

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM**

**Quorum noted**

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

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

**Pledge of Allegiance recited**

**Moment of Silence observed**

**Approval of Minutes of Previous Meeting(s)**

**6:32 PM** Motion by Mr. Dunkelberger, seconded by Mr. Murphy, to approve the minutes of August 9, 2012, as amended.

**VOTE**  
**4-0**  
**Chair concurs**

Motion by Mr. Dunkelberger, seconded by Mr. Murphy, to approve the minutes of August 16, 2012, as written.

**VOTE**  
**4-0**  
**Chair concurs**

Motion by Mr. Dunkelberger, seconded by Mr. Hirst, to approve the minutes of August 23, 2012, as amended.

**VOTE**  
**4-0**  
**Chair concurs**

**Public Comment:**

**6:35 PM** Ms. Lentz said that she would like to make everyone aware that there was a new organization in Eliot – 68 Hours of Hunger. She added that there were children in Eliot schools and in South Berwick that did not eat on the weekends. She explained that this organization was started on the west coast and working across the country. She said that they had eight children at the Eliot Elementary School, ten at the Central School in South Berwick, two so far at the Great Works School, adding that she didn't know if they would be able to pull anyone from the Middle School simply because of the age and the stigma that carried. Ms. Lentz said that there were children in Eliot that, when they leave for school in the morning didn't know where they were sleeping that evening. She said that this organization collected backpacks; that they picked them up from the schools on a Tuesday morning and take them to the Congregational Church where they were packed with food; they go back and pick them up on Friday and deliver them to the

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school. She added that the school was explaining it that they were weekend backpacks because a lot of children go to the grandparents for the weekend and trying to lessen any stigma that might result from getting these backpacks. She said that they were packed with basic things – peanut butter, cereal, fruit – things that the children could handle themselves and, if they had a microwave, there were things like macaroni and cheese, adding that it wasn't the healthiest thing but it filled tummies. She said that it was very sad for the preschoolers because the backpacks were very heavy. She added that it has just started to spread, that it was the first month of school, and already they have picked up so many. Ms. Lentz said that donations of food would be greatly accepted; that they had a list of foods that they would like and the size because, for example, they couldn't just buy big jars of peanut butter because a little one couldn't take it home. She clarified that this was done with donations and that there was no State, federal, county, or Town money. She said that she wanted everyone to be aware that they had children whose last meal was at noontime on a Friday at school and don't eat again until breakfast at school on Monday.

Mr. Lentz said that the Historical Society started their first delivery tomorrow morning.

Ms. Muzeroll-Roy asked if she could get information, as she would put it on the website and Facebook page – her list of donations.

Ms. Lentz said yes.

Mr. Moynahan suggested that they have information put on the Town website, as well.

Mr. Blanchette agreed, adding that maybe Ms. Muzeroll-Roy could forward the information on to him for him to put it up.

Ms. Muzeroll-Roy agreed.

**6:37 PM** Mr. Fisher said that he wanted to thank Mr. Blanchette for the education he gave him last night; that they had a meeting on the difference between an election, like they were going to have in November, and a referendum ballot that he was producing. He added that Mr. Blanchette enlightened him and told him how it worked and he appreciated that very much.

**6:38 PM** Mr. Faulkner said that he had remarks that he wanted to make at the last meeting in regard to the Schiller Plant and it was not given him the opportunity to do so. He added that he realized that the plant was on the agenda later but these were remarks that he was told he could make two weeks ago and wasn't allowed to so, should he make them now or did the Board want him to wait.

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Mr. Moynahan said that he could if he could be brief.

Mr. Faulkner said that he would be less than five minutes. He said that he had lived in South Eliot for 36 years, 32 of those years at his current location down on Maple Avenue where he could look out his back door and see the Schiller Plant across the river. He clarified that, in the interest of full disclosure, he was employed by Public Service Company of New Hampshire (PSNH) as an environmental specialist 1971 to 1987. He said that they knew that the Schiller Plant was built as a coal plant and went online in the early 1950's; in the early 1980's it was ordered to be converted back to coal by the State of New Hampshire. He said, to back up a little further, in 1971 one of the first projects he worked on was a Sulfation Plate Study and had to do with whether the stacks should be raised; one of the things he worked on was plotting wind roses using meteorological data from Pease Air Force base and a year's worth of meteorological data indicated that the prevailing winds were from the northwest in the winter and southwest in the summer, which put Eliot, Kittery, and York in the predominant down range dispersal area of the power plant. Mr. Faulkner said that, in 1983, the plant was ordered to be converted back to coal by the State of New Hampshire, adding that PSNH was opposed to that at the time because of the expense involved. He said that, in fact at the time, one of the mechanical engineers who worked at PSNH said to him that he would hate to be living where Mr. Faulkner was if that plant went back to burning coal. He added that the environmental department manager said to him that, if he wanted to fight this, then he could fight it on three grounds: stack downwash, particulate fallout, and infusion of dust from the coal-handling facility and the coal pile. He said that, in 1984, the Eliot Conservation Commission (ECC) took a stand against the conversion back to coal. He explained that the only way it was converted back to coal was that the plant was grandfathered and did not have to meet state-of-the-art pollution standards. He said that in the early 2000's he was invited to a meeting with former Governor Angus King in Augusta where the Schiller Station issue was discussed; Mr. King wrote a letter to then Governor Jeanne Shaheen of New Hampshire; there were meetings with her; there were hearings held before the NH State Senate and, at that time, they didn't want to impose stricter regulations on the Schiller Plant because this was during the period of electrical industry deregulation and they felt that, if the company was required to put a lot of money into the plant to bring it up to standard, then it would make it uneconomical for somebody else to buy or purchase. He added that deregulation did not go through in NH and PSNH still owns the plant. Mr. Faulkner said that because of the relatively short stack height, even though the stacks were raised in the early 1970's, Eliot, Kittery, and York were in the predominant downwind dispersal area. He added that, also in the early 2000's, a group called the Clean Water Action, using arsenic as a trace element, took source samples from the downwind area and those samples, when they were plotted out, matched the dispersal pattern

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that was shown in the Sierra Club map that was shown to the Board a couple of weeks ago. He said that, in fact, in the early 2000's he had to have PSNH wash his house because of the dust problems from the plant across the river. He said that the plant manager that was here two weeks ago mentioned that they were in compliance with the State of New Hampshire regulations, and that may well be, but what were the regulations – the grandfathered regulations, not current state-of-the-art. Mr. Faulkner said that he believed that what the Sierra Club was proposing was the only way they were going to get the plant or company to do something, adding that they needed to realize that PSNH was not a New Hampshire company any longer but part of a corporation based out of Connecticut. He said that the plant manager made a big deal about one of the boilers being converted to wood, and that was fine, but they didn't do that out of the goodness of their heart but to be able to sell credits to another plant that didn't comply with clean air standards. He said that he thought that the only thing that would save them here in Eliot was to have the plant comply with state-of-the-art clean air standards.

