

BOARD OF SELECTMEN'S MEETING
September 22, 2011 6:30PM

Quorum noted

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

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

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

6:32 PM Motion by Ms. Place, seconded by Mr. Dunkelberger, to approve the minutes of August 18, 2011, as written.

VOTE

4-0

Chair concurs

Motion by Ms. Place, seconded by Mr. Moynahan, to approve the minutes of August 25, 2011, as amended.

VOTE

4-0

Chair concurs

Motion by Mr. Dunkelberger, seconded by Mr. Murphy, to approve the minutes of September 15, 2011, as written.

VOTE

4-0

Chair concurs

Public Comment:

6:35 PM There was no public comment tonight.

6:36 PM

Department Head/Committee Reports

Mr. Blanchette said that he had the proposed letters to the Board's committees and to the social services from the Selectmen and from the Budget Committee (BC). He added that it was the same as last year unless the Board wishes to do something different.

Mr. Fernald asked if there were any changes any of the Board members wished made. He confirmed that the Board also had a comment from the BC.

Mr. Blanchette said that they had a comment from Mr. Reid, which was that "there was no direction by the Board of Selectmen regarding setting budget limits or goals for the next fiscal year."

Mr. Dunkelberger suggested including using a standardized format in the letter to the committees.

Mr. Fernald agreed they should include that in the letter.

There were no other comments.

The Board agreed by consensus to send the letter, including use of the standardized budget format.

Mr. Blanchette confirmed that the department heads already had the budget format.

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Mr. Blanchette asked if the Board would reapprove the Animal Control Ordinance, as a couple of typos were found in it but that they were not substantive changes.

Mr. Murphy moved, second by Mr. Moynahan, to reapprove the Animal Control Ordinance for the warrant, to include typo corrections.

VOTE

4-0

Chair concurs

Mr. Blanchette said that he believed the Board received a copy of the Planning Board (PB) request for the November vote. He clarified that it was a proposal for an amendment, under the Land Use Table, that would change Signs 6 sq. ft. in the C/I District from Site Plan Review (SPR) by the PB to CEO approval.

Mr. Murphy clarified that the CEO already has responsibility in the other zones.

Mr. Blanchette said that he did and that the C/I Zone is the only one he doesn't have approval responsibility.

Mr. Moynahan moved, second by Mr. Murphy, to accept this change of approval responsibility and move it to the referendum.

VOTE

4-0

Chair concurs

Mr. Blanchette said that the Board had the proposed Comcast franchise agreement, which he believed they all received a note from the attorney on (Correspondence #5).

Mr. Fernald read the email (#5), which is available at the Town Hall. He added that, evidentially, if the Town wants Comcast approved, then the Town needs to give Comcast a year's notice before the \$70,000 could be budgeted.

Mr. Murphy discussed five corrections that he believed should be made and the going to two years or three years issue. He discussed that the new Comcast agreement, on page 21 § 14-A, has language that says they "will not be required to maintain any books or records for franchise compliance purposes longer than three years" and that has not been changed by Attorney Sculley (Town attorney) and seems to be a statement of what the company does at the present time. Additionally, he discussed inconsistencies he found on records requirements on page 24, saying that there was an exception in § 15 (3), which was actually changed to C, and had to do with acceptance of payment that allows for four years to correct payments, which means they would keep those records for the four years, a year longer than Attorney Sculley was asking for. He said that they did not want to keep records of written complaints, area outages, service calls for repair and maintenance and of installations, reconnections and requests for service extension for longer than two years. He discussed the five editorial mistakes he found on pages 4, 5, 19, and two on page 24, adding that he thought the changes should be made.

Mr. Fernald asked for comments regarding the \$70,000.

Ms. Place said that they did not intend to follow through with those lines so she wasn't that concerned with it.

Mr. Moynahan clarified that the voters at Town Meeting voted to not approve these funds for a cable franchise so they don't really have any control over that unless the Board were to put it to the voters again to create a reserve account for this.

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Mr. Fernald agreed that the voters did not approve it. He clarified that it would be Comcast's reserve account.

