopefully, the one piece he has some unease about was the valuation of the comparably-situated corridors in York County. He said that, in Item #1, they were really taking a global look at the State of Maine and letting Eliot see where their reference point was, then they were taking a closer look in York County for comparable situations that they thought would resonate most with the public as they tried to think through this issue, then in the third item, they suggested, and would need the help

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of the Town and Underwood in a timely manner to meet all the deadlines, the need to get to the differential of what it was Eliot needed to do if they didn't go ahead with the extension as it was his understanding that there were some improvements that had to be made to the system, costs that were understood, and then there was the cost if Eliot went with the full system. He said that that differential was important to them to measure, really; that that was the extra investment and what Eliot would get out of that return. Mr. Melrose said that, from there, they would look back to those communities they just talked about and identify those communities where they did have sewer services and those that did not. He added that they would not be able to give the Board a number right down to the dollar but they did want to give them a range of the possibilities if Eliot proceeded to build and if they did not. He reiterated that they would be comparable examples right in Eliot's own back yard in York County and from there that would help them look at, within the schedule they had which was around 3 weeks at best, and identify the range of financial impacts to both rate payers and tax payers. He reiterated that he had had the opportunity to read some of the things that were in the public realm and, so, hopefully he read the right things. He clarified that it was his understanding that there was some concern that, if Eliot went ahead with this, would it attract sufficient users in the system so that that would be able to take care of the ongoing operations, maintenance, and also they would want to be looking for capital reserving capability in that use rate. He said that there was also a second stream of questions, which was how might this impact the tax base for the community; might they expect to see some added valuation to the community to help on the tax side of things. He added that he thought there was a question sort of in between there of whether things might get so bad that the tax payers had to intervene for some reason or another to pay for future costs of this system. Mr. Melrose said that their thought was that they would come back; that it was their understanding that the Board was meeting on October 11 for another regular meeting, so they would be shooting to be able to come in and brief them fully on that night, get the Board's reaction and, then, they would have about a week to do some final touch-ups and get back to the Board with items that the Board could distribute to the public, etc. Mr. Melrose reiterated that it was a short period but sometimes, in his experience in this business, it was actually good to not have it linger on – get to work and get it done. He said that Dick Metivier, who would be with him on this project, was a Chief Financial Officer (CFO) for the City of Lewiston and very well respected in the municipal finance community and so, to the extent that he would need help in looking at from the standpoint of the tax impacts and financial impacts of the sewer system, then Mr. Metivier would help him in that regard. He added that John Holden was an individual who was very skilled and knowledgeable in the economic development field and business attracting and he would be available to them, as well. Mr. Melrose said that he thought he had the resources available to pull the thing together on short notice. He clarified that there was a question as to how many times the Board would want them to come down so he specified that in the proposal; that he was presuming right now that they would meet once again on the 11th but he provided opportunity if the Town wanted them to come down further if they wanted them to. He said that he would be happy to answer any questions they had.

Mr. Moynahan said that, personally, he thought Mr. Melrose had covered a good chunk, if not all, of the questions that he thought would be important to inform people from a financial standpoint and he appreciated Mr. Melrose getting this to them so complete in such a short amount of time and in accommodating the Town's schedules. He added that he thought this was an important piece of information that the Town needed; that they have discussed this and he was pretty pleased with the proposal that he saw.

Mr. Murphy said that he has read through it carefully and slowly and read the backgrounds for Mr. Melrose's crew and he was very pleased with his response. He added that he thought that this was exactly what they needed to do.

Mr. Hirst agreed.

Mr. Beckert agreed, as well. He said that the only thing that bothered him was the timeframe and that had nothing to do with Mr. Melrose and his firm, as he knew the Town was putting him and his firm under the gun. He said that they needed to address tonight, further down in the agenda, what the Town Clerk has given them for a timeframe to have things ready for the actual warrant for the November vote, adding that he thought that played a big role in how fast the Board told Mr. Melrose he had to have the information back in.

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8:01 PM

Mr. Moynahan said that it would not change the crux or content of his proposal but may just offer more of a timeline, as they were not at that point in the meeting, yet, as they were deciding whether to have a referendum and that sort of thing. He added that he thought that the information was still important.

Mr. Beckert agreed and said that he was 100% pleased with his proposal.

Mr. Moynahan said that they did work to find out if monies were available within the TIF and he believed they had enough money to support this proposed price and have done all the homework as it related to that, as well.

Mr. Murphy asked if the Board wanted to withhold approval of this at the present time until they had considered other things. He added that it seemed to him that they had to go ahead with this anyway.

Mr. Moynahan said that he thought the information was valuable and the sooner they got started on financial projections, the better.

Mr. Beckert clarified that he thought that the only thing that might change, if it changed, was the timeframe that Mr. Melrose would have to have it back. He added that it wouldn't get any shorter but it might get longer.

Mr. Murphy said that their warrant article had to be submitted in a couple of weeks but he thought that this didn't have to affect the wording of their warrant article because it could be carefully worded to expect whatever it was.

Mr. Moynahan clarified that he thought that this would just be information available to the voters.

Mr. Murphy said that they would be able to distribute this and deal with this and use this information all the way up to voting in November and that was the purpose of it, after all.

Mr. Moynahan said that further down in the agenda, with Underwood's proposed public outreach, that this could fall directly in that when the Board made their recommendation as to when this proposal would be expected back.

8:05 PM

Mr. Pomerlau asked if he could ask Mr. Melrose a question.

Mr. Moynahan asked if it related to his proposal.

Mr. Pomerlau said yes.

Mr. Moynahan invited him to ask his question to the Board.

Mr. Pomerlau said that he had a question of his proposal as to what it would cover.

Mr. Moynahan asked if Mr. Pomerlau had seen a copy of it.

Mr. Pomerlau said no.

Mr. Moynahan said that the Board would let him start but they would be careful where it went.

Mr. Pomerlau said that the minimum he would like to see in this outcome, because there was so much limited space down there for development, was the level of development that would be necessary in total dollars to pay for the bond, to pay for the sewer upgrades and repairs, and to pay for the revenues they were now sacrificing to the Town and school via the TIF. He added that they started off with a plan that had \$450,000 worth of income that could be flowing to the Town and the school now, so, they were sacrificing revenue now to put into this TIF and he wanted to see how long and how much development it would take to pay all that cost back to the them; how long it would take for residents to actually see tax benefits to the Town.

Mr. Moynahan said that he thought they had been pretty clear what they were after, as a Town, to Mr. Melrose, so he hoped a lot of that could be touched upon in the reports.

Mr. Melrose agreed, adding that to the extent that they wanted to have them in any way look at the TIF and the dynamics of that and so forth Mr. Holden, who was with them, was an expert in that particular field and he did them all around the State.

BOARD OF SELECTMEN'S MEETING
September 13, 2012 6:30PM (continued)

Mr. Moynahan added that they had Bernstein Shur, too, that helped put the TIF together. He said to the Board that he would entertain a motion if they chose.

Mr. Murphy moved, second by Mr. Beckert, that the Board of Selectmen approve the proposal for economic impact analysis along the Town of Eliot Route 236 TIF District Sewer Extension presented by the Eaton Peabody Consulting Group for a lump sum fee of \$7,000 out of the TIF Fund.

DISCUSSION:

Mr. Hirst asked if they should include a potential for an additional meeting.

Mr. Moynahan said that on the bottom it was included that each additional meeting would be \$600, he believed.

Mr. Hirst asked if that should be part of the motion, if it was necessary.

Mr. Moynahan said that he thought that, at that point, they could take care of it on its own; that it really didn't need to be part of the contract as they may not even utilize that.

Mr. Hirst said okay, fair enough.

VOTE
3-0
Chair concurs

Mr. Moynahan asked Mr. Blanchette to communicate with all the key members that they were starting this process so any information these folks needed they had a short window of time to complete their work.

Mr. Blanchette agreed.

#5

TO : Board of Selectmen
FROM : Dennis Lentz
REF : Carter Cemetery on River Road

Mr. Moynahan said that this was a letter from the Eliot Historical Society (EHS) and that Ms. Adams was present from the EHS who had some information to share, as well. He said that a vehicle accident was indicated in the letter and some personal property damage was done to a cemetery and the police have been involved. He added that he thought that the EHS was looking for assistance and guidance from the Board on how to have that cemetery repaired. He invited Ms. Adams to speak.

Ms. Adams said that it was her understanding that, in talking with the president of the cemetery association, they could go to the insurance company of the driver of the vehicle and the driver did have insurance. She showed a before and several after pictures of the cemetery that showed the extensive damage to the cemetery.