**6:42PM**

**Department Head/Committee Reports**

Mr. Blanchette said that he did speak with an attorney from MMA on private cemeteries and the gist of that was that the Town was not an owner of the cemetery. He added that it probably needed to be an owner to go after the insurance company to have it repaired. He said that there was a law, however, Title 30A § 5723(3) that gave the Town the authority, not the responsibility, to expend public funds for any cemetery that was started in, or prior to, 1880 so, if there were a grave in there that was prior to 1880, then under that law, Eliot could expend public funds to maintain it, repair it, and so forth. He clarified that that still didn't give them the authority to go after the insurance company; however, if they wanted to do that under that law and the Town was willing to appropriate the funds to do it, then they might be able to go after the insurance company with that.

Mr. Moynahan clarified that that would prove the Town's cost.

Mr. Blanchette said that that was correct but they would have to get authority from the Town through an appropriation to do it.

Mr. Blanchette said that he had been asked by some people that wanted to do a candidate's night for the local State rep, that they would like to video-stream it and, evidently right now, the Eliot Town Hall was the only place in the immediate region for this State rep to do it. He added that this was not something that would fall under the items for it because it was not a Town function and so forth, adding that it would depend on whether the Board wanted to do it. He said that the call

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was from Deborah McDermott from the Portsmouth Herald; that he didn't know if it was the Portsmouth Herald that was sponsoring this as he was not able to talk with her; that she left him a message and he left her a message, so, it was up to the Board.

Mr. Moynahan asked if it would be something the Town would rent the space to and the use of the video equipment opposed to offering it for free, then, that would show that they were taking a side, perhaps, of not everyone running. He asked for input from the Board members.

Mr. Hirst suggested that maybe the Board could loan or rent them the camera that they had and let them do it someplace else.

Mr. Moynahan asked if the Town had portable equipment.

Mr. Blanchette said yes, that somewhere they had it – at the Town office – but they wanted to do it live.

Mr. Beckert said that he would hate to set a precedent in allowing this equipment of the Town and these meeting rooms to be used by any particular group or party. He added that he thought they would be opening themselves up to...if they didn't let everybody use it, then they didn't let anyone use it. He said that, right now, he was against it and, if the Portsmouth Herald and Seacoast Media Group wanted to sponsor a candidate's night, then he thought that they had the wherewithal to come up with their own equipment or hire someone who did have it.

Mr. Moynahan added that it has been Town policy not to allow outside groups in here, so, maybe they should hold true to that stance.

Mr. Beckert said that unless they came up with a policy that covered everything and charged a fee but, then again, they would be putting Town equipment out there for private use.

Mr. Moynahan added that they would have to have a policy to monitor and maintain and all that. He suggested that the smartest thing would be to keep the status quo and not allow outside organizations.

It was the consensus of the Board not to allow outside organizations to use Town video equipment.

Mr. Moynahan asked Mr. Lentz if the information Mr. Blanchette gave regarding the Historical Society helped at all.

Mr. Lentz said that it was, by State statute, an ancient cemetery, as the Carter Family that was in there was prior to 1850-something, he believed, so he was

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aware of that. He added that he was not able to contact any of the Carter relatives and he tried knocking on the owner's door two or three times and was unsuccessful, adding that he knew the owner was interested because he called and said that he would like to be kept up-to-date on what was going on. He said that that was what he knew about it, so far, saying that the information was helpful.

Mr. Moynahan clarified that, when Mr. Blanchette said appropriation he meant that was something that would have to be approved in a Town Meeting format as a separate warrant article.

Mr. Blanchette said yes.

Mr. Lentz said that there was such a thing he understood as an 'issuer', he thought was the term, and the 'issuer' was the one who had to initiate the contact with the insurance company or something to that effect.

**6:46 PM**

Ms. Shapleigh said that she was wondering if they could get on ancestry.com or something, adding that she chased down a few Barney's and couldn't get anywhere, not that it was any of her business, either, except that she just hated to see that cemetery decimated the way it was. She said that it was known who did it as he was sitting there in his car in the middle of the cemetery, so it would be kind of hard to deny he had done the damage. She asked if any of that cemetery was in the ROW of the road and would that give the Town the chance to go after him. She added that she thought that that was a two-rod road, which was 33 feet, and perhaps some of that cemetery was in the ROW of the road.

Mr. Lentz said that the cemetery was only about 3 feet off the road to begin with.

Ms. Shapleigh asked if that would give the Town the right to do something to repair it if it was on Town property.

Mr. Moynahan said that the DPW Director was going to explore that from the last meeting so that they could have that confirmation if it was in the Town ROW. He asked if Mr. Moulton had gotten back to Mr. Blanchette.

Mr. Blanchette said no but that he had talked with Mr. Flewelling on that and he said that it was extremely miniscule that the property was within the Town ROW because it was a cemetery. He added that the cemetery was probably there prior to the road ROW being what it was today and, in which case, the ROW would go around the cemetery, if they actually went out that far. He said that Mr. Flewelling hadn't seen any cases where the cemetery was within the Town ROW because he asked him about that, too, and that he wouldn't want to hang his hat on something like that and that, again, the most obvious one to him that he could see was the

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appropriation of the funds and then try to recapture it from the insurance company.

Mr. Moynahan said that that could be a discussion the Board could have as they prepared for November, perhaps, if they wanted to put in something for appropriations.

Mr. Beckert said that he would still like to see them try to touch base with Mr. Warburg to see if he, as the property owner that the cemetery sat on, was willing to go through his insurance company to have them go after the gentleman that actually had the accident.

Mr. Lentz said that he would follow up on that.

Mr. Beckert commented that Mr. Warburg might be away at this point, as they travelled quite a bit.

**6:51 PM** Ms. Muzeroll-Roy said that she got a phone call a couple of weeks ago from the Kittery Water District (KWD) letting her know that she would be receiving a very large water bill which, in fact, she did that very same day. She added that they let her know that day what the amount was, which was close to \$2,000, so she sent Mr. Moulton down. She added that Mr. Moulton had communicated with her earlier, as well, that they had a water main break down in the lower half by the lilac bush at the Boat Basin. She said that she now had a \$1,976 water bill and some labor charges, which was not something she would budget for, and that the water budget she planned for was \$500. She said that she was asking the Board how she should proceed to pay such a bill, adding that all charges were about \$2,200 with labor Sturgeon Creek and KWD.