Mr. Moynahan that it would then still be available, as long as it is in the contract, but that it would take a year to get.

Mr. Blanchette agreed.

Mr. Dunkelberger commented that Mr. Murphy had made a good point about the way it is currently worded. He said that if the Town were to do it this year, then Comcast would need twelve months' notice in the future, which doesn't make sense on the face of it because one doesn't do a budget cycle every month. He added that he could see where it would take up to twelve months but it shouldn't always take twelve months – and there is a difference.

Mr. Murphy said that he was tempted to put this off because he thought the Town may need to be persuaded of the need and the Town may be satisfied by the current thing they were testing at much less cost.

Mr. Fernald said that there were some changes that needed to be discussed with this contract.

Mr. Moynahan pointed out that it was important that the Town have a franchise agreement because currently they don't – so the big piece is to get something in place and that they should be compensated.

Mr. Blanchette said that he would get with Mr. Murphy and draft a note on the Comcast contract changes.

6:55 PM Mr. Fernald read as letter from Portsmouth Naval Shipyard that officially names Eliot as the host town for the USS Pasadena and thanking the Town of Eliot for doing this.

Ms. Muzeroll-Roy said that the Town was set up and ready to provide services to them from within the Town. She added that they would be here from 18-22 months and there would be an official plaque-hanging ceremony the second or third week in October. She said that their boat arrived yesterday and they already have things planned for them to be involved with in Town, such as Veteran's day, special events, etc. She said that she has already been in contact with them to get things rolling and has a small committee to do a welcome ceremony in Town.

7:00 PM Mr. Short let the Board know that the cruiser from Newcastle Dodge was in and that he needed approval for Ms. Spinney to write the check so that they could pick up the car tomorrow.

Mr. Moynahan moved, second by Ms. Place, to allow the \$22,783 to be taken from the Cruiser Reserve Account to purchase the vehicle.

VOTE

4-0

Chair concurs

Mr. Short discussed that he had, a few years ago, suggested that they look at creating some safe zones – the parks, athletic fields, etc. – and would be similar to the school zones. He said that this would be done by ordinance (he gave them copies) and any drug-related activities conducted in those zones would impose aggravated penalties regarding fines and sentencing, which means it would double in those areas. He asked that they put this on their to-do list for further discussion and that he would encourage this as something to have as an ordinance in Town. Mr. Moynahan said that he thought it was a great approach and only added

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that he would want to make sure that A. through F. were a complete list to make sure they covered all the key spots in Town.

The Board discussed how best to work with this and agreed by consensus to review this ordinance proposal at their next meeting.

Mr. Short gave a brief update on personnel, saying that they were down to two candidates, they were working through the process, and hoped to come to the next meeting with a particular candidate for the Board.

Mr. Fernald asked if either candidate was local.

Mr. Short said that one was from Lebanon and the other was currently residing in central Maine.

Mr. Moynahan asked Mr. Short, regarding the HVAC repair, if he had gotten a warranty in writing and a copy of that contract so that the Board could put that in the file.

Mr. Short said that he did have his paperwork, that the warranties are based on the equipment.

Mr. Moynahan said that he wanted to make sure they had that on file if there are issues down the road.

Mr. Short gave an update on the impact of the HVAC repair to the police department building, saying that they were experiencing a higher rate of efficiency since the installation, that it was working very well and they have had no issues with the system.

Mr. Blanchette discussed that the Board had wanted to have the chairs from the Planning Board (PB) and Sewer Committee (SC) come in for general discussion. He said that Mr. Beckert had a prior commitment but that Mr. Dupuis from the SC was present.

Mr. Dupuis said that he would have to defer, as last night's meeting was the first he was unable to attend because of an emergency and that Mr. Hirst acted as chair at that meeting. He did say that, overall, the new flow meter has been installed at the King's Highway Station; that they installed a new hatchway on Dixon Avenue and it is almost complete. He added that last night's agenda was supposed to be a discussion of the sewer rating and what they thought would be necessary to raise an appropriate budget but he has not had an opportunity to read Mr. Hirst's note on that, yet. He said that they were working from an action list, that a lot of work has been done in the streets in the man ways due to the infiltration that Underwood is aware of also. Mr. Dupuis said that they have definitely seen a decline in groundwater penetration.