Mr. Moynahan clarified that the EHS was not the property owner and asked if there was a property owner.

Ms. Adams said no and that the property owners were the Warburgs.

Mr. Moynahan asked if, when the police were there, the Warburgs filed a report with them, as well, as far as the personal property damage.

Ms. Adams said that she did not know that. She added that Mr. Lentz said something about that they would be willing to do whatever was necessary to fix the cemetery but she didn't talk with them personally. She added that she was also told that the Town owned from the middle of the road and that that cemetery was within the Town road ROW, so if that was true, then it was Town property. She said that the stones went back to as early as, if the footstone was there, 1805 but she hasn't probed for it; that the next earliest after that was from 1855.

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September 13, 2012 6:30PM (continued)

8:10 PM

Mr. Moynahan said that he thought the first thing they would need to do was to follow up with the Chief to see if the issue occurred on Town property and then they could engage in conversation with whoever the vehicle driver was that caused the damage. He added that, meanwhile, he would encourage that the property owners also be active in pursuing that. He said that, as long as the Police Department had an accident report that showed personal property, he thought that that would be an important piece of it all.

Ms. Adams said that one thing they needed to know was that in the State of Maine the laws regarding cemeteries – they did not belong to the property owner, that they belong to the family, so they weren't actually part of the property.

Mr. Murphy asked if she knew if the family was still alive and if there were family members around.

Ms. Adams said that it was the Carter Family – George and Sarah and Georgianna and also Mary and John Varney were buried there. She said that some of the stones were laying on the ground; that she had pictures showing that and a list of those laying on the ground and she hadn't determined if the SUV that ran over the stones broke those stones, as well. Mr. Beckert asked if Ms. Adams knew if there was a veteran buried in that cemetery from any of the previous wars because the Town, by State law, was responsible for those.

Ms. Adams said that she would have to ask Mr. Waters; that he didn't have that on his list and she has never seen a flag in there, adding that, based on what she knew, probably not.

Mr. Moynahan asked Mr. Blanchette if MMA could answer what might happen in this type of situation if no family members were known for a cemetery and personal property was damaged.

8:13 PM

Mr. Blanchette said that they could certainly give them a call and see if they had any suggestions.

Mr. Moynahan said that he thought that would be helpful to try to get some assistance with this whole thing. He asked if the driver had attempted to step up and take responsibility for any of this.

Ms. Adams said not yet.

Mr. Moynahan suggested that may still happen.

Ms. Adams said that it had been a while since the accident, adding that, at the moment, the driver has not said that they would contact their insurance company.

Mr. Hirst clarified that the fact that this was simply in the Town's ROW did not necessarily give the Town standing to proceed against the wrong-doer, did it.

Mr. Moynahan said that they were going to ask MMA. He added that the Board could not just jump in and chase that person but they could offer guidance and do what they were allowed as a Town to do to help put that back together. He clarified that Mr. Moulton would follow up to see what portion was in the ROW, Mr. Blanchette would follow up with MMA, and they would touch base with Ms. Adams once they had any information.

Ms. Adams asked if the Board wanted her to contact the Warburgs.

Mr. Moynahan said that he thought that would be helpful.

8:15 PM
#6

TO : Board of Selectmen

FROM : Citizens

REF : Petition re: To repeal Fireworks Use Ordinance

Mr. Moynahan said that they had a petition on the fireworks to repeal the December 8, 2011 vote entitled Town of Eliot Fireworks Use Ordinance and invited Mr. Fisher to speak.

Mr. Fisher said that they collected the 10% that they needed, which was cleared by the Town office, that all the signatures and residents were cleared, and that he would answer any questions they might have.

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September 13, 2012 6:30PM (continued)

Mr. Moynahan said that the Board has been given a statute that clearly defined what their responsibilities were: *"The municipal officers shall have a particular article placed on the next ballot, printed, or shall call a Special Town Meeting for its consideration"*, so they were going to find out later in the evening when referendums were going to be scheduled and the petition would be placed on that at that time.

Mr. Fisher said that the only concern was that, in writing this up he figured he would save the Town some money and went to the general election on November 6 and that was what the people anticipated.

Mr. Murphy said that Item #16, of course, dealt with this fireworks ordinance.

Mr. Moynahan said that he had a note to that and was trying to find it. He asked if they wanted to take #16 out, as it did speak to this, as well. He added that this was a note from a resident and asked the Board if they wanted him to read it.

Mr. Murphy said that it did represent an opinion counter to the petition.

Mr. Moynahan said that, even with the opinion against that, with a petition that would go to voters...

Mr. Murphy said that it didn't matter.

Mr. Moynahan agreed and that # 16 would be more informational. Addressing Mr. Fisher, he said that as soon as they figured out the referendums tonight then they would let him know when that would be on.

8:18 PM
#7

TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : Election Deadline

Mr. Moynahan said that this was a letter from the Town Clerk letting the Board know that September 24 was the last date she could receive items for a referendum vote at the November 6th Election. He said that what has been in front of the Board currently was that they gave direction to the Sewer Committee (SC) and engineers to prepare for a November presentation for the Sewer Expansion Project. He added that they have not voted formally on a referendum on that; that this was the time that they did that and if they were going to vote to formally have a referendum on November 6th as it related to the Sewer Expansion Project they should have those discussions now.

Mr. Beckert said that the thing that bothered him about that whole thing was that September 24th was the deadline and that meant that, by that deadline, the BC would need to give their recommendation on the referendum question on sewer, yea or nay, to have it printed. He added that they had not yet received information they were investigating through the financial consultant and he thought that they were pushing the envelope to do that. He said that he did not personally want to put the referendum out on November 6th with another "BC does not recommend"; that that was an injustice that was done in June, that it should not be done again, and he would not be part of it or vote to be part of it to be put on November 6th, at this point.

Mr. Beckert moved, second by Mr. Hirst, that the Route 236 Sewer Extension not be put on the November 6th referendum

DISCUSSION:

Mr. Beckert said that he wanted the Board to take the time they needed to do it, even if it had to go out to a June referendum, emphasizing that he did want it on a referendum, but he didn't think they had the time to do it justice. He added that they would take flack; that they already had flack out there blaming them for trying to attempt to put it on anything other than November 6th and make it look like they were trying to get it on a date that it wouldn't be attended by a large attendance, adding that that type of PR that was out there now was just plain BS, in his opinion. Mr. Beckert said that the Board didn't think the people were stupid like some people were saying on those chat lines. He added that the

BOARD OF SELECTMEN'S MEETING
September 13, 2012 6:30PM (continued)

Board has been asked by the BC and members of the ad-hoc committee to supply information and they have listened to a firm tonight that was going to do that for them. He reiterated that he thought they needed to take more time and do this right because he was sick of listening to the nay-sayers; give them the information they have asked for then, if they didn't like the information once the Board had given it to them, then so be it, but the Board would have done everything they asked for; taken adequate time to get the answers and inform the public.

Mr. Murphy said that the main problem facing the Town was whether that additional delay imperiled the possibility of constructing the sewer. He said that he didn't think it did because the legislative extension took them out to April 1, 2017 to complete everything, to do the construction, so he thought there was time and would not be imperiling it by delaying this vote until June. He added that this would let everyone relax a bit, stop twisting things and try to persuade people now before they really knew for those that didn't already know. He said that he thought it was a reasonable thing to do to delay it until June.

Mr. Hirst commented that that was not the motion.

Mr. Beckert clarified that the motion was just not to put it on the November 6th referendum. He added that, if they liked, he would amend his motion to say, "...not to put it on the November 6th referendum *and to be placed on a referendum ballot on a date to be determined.*"

Mr. Murphy agreed that that was good. He asked if Mr. Hirst would second the amendment.

Mr. Hirst said that he would second the amendment.

Mr. Moynahan said that there had already been a second. He said that, outside the financial information, he thought that they were at a point to put it back in front of the voters, adding that they had spent several years preparing information; that they had had the Department of Public Works (DPW), Underwood, and the SC presenting a lot of the technical information; that the financial information seemed to be a sticking point and they could provide that to the citizens by October 16th so there was still a potential to do that. He asked how effective that would be and that that was where they were now with some of the conversation. He added that he was just putting it out that they could pull it off for the November 6th but, like Mr. Beckert said, the BC would not have the chance to do anything against and all the language they would have would say was that the Board of Selectmen were looking to have a sewer extension on Route 236, see enclosed and, with the BC, any recommendation would (or wouldn't ?) be based on the financial information they were seeking.