Mr. Moynahan asked Mr. Blanchette if that was an insurable claim with the Town's insurance.

Mr. Blanchette said that he doubted it was.

Mr. Hirst commented that it certainly wasn't in her budget.

Mr. Murphy said that he thought the contingency fund was the easiest way.

Mr. Muzeroll said that he has had personal experience with broken water service that went on for almost 90 days without his knowledge and he received a similar bill and he was able to negotiate a reduction with KWD. He added that they gave him so many hours to get it fixed upon notification and they negotiated a reduction and, in his case, it was a significant reduction. He said that his bill was considerably more than that but it ended up being a lot of money and his was not

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insurable from his home owner's insurance. He added that it wouldn't solve the problem of where the money would come from but it may be that someone could negotiate with Mike Rogers, that it was a possibility.

Mr. Dunkelberger said that it wouldn't hurt to ask.

**6:54 PM** Mr. Moynahan said that they would follow up with the KWD on that and, meantime, where this was not a budgeted item should they be looking at contingency funds to compensate all people involved with this as Mr. Murphy suggested and that he tended to agree.

Mr. Dunkelberger asked who would be following up.

Mr. Moynahan said that he would follow up with KWD.

The Board agreed by consensus.

Mr. Moynahan asked Ms. Muzeroll-Roy to get him that information so that he could follow up Kittery and get that resolved.

Ms. Muzeroll-Roy said that she would.

**6:55 PM** Mr. Muzeroll said that he had a couple of things. He said that the first thing was that the tank truck was gone, as he finally sold it. He added that it was sold to Salmon Falls Nursery for specific landscape projects and gardening projects throughout the State. He added that he got \$2,500 for it, which was \$1,000 more than it was worth for scrap. He said that he has already given Ms. Spinney the check for safe-keeping and he would like the BOS to do with this money as they authorized with the money from the sale of the pick-up truck and put it toward his capital reserve fund for replacement of fire trucks. He explained that that would give him in the reduction request for next year of \$6,500 - \$7,000 in his budget request for next year.

Mr. Moynahan agreed and asked if the Board needed to do anything except direct Ms. Spinney.

Mr. Blanchette said that there should be a vote.

Mr. Beckert moved, second by Mr. Hirst, that the \$2,500 received from the sale of the old tank truck be put into the Capital Reserve Account for Fire Truck Replacement.

**VOTE**

**4-0**

**Chair concurs**

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Mr. Muzeroll discussed the ongoing 2-Way Communication bill. He said that he saw that there has been some discussion and, finally, some approval, begrudgingly, in paying it. He added, however, that in discussion with Mr. Blanchette, initially he came to the Board because he didn't have that \$1,087 and, also in discussion with Mr. Blanchette, he related to him that he did not believe that there was facilities money or money available to pay for it. He added that he didn't have it in his budget to pay for it; that he had not budgeted for that. He said that a brief discussion was that maybe it should come out of his capital reserve fund and he didn't think that was the intent of setting up the CIP's; that it wasn't his understanding and, certainly, the Board could do whatever they wanted with it but he didn't want to set that precedent that, if somebody had a mechanical or infrastructure failure and there was no money in the budget to pay for it, then it would come out of things that everyone was trying their best to budget for the future.

**6:59 PM**

Mr. Moynahan said that they had talked about taking care of that. He added that the funding source came up briefly and the Board said that they would just take it out of Mr. Muzeroll's budget and deal with it; that the concern was to pay the vendor, and that was some time ago; that now they have agreed to pay the vendor so, now, the conversations could truly happen as far as where the funds would come from. He reiterated that he believed that that was the discussion, briefly, to take it out of Mr. Muzeroll's funds first; that he wasn't present for one of those meetings; that they would worry about where it came from after that.

Mr. Muzeroll clarified that it has not been paid.

Mr. Moynahan said no.

Mr. Muzeroll asked if they would like him to pick something out of the air as to where they would tell Ms. Spinney to pay this; that he had to have some accounting here.

Mr. Moynahan said that, if the Board had paid it and taken it out of one of Mr. Muzeroll's line items, then that would have been compensated if there was a shortfall; that there was not a concern with just taking something from his department and leaving him with no money.

Mr. Muzeroll asked for clarification.

Mr. Moynahan said that the main concern was to pay the bill so, if it came from a line item of Mr. Muzeroll's department, then it wouldn't be removed from that forever; that they could have compensated his department with other funds, once that happened. He clarified that it was just a quick conversation; where would they get the money from and they said that they would just take it from Mr.

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Muzeroll's budget; that that was how the conversation started. He added that, to say pick a hat from where Mr. Muzeroll wanted it to come from; the main concern was to pay that vendor; that that bill sat for a while...

Mr. Muzeroll agreed that the vendor sat out there for a while and he shouldn't have. He added that the other side of that was that he could pick a spot but where was the Board going to replenish it from. He asked if that was not a concern of his or should he track that.

Mr. Moynahan said that he thought the Board would make sure they found a place to replenish whatever funds that were taken from his department.

Mr. Muzeroll said that he was probably over-thinking his but, if he took \$1,100 from somewhere, then that was a lot of dollars that he didn't have until the Board decided to replace it. He asked when they would be replacing it – the week before the end of the budget year or...

Mr. Moynahan asked if there were comments of another funding source for this bill. He said that his biggest concern was that this bill needed to be paid; that it had sat around with no action on it. He asked where they were going to fund this invoice for 2-Way Communications.

Mr. Hirst asked what Mr. Blanchette thought about a source for that.

Mr. Blanchette said that the only thing he could think of was contingency and, at the moment, he thought that there was enough money for what they just authorized and for that but he would want to see where the contingency account was after that.

Mr. Dunkelberger said to Mr. Muzeroll that his suggestion was to pull it out of his account, see how some of the expenditures went, and set a date to revisit this so that Mr. Muzeroll had some assurance that he could balance his books and to see what the contingency account looked like then. He added that he thought Mr. Muzeroll had enough, at least from what he has seen over the past years; that he has usually had enough to balance that amount of money around.