Mr. Fernald said that the Board had received reports from Underwood discussing the smoke testing, etc. and the result and it was encouraging that they were pinpointing the areas needing attention.

Mr. Dupuis said that he wanted to thank Underwood as they came to a meeting and gave an excellent presentation and gave the committee members a better understanding. Discussing the large storm, he said that they were forced to run the 3-phase generators for a long period of time and he wanted to thank the highway department, police department and the fire department for all their back-up and support, that it was a good community effort.

Mr. Murphy thanked Mr. Dupuis and commented that he thought Mr. Dupuis was an excellent chairman of the Sewer Committee.

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Mr. Moynahan asked if there were any discussions about the sewer rates.

7:11 PM Mr. Hirst said that they had a very productive meeting and that Mr. Blanchette explained to the SC how the whole sewer billing works. He added that a subcommittee of the SC will meet on Oct 7, here, at 8 AM to go over the quarterly billings from CMP, Kittery Water, Kittery Sewer, and any repairs they have to have had done in the quarter. He also added that, when they allocate the costs among the three component parts of the sewer bill, they would then do the same thing for the other three quarters and come up with a recommendation to the Board on what amount of increase would be required to meet the projected expenditures – to include Mr. Moulton's numbers of roughly \$50,000, without labor, on things that they have identified, so far, that need to be fixed. Mr. Hirst said that he expected there would be more things that he finds as he (Mr. Moulton) got into it that may raise that \$50,000, reiterating that they have a good subcommittee, have made good progress, and have a meeting scheduled.

Mr. Dunkelberger wanted to commend the SC because he knew that the formulas used to figure out the billing and the potential billing requirements are not easy to understand or follow. He added that they had quite a project ahead of them.

Mr. Fernald said that there was another side to having the committee members to come in to update the Board on what was happening on the committees and that was if there was anything the Board could do for the committees.

Mr. Dupuis said that he thought it was a work in progress, that they had a lot of great ideas and, with this work session they were going to have, he thought they needed to put it on paper, present it to the BOS, and ask for their support in getting it out to the people. He said that one issue was that they did not have to go back twice for a rate increase to the TIF with everything else involved.

New Business (Correspondence List):

7:14 PM

#1

TO : Board of Selectmen
FROM : Public Works Dept.
REF : Sewer System Repair Estimates

Mr. Fernald said that he would take all of Mr. Moulton's issues under new business and that the first issue was a list of things that needed to be done to the sewer system and the cost, which Mr. Hirst had indicated was materials and no labor. Mr. Fernald invited Mr. Moulton to speak to this.

Mr. Moulton said that the top priority, in his opinion, was the manhole rehabilitation (Bolt Hill) because that does include some infiltration, and discussing needed sewer repairs and potential needs to consider and be aware of, such as a pump station monitor and sewer line repairs, which could be very costly depending on how deep they were, wanting the Board to be aware of current and future needs so that the Board would have the funds available if they should need to do those repairs. He discussed the four manholes on Bolt Hill that were identified as deteriorating and the need to prioritize their repair.

Mr. Fernald said that he understood, adding that, currently, they had \$254,886 as of June 30, 2010 in the Sewer Capital Fund and that was money set aside to be used for said items, as long as the Board knew what ones were the priorities.

7:16 PM

Mr. Moulton agreed and said that he believed nothing would happen until spring but would have to monitor where they knew there was an issue and put together a list for the Board of work needed to be done, maybe even before the spring.

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Mr. Murphy, discussing the manhole repairs, asked if one manhole repair at a time was reasonable or could he plan to do four of them and save money and/or time.

Mr. Moulton said that he would have to do some research but that there might be some cost-saving to do them all at once.

Mr. Murphy asked him how many dresser couplings he expected to use.

Mr. Moulton said he hoped to use only one but it would depend on where the break was located. He added that he would like to have a couple on hand so that they could have ready access to fix a problem immediately like they had a couple of months back.