Mr. Beckert clarified with Mr. Blanchette that a referendum question would have to have a BC recommendation on it by State statute.

8:25 PM

Mr. Blanchette said that, if it was a financial appropriation, then yes it would have to have a BC recommendation, if there was a BC recommendation on it.

Mr. Beckert clarified that that would have to be in-hand by the 24th of September.
Mr. Blanchette said that that was correct.

Mr. Beckert reiterated that he was not willing to go through that again with the BC putting a "not recommend" on it because they didn't have the information that they had asked for. He said that he wanted to supply them with all the information they have asked for and then some.

Mr. Moynahan said that there is a motion and a second on the floor and told Mr. Pomerlau he could not take public comment while there was a motion and second on the floor, that it happened quickly and knew Mr. Pomerlau was going to criticize again.

Mr. Pomerlau said that he was promised he would be able to make the statement.

Mr. Moynahan said that he would but once a motion has been seconded he could not take public comment; that that was the way that the process worked; that he would be able to

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Speak after this. Mr. Moynahan said that there was a motion and a second and asked if there was any further discussion.

There was none.

A member of the public asked what the motion was.

Mr. Moynahan said that it was to not put the sewer extension on a referendum ballot in November and to postpone it to a date to be determined.

The public member asked if that wasn't vague.

Mr. Moynahan said that there would be no more public comment because there was a motion and a second on the floor and he could not, sir.

The public member said it was vague.

Mr. Moynahan asked if there was any more discussion from the Board.

There was none.

VOTE
3-0
Chair concurs

Mr. Moynahan reiterated that the motion was seconded very quickly and that he would take public comment now, adding that when a motion was seconded he was not able to take public comment.

Mr. Beckert asked to make a comment before the Chair opened it up to the public.

Mr. Moynahan said that he could.

Mr. Beckert said that the gentleman said that it was vague...

The public member disagreed, adding that it was only the part "to be determined. He added that he thought it failed because it was vague.

Mr. Beckert responded by saying that he said that it would be on a referendum, date to be determined.

The public member said that that was the part that he found vague and unenforceable and that it was an inappropriate motion.

Mr. Beckert said that that was his opinion.

Mr. Pomerlau said that he was really disturbed that they did that and that was intentional to make sure they didn't get public comment; that he knew how things were run. He said that he had asked Mr. Moynahan at the beginning...

Mr. Moynahan interrupted Mr. Pomerlau to tell him he was not going to be argumentative and pointing fingers.

Mr. Pomerlau said that this was not an argument; that he was giving them his opinion.

Mr. Moynahan asked him to do it in a tone that was respectful.

Mr. Murphy asked if Mr. Pomerlau was recognized by the Chair.

Mr. Pomerlau said that he was not talking to Mr. Murphy. He said that he had a statement to make and that he would read it now, even though he was not allowed to before. At this time, Mr. Pomerlau read his statement. (See attachment.)

Mr. Beckert asked the Chair if he could address this seeing as he took the brunt of this because he made the motion.

BOARD OF SELECTMEN'S MEETING
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Mr. Moynahan said yes.

Mr. Beckert, addressing Mr. Pomerlau, said that Mr. Pomerlau has been at the forefront of asking for the information that he hadn't gotten yet.

Mr. Pomerlau said that they could provide the information by October 11th, he said he could.

Mr. Beckert said that they could not provide a BC answer for that referendum...

Mr. Pomerlau said that they didn't have to provide a recommendation...

Mr. Moynahan stopped the discussion at this point between the speakers, saying that there would be no more discussion on this right now.

8:29 PM

#8

TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : Appointment of J. Peter Dennett as Warden for November Election

Mr. Moynahan said that this was a memo from Ms. Rawski to appoint J. Peter Dennett as Warden for the upcoming General Election.

Mr. Murphy moved, second by Mr. Hirst, that the Board of Selectmen accept the recommendation of Wendy Rawski, Town Clerk, and appoint J. Peter Dennett as Warden for the upcoming General Election to be held on Tuesday, November 6th.

VOTE

3-0

Chair concurs

At this time, the Board signed the appointment document.

8:30 PM

#9

TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : Appointments to Eliot's Voter Registration Board of Appeals

This was a list of nominations to Eliot's Voter Registration Board of Appeals; that the Town Clerk nominated the Chair and that this was required under State Election Law. The nominees are: Patricia Levesque, Chairman, for a 4-year term 2012 – 2016; Kim Reed, Democratic Member, for a 3-year term 2012 – 2015; Karen Van Dorin, Republican Member, for a 3-year term 2012 – 2015.

Mr. Murphy asked if these three members the full board or simply additions to an existing board.

Mr. Blanchette said that he believed it was a full board.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen reappoint the members of the Eliot Voter Registration Board of Appeals, as requested by Wendy J. Rawski, Town Clerk, in her memo dated August 21, 2012.

VOTE

3-0

Chair concurs

At this time, the Board signed the appointment document.

Mr. Murphy pointed out that the form for Karen Van Dorin has an error in the bottom part, the Oath of Office, which references Kim Reed as the "duly appointed and confirmed as the Republican Member."

8:34 PM

#10

TO : Board of Selectmen
FROM :
REF : Appointment of Public Access Officer

BOARD OF SELECTMEN'S MEETING
September 13, 2012 6:30PM (continued)

Mr. Moynahan said that Mr. Blanchette had provided LD 1465: *Each state agency, county, municipality, school unit, school board and regional or other political subdivision shall designate an existing employee as a "public access officer"*. He asked Mr. Blanchette if that came with a suggested person.

Mr. Blanchette said that it did not come with a suggested person and the suggested salary increase was zero.

Mr. Beckert moved, second by Mr. Hirst, that Daniel J. Blanchette, Administrative Assistant, be appointed as the Public Access Officer.

Mr. Murphy asked Mr. Blanchette if he was willing to serve in this capacity.
Mr. Blanchette said yes.

VOTE
3-0
Chair concurs

8:35 PM
#11

TO : Board of Selectmen
FROM : Dept. of Conservation
REF : Right-of-Way rediscovery and Shore and Harbor Planning Grants

Mr. Moynahan said that he got this in his box last week and that two of the submission dates were long past but there was one still available that he thought the Department of Public Works and Community Service may be able to work together on, as it related to the shorefront and that sort of thing. He added that he wasn't sure Mr. Moulton had seen these and asked if Mr. Moulton would like to review this and maybe get together with Ms. Muzeroll-Roy and see if anything down at the Boat Basin may qualify.

Mr. Moulton said yes, that they could do that.

Mr. Moynahan said that it had a short timeframe for submission, the end of the month, he believed.

Mr. Murphy said that, just for the record, he was aware of two public accesses to the river, one of which has been encroached upon by a neighbor and another that was very difficult and he didn't know if the Town could ever make safe access down the cliff to the river at the point where it was technically a public access. He clarified that on Grover Avenue the point where the public could access the river has been encroached on by a neighbor building up a bank about 6 feet into the ROW of the access. He added that people could go down there now, he believed, that there was room enough to go down with a car and back into it but, nevertheless, there was an encroachment by a neighbor into that property.

8:37 PM
#12

TO : Board of Selectmen
FROM : MMA
REF : Delegate to Annual Meeting

Mr. Moynahan said this had voting credentials for the annual MMA business meeting and asked Mr. Blanchette if the Board had to do anything with this.

Mr. Blanchette said yes, that they had to name someone as the delegate from Eliot.

Mr. Moynahan asked if they currently had a delegate.

Mr. Blanchette said no, that they did this every year. He said that he was planning to attend the meeting and he could certainly be the delegate, however, he thought that Mr. Hirst was also planning to attend and he could certainly be the delegate.

Mr. Murphy said that it asked for a delegate and an alternate.

Mr. Moynahan asked for the pleasure of the Board.

Mr. Hirst said that he would be there, anyway, and guessed he could do it. He asked Mr. Blanchette what was required.

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Mr. Blanchette said to be there Wednesday, October 3rd at 1:45 PM and to partake in the meeting.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen appoint Grant Hirst as the Community Delegate from Eliot to the MMA Convention on October 3rd and appoint Daniel J. Blanchette as the alternate in the event that Mr. Hirst did not make it for some reason.

VOTE

3-0

Chair concurs

At this time, the Board signed the voting delegate credentials document.

8:40 PM
#13

TO : Board of Selectmen
FROM : Charlie Case
REF : Solar Energy

Mr. Moynahan said that this was a memo from Charlie Case on solar energy and invited Mr. Case to speak.