Mr. Muzeroll said that that wasn't a question, however, if they looked at his budget over the last several years he gave about \$300 back, adding that \$1,000 was not an awful lot of money in a million-dollar budget, which he did not have. He said that what he didn't want to happen was that, just because he spent the money and he postponed purchases, that he never get it back. He said that he would prefer to have that money...he had no idea where he would take it from, adding that there was only one account that he knew he would be under for this year that he didn't really like and they agreed years ago through the Selectmen's

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policy that they wouldn't use for operational costs was payroll; that last year he gave back about \$6,000 or \$7,000 and that may be what he would give back this year. He stressed that, if they were going to do that, then he would rather it be a vote of one time and not precedent-setting that the money came from the payroll account rather than from operations.

Mr. Dunkelberger said that he didn't think it needed to come from payroll right now; that what he was suggesting was to take it from Mr. Muzeroll's operations account, for now, and then set a date to visit this to see where exactly Mr. Muzeroll stood.

Mr. Muzeroll suggested setting a date for next week, then.

Mr. Dunkelberger said that he was thinking more towards the end of December.

Mr. Muzeroll said that that put him in the middle of the year but, if he has paid attention, which he knew Mr. Dunkelberger had by the questions asked of him, was that most of his purchases didn't happen until the last half of the year. He added that he could do that but he preferred not to do it that way as that basically takes a grand out of his budget until December, when they revisited it, but if that was the way they were going to do that, then that would be precedent-setting for all the departments. He said that because the BOS would have seen fit to not have some sort of reserve fund or contingency fund by reducing whatever they wanted to do and now departments would be asked to take the hit because of the decisions of the Board's finances, previously. He said that they always had a facilities account and they didn't have that any longer, asking if that was correct.

Mr. Blanchette said that that was correct.

Mr. Muzeroll said that that was something that department heads could not plan – that the building could fall down and what would they do then; if it was an uninsurable thing was the Board going to continually take it out of someone's budget to fix it.

Mr. Dunkelberger said that there may be some issues that the Board needed to address in their next budget planning cycle.

Mr. Muzeroll said that that was one of the reasons he brought it up.

Mr. Beckert asked Mr. Blanchette what was a rough figure of what was in the contingency.

Mr. Blanchette said that he thought they had somewhere around \$20,000 but he was not 100% sure.

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Mr. Beckert said that, in his mind, that is where this should come from; that whatever the final figure was that they owed on the water main break should come from; was the contingency account because that was what it was for – for unforeseen expenditures that were not planned.

**7:05 PM** Mr. Beckert moved, second by Mr. Murphy, that the 2-Way Communications bill that has been so far outstanding be paid out of the Contingency Fund.

Mr. Hirst commented that he would say that they do it immediately.

There was agreement among the Board members.

**VOTE**

**3-1 (Mr. Dunkelberger)**

**Chair concurs with the affirmative**

Mr. Beckert asked Mr. Blanchette if he was correct that contingency funds could not be expended unless it was a full five members of the Board that vote in favor of it.

Mr. Blanchette agreed that that was the policy of the Board.

**The motion failed.**

Mr. Moynahan said that they were back to the start of the discussion; he asked for thoughts on how to pay this invoice and where did those funds come from.

**7:07 PM** Mr. Murphy said that Mr. Muzeroll said that he just got \$2,500 on the sale of a vehicle, that that was money in his department, suggesting he pay it out of that. He added that that would reduce, somewhat, what went into his reserve fund but his reserve fund would be picked up by a budget item voted in, whereas, this was cash in hand and available.

Mr. Dunkelberger said that he would move to pay this bill out of the contingency fund. He explained that he did not want to be the sole...listening to the consensus of the rest of the members of the Board he did not see his objection as being important enough to keep this bill from being paid.

Mr. Dunkelberger's motion to pay this bill out of the contingency fund was seconded by Mr. Hirst.

**VOTE**

**4-0**

**Chair concurs**

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Mr. Moynahan affirmed that the invoice would be paid out of the contingency fund and as soon as possible.

Mr. Muzeroll thanked Mr. Dunkelberger for doing that. He requested that they make sure that, as part of this budget process, that they got back into this – he didn't care what term was used, contingency, facilities – to set some parameters and talk about it; that they didn't need a million dollars in there but he thought that they were certainly all aware that, throughout the year, there was some stuff that came up and maybe that should be their own self-insurance policy rather than arguing. He clarified that he didn't expect it to be an open checkbook; that if he thought he could pay for it out of his own budget he would pay for it.

Mr. Moynahan said that he did make a note of that for a discussion of facilities at budget time.

**New Business (Correspondence List):**

**7:08 PM**

**#1**

TO : Board of Selectmen  
FROM : Jim Marchese, CEO  
REF : Great Hill Landfill

Mr. Moynahan said that there were actually two memos from the CEO. He said that the first spoke to the Great Hill Landfill; that this was a follow-up that the Board had asked the CEO to do as far as timelines and where this project was. He added that they would see in the letter that the Town did not have the files for Great Hill, adding that when the federal investigation started they removed the files that the Town had so he thought that, with this helpful information, that the Board, first and foremost, send a letter to the federal government requesting those files back. He said that, at that point, they could have better discussions on having a firm stance on requiring a pit closure date, which St. Germain has promised and then granted extensions for on several different occasions. He added that he thought that before the Town could do anything that they needed to get their files back, that they could have made copies of the file and returned the Town file back to the Town.

Mr. Dunkelberger agreed.

Mr. Hirst said that he thought they should not have let the file go in the first place.

Mr. Moynahan said that he thought that they didn't have a choice but a copy should have been made. He reiterated that they should follow up with a letter to the investigators and they could have conversations in regard to Great Hill from there.

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Mr. Moynahan said that the second memo from the CEO was on ARC; that they had asked the CEO for some background as far as timelines and completion dates. He added that this was a report of what the CEO has seen of PB approvals; that the PB did not have a timeline for completion; that it indicated that the State was satisfied with "significant progress is being made and that temporary erosion control efforts are adequate in controlling storm water runoff." He said that he thought that those were two of the major concerns that were addressed.

Mr. Downer said that he wrote the original letter that stimulated this; that he wrote that to the Board requesting a review of the project because it had gone on much longer than he thought was appropriate. He added that he knew this stimulated a report back from the CEO and that the CEO said, in general terms, that it was because of economic hardship and slow down, etc. He said that, if they went back to the Town code, 33-59, it basically said that, if it wasn't completed within three years, the applicant had to come back to the board and explain what their new timelines were and the project's duration. He added that he thought this was pretty clear in the code so, either the CEO should explain why the code didn't apply to that particular approval or, in fact, what would be done to get the plan revisited by the PB.

Mr. Moynahan said that he thought a lot of that was the oversight by the DEP, too, and their requirements and their oversight than local enforcement and oversight because they were doing the monitoring wells and doing that type of thing, which was secondary or not something that the CEO was in charge of for oversight.