Mr. Fernald clarified that Mr. Moulton would be giving the Board a list and that things would not be happening until the spring.

Mr. Moulton said yes.

Mr. Moulton discussed the sewer inspections issue. He said that he just found out that they would be taking over the sewer inspections for improper discharge of storm water into the Town sewer system. He added that he would like to use a licensed Maine plumber and he has negotiated a lump-sum cost of \$7500. He said that it was his thought that, if they could move forward with this, then they could get it done this fall, find out what the issues are and start to address those issues, adding that getting a handle on this is something the Town needs to do. Mr. Moulton said that he had been here for a little over a year and this had been discussed for over a year and it was not being moved forward very fast.

Mr. Moynahan said that they had discussed this at their workshop about potentially getting a third party doing these inspections so he was on board with that, adding that he thought Mr. Moulton's quote was reasonable (\$30 per household). He asked if they would have recommendations and follow-up included with this quote.

Mr. Moulton said yes, that that would be included. He added that he would like to provide this person with a Town vehicle and badge for easy recognition to homeowners, as well.

Mr. Moynahan discussed that the more information the better, especially with things that need follow-up, and they don't want to do this again in five years.

Mr. Moulton said that he was at Sump Pump Station #1 while it was raining today and the flows were up and, in his opinion, there were still a significant number of sump pumps in the Town sewer system.

Mr. Moynahan discussed that there are a lot of areas in the Town that, once they eliminate those sump pumps, they were going to have issues so, as a Town, they needed to look at storm water and manage that in another manner and, in paralleling this, they should start coming up with a game plan on how to rectify the issue.

Mr. Moulton said that he did not disagree.

Mr. Dunkelberger asked where the money would come from.

Mr. Fernald said that it would come from the Sewer Account.

Mr. Blanchette clarified that it would come from the Sewer Operations Account.

Mr. Moynahan moved, second by Mr. Dunkelberger, to authorize the \$7500 expense from the Sewer Operation Account for sewer inspections, as noted.

VOTE

4-0

Chair concurs

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7:22 PM Mr. Moulton discussed the F-250 Truck Repair funding, adjustments in his accounts to recognize available monies and to utilize budget monies available that would offset reserve account monies.

Mr. Moynahan clarified that Mr. Moulton was indicating that all of the \$4,000 would be coming from his budget to fix the equipment.

Mr. Moulton said yes.

Mr. Murphy said that he had talked with Ms. Spinney and she said that Mr. Moulton's Reserve Vehicle Fund does have the \$23,000.

Mr. Moynahan said that he thought that was the responsible approach.

Mr. Moynahan moved, second by Mr. Dunkelberger, that the department head move ahead with the repair of the vehicle repair with any shortfalls to come from the Highway Department Reserve Account, not to exceed \$4,818.10.

VOTE

4-0

Chair concurs

7:25 PM Mr. Moulton discussed the email he received from Mr. Cannell of MDOT. He said that the email was non-committal as to State-owned road repairs and maintenance but was productive in that putting in an official complaint would help bring Eliot to the forefront for attention. He added that they were looking at the trees, were considering an MST paving (shim & overlay) of Route 103, Beech Ridge Road and Route 101, and an intersection project at the corners of Route 236 and Depot Road. He clarified that there was a walk light but not a crosswalk at that intersection and asked about that to the MDOT. He said that the response back late this afternoon from Mr. Cannell saying that the traffic travelled at 50 M.P.H. and a crosswalk might make things worse and his response back was that they put in a light and why create an access for pedestrians if they didn't intend to mark it and do it correctly. Mr. Moulton said that he has received many concerns and questions from people who live in that direct area, saying that they will not let their kids walk to school, which he does not blame them for at all due to the traffic volume, etc.

Mr. Moynahan asked how difficult it would be to request a crosswalk at the intersection of Beech Road and Route 236. He added that, where that speed limit is already 35 M.P.H. and cars blow through that, would that help reduce some of the speeds through there and make it safer for all the bicycle traffic at that intersection.