Mr. Case said that there were two of them here from the Energy Commission (EEC) and Mr. Brickett would be doing most of the presentation. He added that Mr. Brickett was the person who kind of spear-headed this and they were very excited to share this with the Board and get the Board's concurrence that they were on the right track.

Mr. Brickett said that they were talking about power plants earlier tonight and it would be kind of difficult for them to talk about maybe putting up a whole power plant in Eliot but that was kind of what they wanted to try to do now through the EEC; not to save energy because they've done a great job of doing that but also look at the generation of energy. He added that, hopefully, what they would talk about tonight was making energy renewable; in other words, there was no problem with carbons or sulfur dioxide – sustainable energy. He said that, over the last year, they have had several people come to them to look at the potential of putting in solar; solar panels, in particular, which made electricity and was called PD (portable). He said that what they decided to look at first was the Transfer Station area, both of the Town sheds and the landfill cap, which was immediately adjacent to the Transfer Station. He added that there was an opportunity, which was a bit of a timely issue. Mr. Brickett said that they have had two different solar installers come to the EEC; that they were both reputable; that one was submitted a proposal and the other will soon submit a proposal; that the goal of the EEC was to minimize any up-front cost to the Town, save money on the Town's usage of electricity, and be self-supporting. Mr. Brickett explained that they had what was called power purchase agreements. He said that it was kind of unique for the Town of Eliot where an installer could come in, put a solar array on a roof or free-standing in a field; that they would install the whole array; hook-up up to nine meters (nine meters from a municipal standpoint could be the Transfer Station, itself, which was fairly heavy power consumption, the Town sheds, the Town Hall, the Police Department, etc.). He said that the Town of Eliot definitely had nine usages that they could use this solar power on; the question was how big the array was and how much power did one get out of these things. He said that they could install a complete roof-mounted or a field-mounted array, which would average enough power to support Eliot's needs for whatever buildings that were designated. He added that they knew exactly what they needed for the Town sheds and what they needed for the Transfer Station. He said that, by putting a number of solar panels directly on the roof of the DPW Garage, then that would be capable of producing more than enough power over the course of a year to supply the whole Transfer Station and the DPW. He explained that the deal was that they would put this system in with no cost upfront for the Town, give Eliot a reduced rate on their kilowatt hours (usually a couple cents per watt and less than Eliot was currently paying) and then, after a period of time, say 5 – 6 years, they offer the system to the Town, if the Town wished to purchase it. He said that they depreciated it, that there were a number of different financing components, and there was the ability to sell green power at a premium, which was a carbon offset. He said that, after they had run this system for six years, the Town has seen a benefit of several cents a kilowatt hour, which was a substantial savings, and they had the opportunity to purchase the system at a greatly-discounted rate. Mr. Brickett said

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that his question for the Town tonight was whether they would be interested in entertaining this type of proposal. He said that Phase I would be an array that could be put on the Transfer Station's roof, adding that they would have to look at the roof to make sure it would hold up for 20 years. He said that Phase II could be a large array, which could be up to one acre, and that they have had people up to measure the landfill cap, which he believed was a stable cap, and would give them enough power to really run most all of the Town buildings – a really substantial system. He said that there would be some upfront costs for coverage. Saying that he had two proposals, he asked if two proposals were enough to satisfy the Town's requirements and did they want to use the Town attorney to review the proposals for various clauses so far as maintenance, long-term operation of the system, liability, etc.

8:45 PM

Mr. Case discussed net metering. He said that he has had a system on a building he owned in Kittery for over 40 years, with a 1,000-watt array and an inverter system, and they were connected to the CMP grid. He explained that, with the system, they had to have an inverter that sensed what CMP was generating for voltage, for frequency, and a few other things, and the inverter replicated that to within a very small variation. He said that Eliot would have to have an inverter system that did that, adding that there were many out there on the market right now that did that; that CMP had a list of preferred ones and they would certainly use those. Mr. Case said that the one he had in his Kittery house had been working perfectly for 4 ½ years and he has had zero problems. He added that the other requirement was that they were not allowed to electrocute linemen so, if the power went out, the system had to be able to completely shut off within a second or two and, when the power came back on, it sensed that and had to wait 5 minutes before coming back online and all of the inverter systems did that. He said that, to have an amp agreement with CMP, they would have to have a contract that basically agreed to do these things he had just discussed. He added that there was other legalese in there but that they (Mr. Case) reviewed it very carefully, signed it, and they have had no trouble with CMP at all; that CMP kept scrupulous records. Mr. Case said that, basically, one took the current meter off the house and put two other meters on: one meter measured, at any given time, how much one was using more than they were generating and the other meter measured how much one was generating more than they were using and then, at the end of the month, they subtracted one from the other, giving the person a net gain or net loss and that was the bill. He added that, in Kittery, he ended up with a credit most months and then he had a rolling year to use that up. He said that what was really nice was that, in the last year or so, the State of Maine has changed the rules on net metering to people's benefit. He said that Mr. Brickett mentioned that they could now generate power at one site and credit bills at nine other sites; that as long as they were in the State of Maine and serviced by CMP, that worked; that they had verified that and gotten documentation to say that was true, so that was really neat. He added that they could actually put a huge system out at the Transfer Station, power everything they had and not waste a penny, and they would end up with a net. He also added that after six years, if the Town decided to buy it, then the Town would basically have free energy for a long, long time. Mr. Case said that these systems typically ran 20+ years without any serious trouble; that many of the pieces came with extended warranties, so they really needed to look at those things. He said that what they really wanted to know was whether the Board was amenable to the EEC pursuing this and coming back with proposals.

Mr. Moynahan said that he thought an important one was hard numbers and it took proposals to do that – what was the cost to the Town at the end of the 6-year period, what was the cost upfront, how much electricity savings was anticipated in a 6-year period. He added that he knew it was a projection but they should be fairly close to see what that investment was to the Town. He added that it was a great premise.

Mr. Case said yes, if they were going to buy the system after 6 years. He added that the installer paid all the upfront costs and maintained the system for six years.

Mr. Murphy asked if that included the inverter.
Mr. Case said yes.

Mr. Brickett said that the system was totally certified, UAL-approved hook-up, ready to go. He added that they have had both guys up to go all through the Transfer Station; that they have looked at the three-phase, the two-phase or single-phase. He said that the homework has been done; that these were very professional outfits; that they have done a

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September 13, 2012 6:30PM (continued)

number of fairly large systems around the State; that they were both local companies within 25 – 30 miles.

Mr. Moynahan clarified that the companies were ReVision and Seacoast.

Mr. Case said yes and that they had both installed systems like this.

Mr. Murphy asked what happened if the Town didn't want to buy it in six years.

Mr. Case said that the Town didn't have to; that the Town could keep buying power from them.

Mr. Murphy asked if they took it away or did it just keep on doing what it was designed to do.

Mr. Brickett said that, typically, what it did after the 6-year period, the Town wouldn't get the 2-cent discount after that point as they were out to make money with these things. He added that what they would like to do over that 6-year period was to prove the system worked and that everyone in Town learn something.

Mr. Case said that there would be some expenses; one of them would be that they would have to insure against weather damage. He added that he did that with his system in Kittery, that he had no trouble, and he had seen a 90-mile-an-hour wind on his roof, adding that these things were designed for hurricane-force winds and they worked really well. He said that, if the Board was amenable to the EEC proceeding and bringing the Board proposals, then the EEC would like to do that. He added that they didn't want to get very far into this without bringing the Board up-to-speed.

8:50 PM

Mr. Moynahan said that it seemed a sensible approach with everything the committee was doing and what the Board was trying to do – saving costs to the Town.

Mr. Case said that he would like to mention a related topic, if he could, which was a quick update on what the EEC was doing.

Mr. Moynahan agreed.

Mr. Case said that, as the Board knew, they now have professional audits done on all the major Town buildings and they were now going through trying to prioritize to bring the Board a list of what they thought ought to be fixed in what order to maximize the benefit of the dollars the Town spent. He added that there was one high priority and that was this (Town Hall) building, adding that they did mention it in the spring. He said that the issue was that when the folks came in and put in the security system they did some damage to the insulation in the attic. He added that they also did some damage in the boiler room, saying that there was a hole there that allowed warm air to just fly into the attic and they expected to see the relative heating bill would have increased last year. Mr. Case said that they would hope that that could be a very high priority and it be fixed as fast as possible. He said that they did get quotes last spring that needed to be done again, adding that the range was roughly around \$4,000. He said that, if they updated that, they were hoping the Board could authorize Mr. Blanchette to spend up to \$4,500 to get that fixed before the winter.