Mr. Downer said that he thought that they had been excused from a number of the monitoring wells; that it was only one, he thought, that was required. He added that, again, he did not think that it adequately, that just the fact that the State was involved probably did not adequately describe why it was not in compliance with the local code. He said that all he was asking was that the ARC project be adequately be explained to the PB and, if everybody agreed, then fine but, right now, he thought it was still up in the air as to why it was delayed.

Mr. Moynahan said that he would follow up with the CEO on the 33-59 and get more information on that.

**7:13 PM**  
**#2**

TO : Board of Selectmen  
FROM : Wendy Rawski, Town Clerk  
REF : Voting Booths

Mr. Moynahan said that this was a memo from the Town Clerk on the purchasing of voting booths – *"for approval of the purchase of ten (10) new voting booths*

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*with storage cart and privacy curtains as approved through the 2012-2013 budgeting process.*" He added that she included an estimated cost of \$2,293 and that this was something that was budgeted for and approved last year and she was looking to expend those funds.

Mr. Hirst moved, second by Mr. Beckert, that the Board of Selectmen move forward with this purchase quoted at \$2,293.

**VOTE**

**4-0**

**Chair concurs**

Mr. Moynahan asked Mr. Blanchette to let the Town Clerk know about this vote.

**7:14 PM**  
**#3**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Holiday Schedule

Mr. Moynahan said that this was a memo from Mr. Blanchette saying that "*This year Christmas and New Year are on Tuesdays. Do you wish to consider granting the Monday as a day off with pay? Do you wish to consider granting the day (Friday) after Thanksgiving as a day off with pay?*"

Mr. Hirst asked if they had a policy that told them how to approach this.

Mr. Moynahan said that there was no policy; that each year holiday schedules were discussed and made choices on a year-to-year basis. He said that he thought that, if they had 25 employees at an average of \$25/hour pay, then they could start to do the math of what it would cost the Town, so, is that, one, a benefit that they wanted to budget for and, two, was this something the Town could afford to offer or should the employees use their earned time on those days, with closing Town offices, which they have done in years past. He added that Mr. Blanchette brought those days to the Board and it was time to have discussions on how to move forward.

Mr. Hirst said that before he would vote on this he would like to know what the cost would be.

Mr. Moynahan asked Mr. Blanchette if they could estimate what the cost would be, including the overtime costs that the police department may incur before the Board voted on this.

Mr. Blanchette said certainly; that he would try to get it for next week.

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Mr. Moynahan said that, if that was acceptable, then they would bring this up; that it was not something pressing that they had to decide tonight.

Mr. Beckert said that, if they read the final note that was on there, it said that Thanksgiving Day was a Selectmen's meeting night – that they could count him out unless the Chair was bringing the turkey and all the trimmings.

Mr. Moynahan said that they would have Thanksgiving Day off as a regularly scheduled meeting.

Mr. Blanchette asked about the day after Thanksgiving, which the Board has done in the past, frequently.

Mr. Moynahan said that, if Mr. Blanchette would furnish all that information, then they would bring it up at the next meeting.

**7:18 PM**  
**#4**

TO : Board of Selectmen  
FROM : Amanda Carey, York Hospital  
REF : Eliot RX Day Proclamation September 2012

Ms. Simeoni clarified that Amanda Carey was actually one of the head participants in the Choose To Be Healthy partnership, which the Eliot Police department was part of. She added that there has been a significant increase in prescription drug misuse; that they support this following proclamation and they hoped that the Board would, as well.

Ms. Jamie Austin read the proclamation and thanked the Board for allowing her to read the proclamation (a copy of the proclamation available at the Town Hall). Mr. Moynahan said that that was very nicely done. He added that the Board was being asked if they would support this proclamation.

Mr. Beckert moved, second by Mr. Murphy, that the Eliot Board of Selectmen proclaim Friday, September 28, 2012 as Prescription Drug Abuse Awareness Day in the Town of Eliot.

**VOTE**  
**4-0**  
**Chair concurs**

At this time, the Board signed the proclamation.

**7:20 PM**  
**#5**

TO : Board of Selectmen  
FROM : Dan Blanchette

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REF : Eliot Heating Assistance Program

Mr. Moynahan asked if this should be read.

Mr. Blanchette said that he didn't think it needed to be read.

Mr. Moynahan asked Mr. Blanchette if he would give an overview.

Mr. Blanchette said that this was the yearly heating assistance program that, if the Board wanted to continue it this year, adding that they were extremely low on funds and would have donations to it, however, the Board needed to approve doing it this year in order to do it. He explained for those that didn't know that, in the past, Eliot has had a program for people who didn't qualify for the General Assistance but may qualify for the LIHEAP (low-income home energy assistance program) and this program would fill in the gap from when they got their monies from LIHEAP versus when the heating season started. He added that it didn't fill in everything but it did help.

Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen authorize the establishment of the Heating Assistance Program to be administered based upon the model of the General Assistance Program and administered by the Administrative Assistant.

**VOTE**

**4-0**

**Chair concurs**

**7:22 PM**  
**#6**

TO : Board of Selectmen  
FROM : Sierra Club  
REF : Good Neighbor Petition

Mr. Moynahan said that, with this copy of the Sierra Club filing with the State of New Jersey, attached were several letters from residents speaking in favor of this petition. He added that the Board had asked the Sierra Club for some specific information back; that they had offered the Board a copy of the State of New Jersey's Section 126 Petition for the Board to review. He asked if there was anyone from the Sierra Club who wished to speak.

Ms. Corkery said that they were asking the Town of Eliot to file what was called a Good Neighbor Petition from the Clean Air Act § 126, which helped a town like Eliot where there was a power plant or major source that was polluting that wasn't in the pertinent state and she knew that the Town of Eliot had asked the State to help them out and had asked the State of New Hampshire to help them out and both of them have said: "Well, it's in their state, not in our state.", and the

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question still remained about the safety of the application of the law for the Town of Eliot. She added that, here, the EPA could actually mediate and review the situation over at Schiller Power Plant. She said that they sent the Board a copy of what was done in New Jersey where they had a similar situation, where they had a power plant in Pennsylvania that was polluting over because, as they knew, pollution knew no boundaries. She added that, in that case, the EPA did get involved and they reviewed the power plant and that was what would happen here. She said that it was a lot faster than any type of lawsuit-type of situation; that this was administrative and what the EPA did, adding that they would probably get back to the Town within, like, 60 days or so. Ms. Corkery said that it was just sending them a letter; that there was no liability to the Town, postage maybe, and that was about it.