Mr. Short said that he didn't think it was difficult to request – he thought the difficulty would be to get it. He commented that, if Eliot had someone on the Transportation Committee, then he was sure they would get a lot more things. He added that, just like Route 236 and Depot there was a pedestrian button there for them and, for that to be effective at Beech Road, there would have to be the same thing and he thought that might be on Eliot's shoulders to bear the cost. Mr. Short said that, as far as the crosswalks, that would be a matter of petitioning the State to see if they would come down and mark the road up – that they could do that much.

Mr. Short and Mr. Moulton will draft a request.

7:32 PM
#2

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Fireworks Ordinance

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Mr. Fernald said that Mr. Blanchette contacted several surrounding towns about their ordinances and to see how they were approaching the fireworks ordinance that would be coming up. He added that this correspondence had examples and might be added to the Action Item List (AI) to review and discuss.

The Board agreed to add this to the AI and to get input from Mr. Short and Mr. Muzeroll.

7:35 PM
#3

TO : Board of Selectmen
FROM : The Town of Newington, NH
REF : Nitrogen in Great Bay

Mr. Fernald said that this letter was from the Town of Newington, NH informing surrounding towns of their concern for the nitrogen levels in the river and to make people aware of how nitrogen gets into the river, including municipal wastewater, storm water, fertilizers, animal waste, etc., how it affects the oyster population, etc.

Mr. Blanchette will make sure a copy of this correspondence goes to the CEO.

Mr. Moynahan read on page 4: *“As you know, nitrogen enters the estuary via multiple sources: wastewater treatment plants, stormwater runoff, septic systems, fertilizer, animal waste, land development, and the atmosphere. While we applaud the EPA’s attention to wastewater plants, it concerns us that your agency appears to be deferring action on the remaining 70% of nitrogen sources.”* and said, in talks with Kittery and their potential upgrades, this Board may want to keep that in the back of their heads as a bargaining chip with the EPA as, if it’s not all related to wastewater treatment, then they may not be forced to do as much as far as improvements to the wastewater facility.

7:37 PM
#4

TO : Board of Selectmen
FROM : Dan Blanchette
REF : First Reading of Comp Time and Hours for Town Staff

Mr. Fernald discussed the changes that were made as a result of the last meeting and asked if the Board wanted to move this to the second reading or make comments or changes.

Mr. Moynahan, referring to page one, said that, if they were allowing the employees to utilize their earned times and such to count towards overtime, then he didn’t see the need for policies because those will all be utilized to combine for a 40-hour workweek. On page two where it says the 40-hour increase, which he personally disagrees with, he said that if they were going to change that then he believed the 40 hours should be utilized in that fiscal year and not rolled over into the next year. Discussing the third page, he asked if they currently had hours for the Town staff in that policy that was not part of the first few meetings they had or was this a new addition.

Mr. Blanchette clarified that it was not a new addition.

Mr. Murphy commented that he thought that the examples, although they may not happen very often, were germane and he was pleased with their addition.

Mr. Dunkelberger asked Mr. Moynahan to clarify his comments on the first page.

Mr. Moynahan said that the examples show 46 hours worked with 6 hours overtime by calculating some of the earned time and vacation times. He said that example #3 also 56 hours worked with 16 hours overtime so, again, utilizing employee hours – however one manipulates them – and 16 hours of overtime. He

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clarified that all the examples currently allow overtime to be calculated on any combinations of these things. He said that, then, the examples were not needed, as the pay was calculated that any employee could work 40 hours or take 40 hours of vacation, work one day, and they would get paid 40 hours straight time and get 8 hours of overtime, and no matter how they show the examples it would not change that. He added that this was allowing the use of all these earned times to be calculated so the examples were not then needed and that was all he was getting at.

There was some discussion around having an example that showed Mr. Moynahan's point and whether there was a need for the examples at all.

Mr. Fernald commented that having the examples did not change the policy.

Mr. Place said that she agreed with Mr. Moynahan that employees should not be able to carry hours over into the next fiscal year.