Mr. Moynahan said that if they were to provide those proposals back through Mr. Blanchette that the Board could bring that up at another Selectmen's meeting to be review and see.

Mr. Case said that they would get updated proposals and bring them to Mr. Blanchette.

Mr. Hirst said that the security company had liability insurance and asked if the Town had made any kind of notification to them that there had been damaged located that they caused.

Mr. Case said that they had not done that.

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Mr. Blanchette said that he didn't recall; that he would have to check that when he got the update.

Mr. Hirst said that that was the whole reason they had certificates of insurance for liability and they should be held to account for that. He added that he thought that the Town should notify them that they just discovered damage, the estimate of damage was around \$4,500, and suggest they approach their insurance company about that to see if the Town could get some recovery from the wrong-doer.

Mr. Moynahan asked how long ago security was put in.
Mr. Hirst said that it was a year ago.

Mr. Moynahan said that there may be an expectation of time there, too, but certainly it was worth exploring as they were responsible for the damages and asked Mr. Blanchette to follow up on that.

Mr. Blanchette agreed.

Mr. Brickett said that they were expecting to get two proposals in, probably within the next week, and asked again if the Board would approve the ability of the Town attorney to review the proposals.

Mr. Moynahan said that, if the Board were to move forward, then the Board would authorize the attorney to review them. He said that any proposal like that for contracts the Board tended to have a review done. He added that the Board would review the proposals first and, if the Board approved one of them, then they would send it to the attorney for a review.

Ms. Adams said that she had a question because of the presentation. She said that, if she heard it right, she heard that there was enough space and capability to provide for all the municipal buildings in the Town of Eliot.

Mr. Case said that he believed that that was correct if they were to use the capped-over landfill area.

Ms. Adams asked how that would work because, with net metering, it was one building being net metered. She asked how, then, did they produce electricity for a number of buildings around Town that were not physically, directly connected.

Mr. Brickett said that that was a good question and the answer was that the rules had changed. He added that he spoke with a net metering person at CMP in Augusta and she sent him the latest rulings from the State of Maine on that. He explained that, if they generated electricity on the roof of the Town garage and they generated more than they used for the year, they could apply that excess to the Transfer Station or to any other Town building they wanted. He said that it didn't have to be next to it and that it could be any place in the State of Maine that used CMP, as long as the Town had a vested interest in that building.

Mr. Murphy clarified that they weren't moving electricity around but were just balancing the accounting.

Mr. Fisher asked what the life expectancy was for the solar panel.

Mr. Brickett said that it was getting better all the time; that they were saying 30 years on these machines and technology was getting better all the time.

Mr. Fisher commented that the solar business, right now, has gone downhill; that China was the biggest producer and they have just terminated all their solar panel factories altogether.

Both Mr. Case and Mr. Brickett didn't believe that that was a fact.

Mr. Fisher said that to put them out on the acreage on top of the clay cap would they have to penetrate the dome in order to put the stanchions up, the holding pedestals.

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Mr. Brickett said that that would be Phase II, which they would be bringing back to the Board. He said that he recalled, when he first moved to Eliot, that that was a burn dump, not a landfill per say, and there should not be much unstable materials. He added that they could anchor each post two ways: one with ground screws like was done with CMP and the other was with a typical concrete base, which was preferred. He said that it depended on the type of materials used in the landfill and how deep it was. He said that his gut feeling about it was that, walking on it and knowing a little bit about dirt, that was a pretty solid landfill out there; that it has been capped for over 20 years and it was flat and good. He added that they would want to do some coring and thought that Mr. Moulton could help them do that to just make sure that what was down there was down there. Mr. Brickett said that that was a very good question; that the stability of the anchoring point for these free-standing arrays was something they would need a little assist from the Town; go out and maybe do some basic corings just to see what they had.

Mr. Fisher said that it had some gas underneath it.

Mr. Brickett said that he didn't think so; that it was a burn dump, if he recalled, and that stuff was burned all the time; that there weren't any organics left there.

Mr. Fisher said that he had been in Town for 60 years and he remembered when he used to go up there and shoot rats, that there was a lot of garbage up there, adding that he wasn't disputing what Mr. Brickett was saying.

Mr. Brickett said that he did not see any signs of methane vents or any leachates around the outside. He added that that was a good question but he just didn't see it up there.

Mr. Moynahan said that he thought that, if this were to go forward, then they would have to get the controlling agency to review to make sure that they could even penetrate that dome and, at that point, they could look at the soils to see what was doable because it may not be doable.

Mr. Case agreed and added that the alternative would be to put concrete pads down on top of it.

A member of the public said that he understood the presentation but the only part he didn't understand was that, in the event the Town decided not to purchase the panels at six years, he was a little gray on that.

Mr. Case clarified that, at the end of the six years, either company would be happy to continue to own the system and sell Eliot the electricity that they generated at a "to be negotiated" rate.

The same member clarified that prior to that it was at a rate of 2 cents per kilowatt less than the current.

Mr. Case said approximately.

The same member said that there was an initial savings for the first six years of 2 cents per kilowatt hour then a negotiated rate thereafter.

Mr. Case said yes and that would be part of the contract they would work out with these folks right up front.

The same member clarified how much less than CMP.

Mr. Case said yes.

9:00 PM

Mr. Cielezsko said that he understood that after that initial 6-year plan they talked about that the rate didn't go back to market but it was below market by cents because of the rent that Eliot got for letting them use Eliot's land, so there was still a small savings even if Eliot didn't buy the array.

Mr. Case said that that was their understanding of it, as well.

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Mr. Brickett said that it was based on today's dollar versus six years down the pike – what was electricity going to be six years from now – but it looked like things were tipped in the right place. He added that there was minimum impact to the Town upfront and the other option if they didn't want the machine was that the company had the option of dismantling it.

9:02 PM
#14

TO : Board of Selectmen
FROM : Robert Pomerlau
REF : Letter to BOS – Freedom of speech

Mr. Moynahan said that he received this by email, adding that all email he received he shared with the Board. He asked if Mr. Pomerlau would like to speak to this.

Mr. Pomerlau said that, actually, he would like him to read it to the public and then he would like to speak to it.

Mr. Moynahan read the statement: *“Make no statements that adversely affecting the confidence of the public in the integrity of the town government.” – When our founding fathers wrote the constitution and the 1st amendment “Freedom of Speech” provisions, they probably were looking at a statement like that from the English government. No doubt provisions like that were part of the Nazi Germany regime and probably exist today in Korea and other oppressive states but it has no place in the town's policy and should be removed. If Mr. Murphy's reading of para 8 was intended to suppress my freedom of speech, he is sadly mistaken. Maine's Right to Know laws are also intended to make all activity of the town's government open and available to the public so that they may judge on their own their confidence in the integrity of the town government. Your energy in protecting the town's image would be better spent enforcing para 8 Conflict of Interest and para 9 Appearance of Conflict of Interest which reads: Even if no actual conflict of interest exists, a board member would be well advised to avoid even the appearance of a conflict in order to maintain the public's confidence in the board's work.”*

Mr. Murphy said that, in a few weeks, he would have completed 30 years of municipal work in this Town; 16 ½ years on the PB running meeting after meeting, public hearing after public hearing; he was the initial chairman on the SC and with another member as co-chairmen later on; he has been a chairman of the Selectmen – a three-year term – no one was more concerned about freedom of speech or allowing citizens to speak when it was appropriate for them to speak. He explained that some of the people might not be aware, but this meeting tonight was not their (public's) meeting; this meeting tonight is the meeting of five Selectmen, it was their meeting to accomplish the business of the Town. He added that the Board was happy the public was here and they could listen all they wanted but no one was allowed to speak until they were recognized by the Chair and gain the floor in that manner. He added that, even in a public hearing, which they had this evening, no one speaks until they were recognized by the Chair and they should be identifying themselves so that the recorder, Ellen Lemire, could hear the person. He added that the Board and the recorder knew who the speaker was but, three days from now, five days from now, when the recorder got home from work and started working on the minutes she needed to know who was there. Mr. Murphy reiterated that this was not the public's meeting; that the Board was happy that the public was here to listen and learn from them. He said that those of the public who have only arrived or begun to take part in municipal affairs here should do a lot more listening. He said that he did not need to be instructed by someone so recently arrived as to the value of freedom of speech, adding that he carried with him and have with him now and have had for years the Constitution of the United States. He added that he also carried the Constitution of the State of Maine and the Declaration of Independence until they were burned when his house burned down a few years ago. Mr. Murphy said that the public was not running the BOS at all; that this Board did not need instruction from any of them. He said that when he was Chairman of the BOS several years ago there were, he thought, six meetings that occurred when not a single resident came to watch the business, except Mr. Blanchette was here and the recorder was here, and the Board got along just fine. He said that all the business they had here they were capable of solving it without input – but – it was useful and valuable to learn what the citizens wanted and to make sure the citizens knew what the Board was doing. Mr. Murphy said that he was very careful when he ran public hearings when he was on the PB. He added that he had a member on the board that was kind of gung-ho and alpha-male type who would want to cut speakers off and Mr. Murphy would keep on going until no one wanted to say anything more and, quite often, there would be a little old lady over there

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who was stealing up to say something and sometimes they would learn a very important fact about what went on in Eliot before or what needed to go on now when they were dealing with land use issues. Mr. Murphy said that he did not follow EliotOnline – he did read the letters to the Portsmouth Herald and, sometimes, he wrote them himself but he did not get into p... contests with newcomers to Town; he waited for them to learn how to behave; that the Board welcomed their presence and hoped they would soon understand the Town.