**7:25 PM** Mr. Dunkelberger asked if some members of the Sierra Club might be available to help their (Eliot) staff craft such a letter, if Eliot chose to do so.

Ms. Corkery said that they would; that, unfortunately, the last time Mr. Dunkelberger was absent but that they had an attorney on-staff who has made himself available to the Town to help them move forward.

Mr. Hirst asked if Schiller had been copied on the September 12<sup>th</sup>, 2011 Sulfur Dioxide Study.

Ms. Corkery said yes.

Mr. Hirst asked if they had responded.

Ms. Corkery said that they have not.

Mr. Hirst asked if they had offered to make any changes to their stack, such as scrubbers or electro-static precipitators.

Ms. Corkery said that, no, they have not.

Mr. Hirst asked if they had been given an opportunity to do that.

Ms. Corkery said that they were not required to right now.

Mr. Hirst clarified that that was not his question, asking if they had had a reasonable opportunity to respond to this.

Ms. Corkery said yes they have had an opportunity to respond. She added that they did an air modeling review of the tightening of the air emissions for sulfur dioxide particulate, that that was what he was referring to. She said that they had

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that and that the State of New Hampshire also had a copy of that and they have not responded.

Mr. Hirst said that the gentleman that ran the plant was here at the last meeting and he kind of stood up and said that he didn't think it was necessary, but, he didn't offer anything else.

**7:27 PM**

Ms. Corkery said that she knew that the Town of Eliot had had concerns with this in the past; that this air model highlighted the air issues – the smog issues from sulfur – they have not responded but they were not required to and she thought that what the Good Neighbor Petition would do was that it would provide a venue for PSNH to respond for the Town to get an answer to these concerns that the Town has voiced over the years.

Mr. Moynahan said that he thought that Mr. Faulkner said earlier that they were held to a different standard because they were grandfathered from past emission standards to current emission standards.

Mr. Faulkner said that that was correct and, no matter what fuel they burned, the stack downwash was stack downwash, so, they would still suffer the problem across the river. He added that, as an aside and prior to the last meeting, Monday, September 10<sup>th</sup>, there was an article in the Portland Press Herald entitled: "Future Looks Bleak for Coal in New England" and in one part it mentioned that, in the year 2000, coal was used for 18% of the region's electrical generation; that now it was less than 6%, and that one of the reasons was the expense of operating older plants. He said that some of the older plants were being converted to gas-fired boilers and some of them were being shut down because they were in a non-regulated market. He did add that, in a regulated market, infrastructure costs could be more easily passed on to the rate-payers in New Hampshire, basically, because it was a regulated market; that no one wanted to pay more for their electricity but the State of New Hampshire could require the plant to meet state-of-the-art standards and it could be passed on to the rate payers. He said that he thought that the excuse that they used in the early 2000's – that the plant was going to be put on the market and be put up for sale and they didn't want to increase the cost to any prospective purchaser – didn't hold any water any longer.

**7:29 PM**

Ms. Richards said that it seemed to her that Schiller was a business and that they were not going to make changes willingly unless they were forced to and that it would cost them money. She added that, for those like her, it was not about the money or the jobs; that it was about their health. She said that the air was not healthy to breathe, among other things, and that has been established by a number of studies. She added that they was asking, and a number of people in Town had asked since Schiller opened, if they were the cause of this and what were they

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doing to them. She said that this Good Neighbor provision was a letter that was going to make the EPA answer those questions, finally.

Ms. Norton said that, for the EPA to get involved with this, it would not make matters worse for the Schiller Station but would just answer questions like why so many people in South Eliot have cancer. She said that up and down the streets she grew up on, every house, there were one or two family members with cancer. She added that, if it isn't the Schiller Station, then they needed to know what it was; that it was something definitely in that area and it has gone on too long. She said that she thought that they should embrace the EPA to look into it because, if they were clean, then they were golden; that they shouldn't just buy Clean Air credits from other corporations to make their paperwork look good, they should have to look good.

**7:31 PM**

Mr. Murphy said that he thought they should be more concerned about the health of the citizens than they were about the business of making electricity across the river, so, he was in favor of writing this letter to the EPA and requesting that they look into it formally and address their concerns and concerns of citizens.

Mr. Beckert said that he agreed with Mr. Dunkelberger and with Mr. Murphy; that he would like to see what Mr. Dunkelberger mentioned and have the Sierra Club folks, the attorney, whoever, sit down with their staff here at Town Hall and pen up the actual letter that was recommended to go from the Town of Eliot to the EPA; that that was what he would want to see before he gave final approval. He added that he agreed that they needed to do it but he wanted to see the actual wording of what the Town of Eliot was going to send to the EPA before he would vote on it.

Mr. Moynahan added that, perhaps, they could have a Town attorney review that document to make sure that any resolve that they would do would be the most effective means to resolve this.

Mr. Beckert said that he thought that everything that was presented was fine but it was the State of New Jersey against the EPA, which was the example they were given, not the little Township of Eliot against the EPA, reiterating that he wanted to make sure that they got the final draft before them that they were going to send.

Mr. Moynahan said that he thought that, by consensus, if the Board could have the Sierra Club work with Town staff to get a draft and, at that point, they could have a vote to pass that on to the EPA from there.

Ms. Corkery said that they would be happy to do that.

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**7:34 PM**  
**#7**

TO : Board of Selectmen  
FROM : MMA  
REF : Renewal Coverage

Mr. Moynahan said that this was regarding insurance renewal, reading from the notice: "*We are pleased to enclose the new Member Coverage Certificate showing your coverage has been renewed for the period July 1, 2012-2013.*" He discussed the most important changes were defined to the insurance package in this memo. He added that they had the Fire Chief present and, where this was an insurance thing that it may stir up some conversation, as far as what the Town had for insurance. He clarified that the Fire Chief just had vehicle...

Mr. Muzeroll clarified that they wanted to talk about that now.

Mr. Moynahan said that it was here and he remembered talking with the Fire Chief just yesterday about it.