Mr. Blanchette said that, referring to Section 3, that really is, ultimately, a Board decision, as the Board could decide to buy them out at the end of the year or not buy them out. He discussed buying versus not buying. He said that, if they were going to have a year with a COLA increase, then they probably would not want to increase their liability from one year to the next so they buy them out. He added that, if there was no increase in COLA, then there was no increase in liability.

Mr. Dunkelberger said that his concern with not being able to carry it over is that it would drive the department heads, that at the end of the fiscal year, they would have employees with comp time on the books that would have to take it or lose it, all at the same time.

Mr. Moynahan clarified that it would be take it or be compensated for it, not take it or lose it. He said that they would always be compensated one way or another.

Mr. Dunkelberger agreed.

Mr. Murphy, referring to Section 2, read "An employee may not accumulate more than 40 hours at any one time without Board of Selectmen approval." and asked why the Board would approve them to accumulate more – under what circumstances would the Board be willing to say yes to more.

Mr. Fernald asked if any Board member wanted to make changes to that #2 sentence and, if not, then they would move forward to the second reading next week.

Mr. Moynahan said that he thought that two of them had agreed to not rolling over the comp time and asked if that was something that should be consensus by all five before the Board rolled over.

Mr. Dunkelberger said that he believed the Board voted on this particular point at the last meeting.

There was discussion on procedural issues.

Mr. Blanchette clarified that tonight was the First reading because it was substantially changed at the last meeting. He added that they could change it, again, as there was no limit to how many times the Board could change it.

Ms. Lemire clarified that the Board voted only to move it to the First Reading – they didn't vote on any specific changes.

Mr. Fernald requested a motion to change it. He added that, if there was no motion, then it would remain the same and the Board would move forward as it was written.

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Mr. Moynahan clarified that they needed a motion to change.

Mr. Fernald said that any changes needed to be agreed to by a majority of the members.

Mr. Moynahan moved, second by Ms. Place, to put line #3 on page 13 to read that the 40 hours of comp time be used within the fiscal year.

VOTE

2-2

Chair votes against the motion

Mr. Fernald clarified that the policy would remain the same and that, by consensus, it would be moved to a Second Reading.

#5 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Comcast Contract
This was previously discussed.

7:50 PM
#6 TO : Board of Selectmen
FROM : Maine Turnpike Authority
REF : Ribbon-Cutting Ceremony on September 28th

Mr. Fernald said that this was an invitation and all were invited.

7:50 PM
#7 TO : Board of Selectmen
FROM : Bernstein Shur
REF : CMP Smart Meter Program

This was informational.

Mr. Dunkelberger asked Mr. Moulton what the sending unit was on the pole on the ridge on Goodwin Road.

Mr. Moulton said that that was a smart meter.

7:51 PM
#8 TO : Board of Selectmen
FROM : Dept. of Environmental Protection
REF : Draft Changes to Maine Solid Waste Management Rules

This was informational.

Mr. Moynahan suggested the Planning Board and Planning Assistant get copies of this.

Mr. Blanchette said that he would see to that.

7:53 PM
Old Business (Action List):

1. Sewer Contract Committee – Mr. Moynahan, Mr. Murphy, Mr. Marchese and Mr. Blanchette – IMA Update

Mr. Moynahan said that he was asked to contact potential landowners with a potential cross-country route. He added that he had contacted all of them and had

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responses from three of the six and those three were in favor of any potential easements, with the other three not having responded at all.

Mr. Blanchette said that they did meet with Kittery on the potential of revising the existing contract and they have, thus far, concurred that all would focus their efforts on the new IMA rather than trying to amend the existing contract. He added that they do not have Eliot's review of their attorney's proposal done yet, that Mr. Murphy was doing the effort on that and, as soon as that was done, they would forward a copy to Kittery.

Mr. Fernald asked if there was another meeting scheduled.

Mr. Blanchette said that another meeting for the IMA Committee was scheduled for October 3rd.

2. Monthly Reports from Department Heads

This is being done. Mr. Fernald suggested a monthly reminder be sent to department heads to help. He added that the Board wanted to know if this became a burden to department heads.

3. TIFD reports and updates

The Sewer Committee is getting updates from Underwood.

4. Health Insurance Costs

This was ongoing.