Mr. Pomerlau said that now he would address his letter and it literally had not much to do with what he was commenting about here. He said that his point was with reference to the procedures and rules of the boards and commissions that he read that evening. He said that what he was saying was that, because he was sitting on a board, his rights to free speech could not be impinged because he was sitting on a board. He added that he had a US Supreme Court Case – Pickering vs. The Board of Education – that made it abundantly clear, “Statements made by public officials on matters of public concern must be afforded First Amendment protection despite the fact that statements are directed at their nominal superiors.” He said that what they were saying was that anything he did as a private citizen in a matter of public concern was absolutely protected by free speech and, because he sat on one of their boards, the Board could not react to that because he was on a board and they certainly could not silence him. He said that his comments on EliotOnline were in the public interest.

9:08 PM
#15

TO : Board of Selectmen
FROM : Jack Nelson
REF : JMACK Builder's bond

Mr. Moynahan said that this was in regard to Utica Mutual and Jeff MacKenzie DBA JMack Builders and a bond for final paving at Sierra Ridge Road. He asked Mr. Blanchette if the Town had any records of inspections assuring that the road was built to Town standards by the Public Works Department.

Mr. Blanchette said that they had just the contrary, he believed – that the road was not built to Town standards. He added that this didn't say road built to Town standards; that this was merely the final coat and Mr. Moulton was here and he believed he has looked into that but, if not, he was sure he could look into that. He reiterated that they were merely dealing with the final coat. He said that they did, finally – years ago, settle with Mr. MacKenzie in setting up a homeowner's association and funding it through some monies from Mr. MacKenzie because the road was not built to Town standards and could not be accepted. He said that that was done maybe 10 years ago and asked if Mr. Beckert or Mr. Murphy remembered exactly.

Mr. Beckert said that he did not but that he remembered going to the arbitration, but he did not remember the exact year.

Mr. Blanchette said that the road issue and the non-compliance had been settled previously and this was a leftover.

Mr. Moynahan asked if the final coat had been put on and, if they have done that, then the Board should release the bond; it was pretty cut-and-dry.

Mr. Blanchette agreed.

Mr. Moynahan asked Mr. Moulton to assure a final coat of paving was installed.

Mr. Moulton agreed to verify that.

Mr. Moynahan said that, at that point, it was just a housekeeping effort.

#16

TO : Board of Selectmen
FROM : Rosemary Watts
REF : Fireworks Use Ordinance

Mr. Moynahan said that this was taken up earlier in the meeting.

9:11 PM

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#17 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Report on video-streaming

Mr. Moynahan said that he had figured this out with Mr. Blanchette's help. He said that on the top portion – Eliot, Maine Live: Summary – the unique client IPs, which was 22, that that was the number of people who had watched live meetings in the month of August. He said that the next line down – Eliot, Maine VOD: Summary – 61 was how many people had watched any video-streaming throughout the month, but were not live. He said that, as they got these reports, at least they would know what the viewership was. He commented that the last time they had these numbers none of them knew what they were looking at

#18 TO : Board of Selectmen
FROM : MMA
REF : Insurance for volunteers

Mr. Moynahan said that they currently had insurance on the firefighters in Town and asked Mr. Blanchette if that was the only group of employees that they utilized this for.

Mr. Blanchette clarified that this was a different one. He said that this was for other volunteers, committee members and so forth and, in the past, they had decided not to do this.

Mr. Moynahan remembered a discussion they had about how many volunteers they had in Town and it got quite lengthy. He asked the Board if this was something they chose to offer volunteers or not.

Mr. Hirst said that it didn't say exactly what it covered so he would not know. He added that it might be only accidental death and disability.

Mr. Beckert said that it said it was entirely separate from accidental death and disability. Mr. Hirst agreed but said he thought it was the same kind of coverage, except, just for volunteers.

Mr. Moynahan added that the volunteers could change weekly, daily, monthly, so it could be a pretty daunting task for someone.

Mr. Hirst said that he didn't think it was done by name but done by number of volunteers and probably audited at the end of the year.

Mr. Moynahan said that last year 87 members participated in this MMA sponsored program.

Mr. Hirst said that he would like to get more information on it before he made a decision.

Mr. Moynahan asked Mr. Blanchette if it was possible to get more information than what has been provided.

Mr. Blanchette said yes.

Mr. Moynahan said that they would bring this up at another time.

Mr. Hirst asked to include the number of volunteers they had.

#19 TO : Board of Selectmen
FROM : Underwood Engineers
REF : Preliminary Design Drawings/meeting dates

Mr. Moynahan said that they had secured all the easements and they have a schedule for the Board to review, which included preparation for the Town Meeting in November and had public information meetings in October and November. He added that they also had a BOS update September 20 suggested, if they had a meeting next week but, if they were not going to have a referendum in November, then this would change that schedule, he thought, as well. He said that the Town had only paid for two public information meetings

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and the Board may want to time that accordingly. He asked the Board if they wanted to pick a date or have him just set something up that worked with Underwood and have it on one of the Board's meetings.

The Board agreed that Mr. Moynahan could set up the meeting.

#20 TO : Board of Selectmen
FROM : Central Maine Power
REF : MPRP

This was informational from CMP as it related to the transmission system.

Mr. Murphy asked Mr. Blanchette if the material had arrived at Town Hall yet. He said that CMP said it might arrive on or about August 28th and asked if he knew if it had arrived yet.

Mr. Blanchette said that he had not seen anything yet.

9:15 PM
#21 TO : Board of Selectmen
FROM : Fair Tide
REF : Request for donation

Mr. Moynahan said that Fair Tide was another outside agency and asked if they were currently in the Town's budget.

Mr. Blanchette said that he didn't think that they were.

Mr. Moynahan said that he thought the best thing to do was to send them a budget request form that they sent out to the other outside agencies and bring those folks in on the joint meeting with the BC, if the Board chose.

#22 TO : Board of Selectmen
FROM : Wendy Rawski, Town Clerk
REF : Excise Tax Reimbursement

Mr. Moynahan said that this was a memo from the Town Clerk as it regarded excise tax reimbursements on commercial vehicles, farm trucks, and special mobile equipment from 1996 forward on the original purchase price rather than the Manufacturer's Suggested Retail Price (MSRP); that the Town was reimbursed by BMV for the difference in excise tax between the MRSP and actual sale price; and that the Town received a reimbursement of \$8,376.48 for the first year of filing. He clarified with Mr. Blanchette that that was new-found revenue.

Mr. Blanchette agreed.

Mr. Moynahan said that that was something that they would have to add to the department's revenue stream, too, if they had that coming in.

Mr. Hirst commented that that was good work on Ms. Rawski's part.

#23 TO : Board of Selectmen
FROM : MMA Risk Management Services
REF : Worker's Comp Refund

Mr. Moynahan said that this was a worker's comp refund and that they got one of these every year. He read: "Municipal officials are pleased to announce that the Town of Eliot has received a \$5,424 dividend check from the Maine Municipal Association as a result of its good loss experience and loss prevention programs." He added that this was something that Mr. Hirst brought to everyone's attention way back when and he thought they had benefited each year from it.

Mr. Hirst said that he thought that maybe the Selectmen needed to give some reinforcement to the folks on the Safety Program; that he didn't think they had a full complement of representatives at this point. He added that he thought that meetings had

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been less than monthly. He added that he knew that the underwriter read the Selectmen's minutes to see what the Board was doing with respect to the Safety Program, so, it might be well for the Selectmen to send something to the Safety Committee to encourage them to meet monthly and to have a full complement of representatives from the departments.