Mr. Muzeroll said that he briefly spoke to Mr. Blanchette about that this morning, too, about his opinion, which was more valuable than his. He said that the Fire Chief, the Deputy Fire Chief, and the Assistant Fire Chief were allowed by State statute to respond in their personal vehicles with lights and siren as if they were in an emergency mode following all the due regard laws and everything just like they did with a fire truck. He explained that they recently had an incident in Eliot where the Assistant Chief's vehicle was damaged (single-car claim) as part of the response, adding that his vehicle rolled into Mr. Muzeroll's truck and sustained about \$3,000 worth of damage. He said that he filed a claim with the MMA insurance division, let Mr. Blanchette know about it, went through all the proper hoops and he got a call from MMA telling him that they would cover the deductible, as that was all they covered for emergency responders and all firefighters responding to calls. He said that MMA did not consider those three vehicles or the regular firefighter guys an extension of a municipal vehicle. Mr. Muzeroll said that he guessed he could understand where the xyz guy ran into a pole out here responding to a fire that his insurance company would be the primary payor on that but, what happened to this, and the Assistant Fire Chief found out, was that his insurance company, when he went to speak to them and get a declaration page for MMA, immediately notified him that if they paid a claim his rates would go up. He said that that really bothered him, adding that now they had the implication that rates would go up if someone filed a claim responding in good faith to an emergency within this community. He added that they had to use their own insurance; that there was no wiggle room; that this guy and several others had very low deductibles so it was pretty much a wash, with a \$2,500 deductible, and pretty much hung out there. Mr. Muzeroll said that the bigger question was not the loss of his vehicle but if he, in responding in his

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vehicle and he was doing everything in accordance with the law, got into an accident or damaged somebody's property and police investigated it, then his insurance company would now have to defend him for responding to something as being the Eliot Fire Chief. He said that, in the discussion he had with Mr. Blanchette, it drove the question of whether they could call MMA and get a rider for these guys and neither of them knew that answer, suggesting that this was something he, Mr. Blanchette, and Ms. Caston would probably address. He said that he put the message out just recently to the State Fire Chiefs and the answers he was getting back was that they didn't know that so Eliot was not alone with that but, then again, he didn't anybody to answer him that if they had a rider with MMA. Mr. Muzeroll said that a couple of communities that he wouldn't mention were not insured through MMA and their insurance provider covered everybody. He said that what he would like to have done is for the Town to at least investigate how they were going to do this kind of stuff because the three of them needed to make a decision if they were going to continue to respond or not. He added that one of three things could happen: they could continue to respond in good faith to the protection of the community and take the chance they won't file a claim and won't affect their rates; they refused to respond and go to the station like everybody else and get on a vehicle, which didn't make an awful lot of sense; the Town bought the three of them vehicles or they got insurance on their vehicles. He said that that was where they were, adding that, for the time being and in good faith, he said that he has done this for forty years and he was going to let things go the way they were and let the guys make their decisions but he would like all of them to somehow get this addressed so that they could make a more informed decision and not affecting their rates.

**7:40 PM**

Mr. Muzeroll said that, as an aside, he did do some research and found that State municipal police officers were exempt from rate increases if they got in an accident in their own vehicle if they were providing a service to the community. He said that, if one of the police officers (Jeff) was responding for a callback and he got into an accident and filed a claim, the insurance company may pay for it but they could not raise his rates because of that accident.

Mr. Dunkelberger clarified if that was an insurance company policy or a State law.

Mr. Muzeroll said that it was a State law. He added that he has contacted several people to look at some legislative proposals to cover emergency responders or the whole gamut of people who fit in that law. He added that he didn't know if it was worth investigating; it was certainly worth the education process for everybody, adding that he didn't know if that was where the Board wanted him to go with this.

**7:42 PM**

Mr. Moynahan commented that they got these updates all the time but, like he and Mr. Muzeroll spoke, he didn't know what the Town had for insurance. He added

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that this was a deficiency that was found after-the-fact; that it was kind of hard to chase the tail when one didn't know what they had and that was why he brought it up while Mr. Muzeroll was here.

Mr. Muzeroll said that that item and the next item, which was separate...lots of things went on and there were changes in insurance policies that people those changes affect the most, for some reason, don't know about.

Mr. Roy said that that happened to him where he got onto some black ice up on Goodwin Road on the hill at Beech Ridge, adding that everything flashed to ice and he turned around to back down the hill to sand and he got on a crown and the truck just slid down the hill, hitting a couple of cars. He added that he was not covered under the Town policy because there was an insurance policy exemption that MMA didn't have to pay for it, clarifying with Mr. Blanchette that they didn't have to cover an emergency situation.

Mr. Blanchette clarified that it was a State law, clarifying that Mr. Roy was covered by the Town's insurance but it was just that the Town insurance didn't need to pay it. He explained that Mr. Roy was driving one of the Town trucks and couldn't remember exactly how the State law was worded but if, during an emergency there was something that made the vehicle get into an accident with another vehicle, then the emergency vehicle was not responsible for the damage of the other vehicle.

Mr. Roy said that, to make his point, he was being personally sued for the damage on the other vehicles and they needed to take it to Superior Court and he believed they didn't want to spend the money to hire an attorney, so it dropped there.

**7:44 PM**

Mr. Beckert said that they definitely needed to look at it further because it bothered him that the requirement was in the State statute that the Fire Chief, the Assistant Chief, and the Deputy Chief could all respond in their vehicles and MMA was quite aware of that, he was sure. He asked Mr. Blanchette if there was any way they could open a dialogue with MMA through the State insurance board and appeal it; to start a conversation because it didn't sound like they were the only municipality that has it.

Mr. Blanchette said that he was sure it was a problem.

Mr. Muzeroll said that he vented his frustration with the young lady who took the claim at MMA; that he was actually looking for an appeal process and that she spoke to her supervisor who said there was no appeal. He added that he got an email from her today stating that, if they (Town) would like Susan Caston or another person to come down to discuss any of these issues, then that could be arranged.

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Mr. Dunkelberger said that he would suggest that maybe the Board do just as the Chief suggested but also invite their State legislators to be present, too, so that they understood the issue because he thought that legislative relief, particularly if they could get a lot of the other Chiefs behind it, would be the way to go.

Mr. Muzeroll agreed, adding that he didn't think the Maine Chiefs were aware of the depth of this. He said that the bigger picture of that was not the insurance increase; to him the bigger picture was his personal insurance covering him while responding.

Mr. Dunkelberger agreed.

Mr. Moynahan said that they would certainly follow up on the insurance and bring them in to discuss this.

**7:45 PM**  
**#8**

TO : Board of Selectmen

FROM : MMA Risk Management Services, Susan Caston CIC, AIC

REF : Insurance Coverage – Eliot Fire

Mr. Moynahan said that this was a memo from Ms. Caston regarding something the Board asked Mr. Muzeroll to follow up on and asked him to speak to this.