5. Review existing Sewer User rates and update – Sewer Committee

This is ongoing.

6. Regionalization of Town Services

This is ongoing.

7. Sawgrass Lane Association

This is ongoing.

8. Auditor – Management Letter

This is ongoing.

9. Waste Management – charges

Mr. Blanchette said that they were setting a meeting with the attorney on this.

10. Consistent Format – Budget, Time Sheets, etc. – Mike and Dutch

Mr. Fernald said that the Board had been given an example from Mr. Moynahan and Mr. Dunkelberger and that that example was going to department heads.

11. Monthly Workshops

This is ongoing. The next meeting would be October 20 at 6:30 PM.

12. Employee Reviews in monthly Department Head Reports

This has been agreed that it will be done on a yearly basis.

13. Carry in – Carry out Policy for Town Parks – Heather

Ms. Muzeroll-Roy said that she was waiting to get this season over, which will be within the next couple of weeks, then she would send out emails to various recreation departments about their policies and she would have more information at the end of October.

14. Legal Issues – pending and Consent Agreements

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Mr. Blanchette said that the Denunzio case was moving forward with filings. He added that it appears that the Eliot Shores, LLC C.A. was coming back to exactly where it was a month ago and appears to be coming in to agreement.

15. Community Service Building

There was no update as there was no representative from the BC.

16. Fireworks Ordinance

This will be addressed at the Board workshop next week.

Mr. Fernald asked if any member wanted to add anything to the list or ask for something to be removed.

Mr. Murphy asked to be reminded where the police union contract was at this time.

Mr. Blanchette said that they were meeting with the union a week from tomorrow.

Mr. Murphy asked if there was any reason why it was not on this A.I. List.

Mr. Blanchette said no.

Mr. Fernald said that this was something that was ongoing and asked if Mr. Murphy wanted it put back on the list.

Mr. Murphy discussed his concern that items seemed to be there and then they were not even though they were ongoing.

Mr. Fernald agreed this list was to keep track of items like that and asked Mr. Blanchette to put it back on the A. I. List.

Selectmen's Report:

8:05 PM Mr. Dunkelberger said that it came up at the BC that there is an expectation on a Special Town Meeting in December and asked if that had been talked about because that was the first time he had heard about it.

Mr. Fernald clarified that this was about the building itself.

Mr. Dunkelberger said no, but to consider the Community Service Department building.

Mr. Fernald said that he believed the Board needed an update from the BC to find out where they stand and if, with that information, they were ready to go forward for a vote of the Town, then the Board could decide whether there should be a Town Meeting in December or not.

Mr. Fernald said that, as people saw in the paper and, hopefully, everyone was aware that Eliot Elementary School received national recognition. He added that it was with great pride that the Board of Selectmen congratulated Principal Maureen Goering and the entire staff at the Eliot Elementary School of its national recognition by the US Department of Education for 2011 as a National Blue Ribbon School. He added that only 304 schools in the nation received this recognition and only one other in Maine, which was Orono Middle School. He explained that this recognition was based on overall academic excellence of success in closing achievement gaps. Mr. Fernald said that, with the consensus of the Board, he would like to have this letter put in to a nice form, have the entire Board sign it and send it to the school principal.

**BOARD OF SELECTMEN'S MEETING
September 22, 2011 6:30PM (continued)**

It was the consensus of the Board to send this letter to the Eliot Elementary School.

Mr. Moynahan said that this coming Thursday he would be attending the Municipal Law Seminar, which had a lot to do with the Maine building code and other issues, such as the strip club, that the Town has been dealing with.

Other Business as Needed

There was no other business.

8:10PM

Executive Session

Ms. Place moved, second by Mr. Murphy, to go into executive session as allowed by 1 MRSA § 405-6-c " Discussion or consideration ... or disposition of publicly held property ..." such as tax acquired property.

VOTE

4-0

Chair concurs

8:27 PM

Out of executive session.

Adjourn

There was a motion and second to adjourn the meeting at 8:28PM.

VOTE

4-0

Chair concurs

DATE

Roberta Place, Secretary