Mr. Murphy clarified that that committee had to be supplied by people who were already employed or on service or could they be new citizens.

Mr. Hirst said no, that he believed they were Town employees.

Mr. Moynahan said that each department had to have a representative, he believed.

Mr. Hirst said that that was correct.

It was discussed that Phil Lytle was the DPW representative, that Mr. Blanchette represented the Administration, the Rec Department and Fire Department shared a person, and Candice was the Police Department representative.

Mr. Moynahan said that he would put a note together for them to find out where they were at.

#24 TO : Board of Selectmen
FROM : Comcast
REF : Channel line-up

This was informational regarding what was going out to residents in Eliot.

9:20 PM
#25

TO : Board of Selectmen
FROM : Kittery Water District
REF : Proposed rate increase

Mr. Moynahan said that this was a rate increase from Kittery Water District. He asked Mr. Blanchette how this would be communicated to current users – through the Board or through Kittery Water District.

Mr. Blanchette said that it would be through Kittery; that they were merely informing the Board because the fire hydrant costs would be going up.

Mr. Moynahan clarified that they would have to make sure that they appropriated accordingly for that because they were the ones to pay that bill, he guessed.

Mr. Blanchette said yes.

Mr. Hirst said that they billed them per hydrant and that it was something like \$55 per hydrant.

Mr. Murphy said that the memo said that their rates would be lower than the Public Utility Commission allowed; that their rates were supposed to increase for users by 4.72% and increase for fire hydrants 9.49%, which was about half to two thirds of what the Public Utilities Commission dictated as he understood it.

Mr. Moynahan reiterated that they needed to make sure they were appropriating accordingly for that.

#26 TO : Board of Selectmen
FROM : York County Commissioners
REF : Process

This was in reference to the York County budget process, adding that he was going to stay right out of this, as they have had letter after letter after letter, but Mr. Moynahan thought that, if anyone was interested in what was going on, then they would include it in the packages.

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#27 TO : Board of Selectmen
FROM : Susan Caston, MMA
REF : Insurance coverage – Eliot fire

Mr. Moynahan said that this was removed from the agenda, as Chief Muzeroll was ill and could not be here, adding that he asked that anything pertaining to him be put off until either the 20th or 27th meeting.

9:22 PM
#28 TO : Board of Selectmen
FROM : Grant Hirst
REF : Action List

Mr. Hirst said that he had asked that a number of things be added to the agenda or the AIL and he was sufficiently new so he didn't know which one he should ask for. He said that, discussing #1, the most recent Fixed Asset Management Report was done by Mr. Donhauser in 2004 and he recommended that the Board do this every year so that they could account for items that they acquired and items that they disposed of.

Mr. Moynahan said that he thought that Mr. Donhauser had indicated that he updated that each year; that he had set that up in 2004 and was completing that each year.

Mr. Hirst said that he was not aware that he was. He asked if Mr. Blanchette knew.

Mr. Blanchette said that he did not off the top of his head.

Mr. Murphy said that he thought that Mr. Donhauser deplored the fact that it was no longer being kept up and someone must do it.

Mr. Moynahan said that he must have misunderstood. He added that he thought that Mr. Donhauser had set it up and then, each year, he had updated it.

Mr. Murphy clarified that Mr. Donhauser had made assumptions about the correctness of it without knowing which changes have occurred, was his understanding. He added that Mr. Donhauser couldn't go out to each department and check on desks and new computers and all that sort of stuff, so he relied on Ms. Spinney's records for that. He also added that he thought that Mr. Donhauser ended up not being able to verify what he assumed, as a probable average, was correct.

Mr. Moynahan asked if, when Mr. Donhauser returned, would this be something they would want to broach to him.

Mr. Hirst agreed, saying that this was not in his management letter but he has recommended it several times.

Discussing #2, Mr. Hirst said that he was trying to find a way to supply all the Town buildings with AED's – Automatic External Defibrillators – particularly the Town Hall and the DPW. He added that there was one aboard one of the fire trucks in the fire station and one of the cruisers had one, so, maybe they could get a grant for this or go to York Hospital to see if they could give Eliot some. He added that he thought that was something that Ms. Muzeroll-Roy was going to look into but he didn't know if she had.

Mr. Moynahan asked if there was much in the way of maintenance and that sort of thing with AED's.

Mr. Hirst said that he didn't believe so; that they just sat on the wall and the batteries were replaced every four years and the pads every two.

Mr. Moynahan asked if there was training that went along with that.

Mr. Hirst said yes but thought that the fire department was capable of giving them that training. He added that it hung on the wall and was available for anyone.

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September 13, 2012 6:30PM (continued)

Discussing Item #3, Mr. Hirst said that it was consideration of a mechanism for employee suggestions, with incentives, perhaps a percentage of demonstrated first year savings. He added that they had someone who recommended something and they were able to save a bunch of money and he thought that it could be incentivized.

Mr. Murphy asked Mr. Blanchette if that had ever been tried that he was aware of.

Mr. Blanchette said not that he was aware of.

Mr. Hirst said that it was pretty common in private industry.

Mr. Murphy said that it sounded like something they may want to consider trying, adding that they maybe could get department head input on it.

Mr. Moynahan said that department heads may be inflating their budgets and then putting in a suggestion throughout the year so, maybe, it should be the employees and not the department heads. He said that department heads were responsible for finances and should be productive throughout the year.

Mr. Hirst said that people doing the work knew best, in many cases, how to do it and how to save money.

Mr. Moynahan said that it was a matter of how they were paid for that and what deductions were so that payment would be fair, how they would budget for it, and that sort of thing.

Mr. Hirst said that it was just a suggestion, adding that there were ways to do it, he was sure.

Mr. Hirst said he would skip the next two because he thought they were already on the AIL.

Mr. Moynahan confirmed that they were.

Discussing the last Item, Mr. Hirst said it was to develop a written protocol for the use of debit cards and they had only four. He added that that was part of Mr. Donhauser's management letter. He said that there was some abuse of that and the Board needed to set a set of protocols that was written down and provided to department heads.

Mr. Moynahan said that he thought that that would be a Selectmen policy so they could bring that up to discuss. He asked if they could wait on that until the ordinances governing boards came through.

The Board agreed.

Mr. Moynahan said that they would make changes to the AIL accordingly.

#29

TO : Board of Selectmen

FROM : Dan Blanchette

REF : Video-streaming (No correspondence)

Mr. Moynahan said that this was regarding a video-streaming policy and that there was no correspondence. He said that they now had video-streaming in both rooms and the BOS would video all possible meetings. He added that video-streaming was available to all other boards and committees. He said that he didn't think the Board could force anyone to video-tape their meetings but, for anyone who wanted to, they had the ability to do that. He said that they kept going back and forth over that and that they had had resistance from several and then people who were very receptive to it. He added that it was his own opinion that people should have a choice on the other committees but he thought the BOS should be required; that unless he forgot buttons, every meeting would be video-recorded. He asked for input from the Board.

Mr. Murphy said that he thought that that might work for a while and they should review these policies as they were supposed to do with all of their policies every year. He added that as people became more comfortable with it and learned not to mind being seen making mistakes in public, then they would get used to it and that nothing dastardly would happen if they made a mistake.

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Mr. Moynahan said that the other piece of that was the how and he thought that they had already indicated that Mr. Blanchette was going to create a calendar so that anyone who chose to be video-streamed would need to communicate to the Administrative Assistant or the designee, which they still needed to find. He added that they also needed a technical policy or just a piece of paper that said to hit button # 1 or #2 for this room and out there would be a switch. He said that the more he looked at it the more he thought it was that simple, now that this has progressed and the work has been done by the IT Committee.

Mr. Beckert said that he thought that Mr. Emery was going to come up with the technical piece.

Mr. Moynahan said that the 'who' piece had been dragging on for a while so, at some point, he thought that they just had to make the call of how they were going to approach that.

Mr. Beckert said that it was his intention for any of the committees he was on and chair that he was going to bring it up at committee meetings to see what the membership's wishes were. He added that he didn't see any big drawback to video-streaming.

Mr. Moynahan agreed and, for the time being, it should be offered to all the boards and committees to utilize and show them how to utilize equipment and the BOS would be video-streamed at all meetings.

9:32 PM

Mr. Murphy said that he thought that this Board, though, should urge all of those committees to use it; that the public was pleased by it and was something even the public would have to learn how to use and when to use. He added that it wouldn't cost them anything more; that all of the committees could come on and use it and the cost didn't change. He said that the monthly cost was \$250 and, for that, they should probably maximize their use of it and the information and intelligence that could be passed along to the citizens. He said that he thought the Board should formally urge all committees to use it.

Mr. Moynahan said that he would draft a note to all boards and committees in that respect. The Board agreed.

9:34 PM

Ms. Davis said that there were times when she could not make a particular meeting; that it did impact the BC and the Sewer Expansion Committee, so she would like to urge that at least the SC consider going online so that she could keep up with what was going on.

Mr. Moynahan said that they would send a letter out to all the boards and committees urging them to utilize it because the system was up and running.

Mr. Cielezsko said that they would need directions on how to use it and an understanding of all the aspects of it.

Mr. Moynahan said that it would be simple now, as Mr. Emery has done a bunch of things, but they would make sure a whole how-to was done and, maybe, in front of both locations so that anyone chairing would have that how-to.

Mr. Cielezsko said that he was simple-minded and that he needed something written and to show him.

Mr. Moynahan said that that would be taken care of.

#30

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Copy of policy on communication

Mr. Moynahan said that this was just a reminder; that on the bottom portion – Policy on Inter-Board Communications – was a reminder to every one of the proper communications between boards, committees, and commissions and that sort of thing. He added that he would keep bringing this up on occasion to make sure everyone was aware of how they were supposed to conduct themselves.

9:35 PM

#31

TO : Board of Selectmen
FROM : 2-Way Communications
REF : Invoice

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Mr. Moynahan said that there was a correspondence from Mr. Markel, too; that this has been ongoing. He said that Mr. Markel sent a response to the Board's request for a guarantee that, in the future, Eliot be communicated with any repairs that would have to be done. He added that Mr. Markel's response was that he "checked with his Chief of Police and he said that the Eliot fire band was bleeding into the Kittery Police and interfering with communications. We called 2-Way and asked them to check it out. They concluded that the problem was due to the Eliot patch installed about 10 years ago and they fixed it. Our Chief does not think that the Kittery P.D. should pay for this service." He said that it didn't answer the question in the letter and no one was disagreeing with the fact that Kittery shouldn't be paying the bill, adding that the invoice was made out to the Kittery Police Department on March 30th. He said that Eliot got receipt of this two months ago and he was still concerned that the contractor has not been paid. He added that, as much as there could be a peeing contest with neighboring towns, the one being damaged here was the subcontractor.

Mr. Hirst agreed that the subcontractor was the one being hurt.

Mr. Murphy said that he thought that they should pay it with a cover letter to 2-Way explaining what has happened so that they understood the Board didn't object to them and were grateful for their assistance; that they were trying to work out between the towns the proper way to do something like this.

Mr. Moynahan said that he couldn't agree more and he was very glad that the whole Board was in agreement with that. He asked Mr. Blanchette to do a cover letter and see if they could get that expedited to them.

Mr. Murphy asked if the Chair needed a vote and where would the monies come from.

Mr. Moynahan clarified that they were going to utilize Mr. Muzeroll's budget.

Mr. Murphy said that then it probably didn't need a motion.

It was the consensus of the Board to compensate 2-Way Communications for the Eliot repairs.

Mr. Moynahan said that he and Mr. Blanchette would get together and do a cover letter for them explaining.

#32

TO : Board of Selectmen
FROM : I.T. Committee/Treasurer
REF : Input on new bank (No correspondence)

Mr. Moynahan said that Mr. Emery had contacted him, as he had some concerns on the new bank as it related to online security and potential fees. He added that he was hoping to have something to share and he didn't. He said that maybe those fears had been put to rest but the IT Committee did not weigh in on any of the security piece for that and it was too late to change the bank, as they have already voted to accept the Tax Anticipation Note, which resulted in changing banks, so perhaps he could share with the Board what those security concerns were. He also said that there was discussion about potential fees and maybe they could have another discussion with Ms. Spinney to see what may be expected or anticipated. He added that those two items were shared with him and that was why they were in the agenda.

9:38 PM
#33

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Appoint Heather Ross as Alternate Plumbing Inspector

Mr. Moynahan asked Mr. Blanchette if they were doing this on a full-time or individual case basis.

Mr. Blanchette said that it was on an individual case basis.

Mr. Moynahan said that, if they were going to appoint Heather Ross on an individual case basis, then he thought that, if there were costs associated, then those costs should be borne

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on the person requesting that service and that should be known up front. He clarified that the additional cost to Eliot should be turned back into the person requesting the inspection.

Mr. Hirst said that they already had fees for plumbing inspections, anyway.

Mr. Moynahan said yes but this would be additional.

Mr. Hirst asked why they would need to hire somebody to do that – because someone was not here or on vacation or something.

Mr. Moynahan said yes. He said that Eliot received the permit fees but, then in turn, instead of paying for those inspections and all that they would have to send money to Kittery, so that money should come back in, whether it was permit fees or however the Board would want to address it.

Mr. Blanchette said that this was a case where the Board instructed that they find another inspector for a particular person for a particular project, so, this was what they were able to come up with.

Mr. Moynahan said that they had been able to accomplish a secondary source of inspections but it was still a matter of compensating, adding that they should probably find out what that was going to be so that they could communicate that back.

Mr. Beckert said that the other issue was that they provided the inspection person, regardless, in any case above and beyond the fee they paid the inspection person. He asked if they charged the particular applicant the enumeration for that inspection person that they were obligated to supply anyway.

Mr. Moynahan said that the building permit fees were supposed to cover the costs of the Code Enforcement offset so, if they brought additional in, it didn't cover that on a case-by-case basis. He explained that he just gave his thoughts on this; that this was going to be a costly venture because there was some opinion-based concerns and he didn't think that the Town should eat it.

Mr. Beckert said that, if this particular person was going to be doing those inspections, then those fees coming in would cover this particular person, not the Town's person that wouldn't be doing it, so it should be a wash.

Mr. Moynahan said that the Town budgeted a certain amount coming into the Town and, then, they were sending some back out. He added that he didn't know how much it was going to be, either, that was the other piece; that it could be not worth the conversation that he brought up.

Mr. Murphy said that he thought this was a problem which might even involve rewriting their ordinance to allow for this case, where an applicant for the service demanded someone other than the Town's CEO, in which case, that applicant should pay an additional cost that occurred as a result of that demand. He added that they were confident that the Town's CEO was competent but, if someone wanted someone else, then they should have to pay for that and that should be part of their ordinance.

Mr. Moynahan said that, at this point, they could just appoint an alternate plumbing inspector.

Mr. Murphy agreed.

Mr. Beckert said that he thought that that was something they needed, anyway.

Mr. Moynahan said absolutely. He added that the financial piece could be figured out along the way.

Mr. Hirst said that this was not without precedent, as they had used Ms. Ross before.

Mr. Murphy said that they had.

9:42 PM

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen appoint Heather Ross as Alternate Plumbing Inspector for the Town of Eliot.

Mr. Hirst clarified that that would be as an independent contractor.

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Mr. Blanchette said no, that it would be as an employee.

VOTE
3-0
Chair concurs

At this time, the Board agreed to skip Items I and J and go directly to K.

Old Business (Action List):

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 School
18. Town Manager – schedule workshop, include Comp Plan Implementation Committee
19. Committee/Board – Mission Statement review

Selectmen's Report:

There were no Selectmen's reports tonight.

Other Business as Needed

There was no other business tonight.

9:43 PM

Executive Session

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

Mr. Fisher asked what department they were talking about.

Mr. Moynahan said that it did not indicate the department; that it was about "Discussion or consideration of the employment, appointment..." Personnel issue.

Mr. Fisher asked again what department they were supposed to be doing this with.

Mr. Moynahan said that it would not be executive session if they talked about what department it was.

Mr. Fisher said that he knew; that it shouldn't be executive session and that was why he was asking.

Mr. Moynahan said that it did; that when they did the agenda they determined that this fell in the category of executive session so that was why he put it there; that it was not for public discussion.

Mr. Fisher said that he questioned that and he wanted to be consistent.

Mr. Moynahan said that he paid attention to this stuff; that he took it pretty seriously about what belonged where and all that. He said that there was a motion on the floor and it was seconded at this time.

VOTE

**BOARD OF SELECTMEN'S MEETING
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**3-0
Chair concurs**

10:10 PM Out of executive session

Adjourn

There was a motion and second to adjourn the meeting at 10:14 PM.

**VOTE
3-0
Chair concurs**

DATE

Mr. John J. Murphy, Secretary