Mr. Muzeroll gave some background on this. He said that there was question that arose from Mr. Hirst about the Fire Department's separate corporation, the one that is used to raise funds, about its general liability insurance and carrying its own insurance and he couldn't answer the question. He clarified that, in fairness to that, there were a whole bunch of things that were mentioned there; however, at that point the Fire Department was picked out because of its fund-raising efforts. He said that he would contact the insurance provider – the MMA Underwriter Susan Caston – about coverage and he had some specific questions to her as to when the Fire Department would and would not be covered and under what circumstances and this memo addressed that. He said that the memo basically said that, if they were a non-profit organization, then MMA would not cover them for their fund-raising activity and, if they were not, then they would have to turn their assets over to the Town and would have to be overseen by the municipal treasurer and anything they did would become part of Town activities; not a separate association. He added that he did some research and, years ago when they had a different insurance provider, everything that the Fire Department did for fund-raising and other activities was covered by the Town's insurance policy, which was Maine Bonding. He said that he had no idea how long the Town has been with MMA but, at some point along the line, that coverage was dropped. He commented shame on the Town for not knowing that and, yes, it could have made the Town liable to defend them – they thought they were covered and MMA told them they were not. Mr. Muzeroll said that they also thought that their standing as

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a non-profit organization was still on record with the State, along with their by-laws and charter - that he was assuming that it was and they couldn't find it rather than it never was, adding that he couldn't believe that people went through the great pain that they did to produce that document just for giggles. He said that at the advice of the person at corporate headquarters of the people who incorporate the Fire Department non-profit, the Fire Department reapplied for a 501 C 3 Non-profit Charitable Organization Association so that they reestablished what they thought they had; that the fund-raising portion of the Fire Department and the non-Town-owned equipment portion was part of what they called the Eliot Firefighters Association and they also had their own federal tax ID. Mr. Muzeroll said that that was pretty easy to do but the sad part of all that is that it cost him \$501/year to do it. He added that they had to carry a general commercial liability policy for protection of their own assets, both financial and equipment. He said that he did some research and Peerless sold them a policy the same as they sold to any other association in the State but it was \$500. He said that the department did that to make sure that their records were all straight and everything was moving along with the Town, adding that they were in the process of revamping some paperwork. He said that the sad part about this is that it raised the question of how much effort they wanted to put into fund-raising – was it worth it - what they did for the pancake breakfast. He added that they still weren't sure they were going to support Festival Day, such as it was, or any other fund-raising effort within the community because they may not be covered and they were finding that there were an awful lot of exclusions out there from giving someone a cup of coffee because they were cold out on the street, which may be illegal under product liability; it was the same thing here in the Town Hall – there was a coffee pot here and, if someone came in and was offered a cup of coffee and got sick, then that was product liability. He said that they did have an insurance certificate on its way that he would provide to the Town that MMA had asked for in conjunction with some paperwork about their corporation being formed. He added that because of this he believed that someone within the Board of Selectmen or Mr. Blanchette or someone should investigate everything that the BOS did, everything the Town committees did, everything that everyone did that produced food, fund-raising, that Christmas Tree that was a fund-raiser in the Town Hall – those may not be covered if they are done by another organization; they may be required to do these things on private property, now, or increase expenses for coverage. He said that these were all things that were relayed to him, adding that some people had gone as far as not allowing people to do anything within their town hall – no display, no nothing.

**7:50 PM**

Mr. Dunkelberger said that they did run into a similar problem out at the base in that they had different units that had different coffee funds, rather small, but they ran into the same liability requirements and what they finally was to create a kind of umbrella organization that provided the insurance coverage and liability coverage they were looking for and all the other organizations then became part

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of that umbrella organization. He added that there may be another option, whether it be the food initiative they were talking about or any of the other non-profits that the Town had, or the smaller groups, that may be combined into a single umbrella organization that would lower the financial burden on everybody.

Mr. Muzeroll said that it was sad to say that any organization, in order to do anything in the community now was going to have to be required to, at a minimum, spend \$500 for an insurance policy.

Mr. Dunkelberger agreed unless they became part of an umbrella organization, adding that, as an example, the Eliot Firefighter's Association could be the umbrella organization and everybody else became a part of that.

Mr. Muzeroll said that somewhere along the line someone would have to pay the insurance, was what he was trying to say.

Mr. Dunkelberger agreed, adding that spreading it out to other organizations, whether they be coffee funds or whatever...

Mr. Muzeroll said that they could do what they wanted but that he was bringing that up to say that there were a number of things that went on within this community that the people thought that they were protected and they were not. He said that Susan Caston was still the MMA Underwriter and apparently she got her fingers involved in a number of things and asked if they could add that to the "when she comes down" list.

Mr. Moynahan said that they would have her in for a meeting.

Mr. Muzeroll said that he would like to be at that meeting.

**7:53 PM** Mr. Hirst said that he didn't believe she traveled at night so it may have to be a day meeting.

Mr. Moynahan said that they would contact MMA and gets some available dates and times and work it out amongst the Board. He thanked Mr. Muzeroll for following up on that.

**7:54 PM**  
**#9**

TO : Board of Selectmen  
FROM : Judy Doore, MMA Risk Management Services  
REF : Volunteer Accident Insurance

Mr. Moynahan said this was regarding volunteer accident insurance; that Mr. Blanchette was asked to provide some more information and he has; that it

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explained just who was covered and the cost each year. He asked Mr. Blanchette to speak to this.

Mr. Blanchette said that it would be the number of positions that they had so, for example, there were seven PB members so the Town would insure those seven positions regardless of who they were in those positions. He added that he counted roughly around 100 volunteers, just the obvious ones, and there could be more. He added that this excluded the firefighters, as they had a separate insurance

Mr. Moynahan asked for the pleasure of the Board on accident insurance for volunteers.

Mr. Beckert said that he would like to wait until the people from MMA came down to discuss this whole all as one; that they may find out that it was not as cost-effective to belong to MMA and the risk management pool as originally thought, if they were going to be under all these other little policies and find out they were not covered once they went to put in a claim. He added that insurance, in his opinion, was a necessary evil they had to have but he did not like that they didn't use it but, then when it came time to use it, then there was talk about rates going up and this wasn't covered and that wasn't covered and he didn't think it was just tied to MMA; he thought that every insurance company was the same, that there were little things that they didn't tell people when they signed up for it, reiterating that they needed to look at it, look at the cost, and it may very well be that they had to look elsewhere come budget time for insurance – something that was more suited to the Town and the groups that they were trying to cover.

The Board agreed.

**8:00 PM**  
**#10**

TO : Board of Selectmen  
FROM : IT Committee  
REF : Two Memos

Mr. Moynahan said that these two memos were provided by the IT Committee. He said that he thought that the back portion, dated 9/11/2012 was the how-to for anyone who was conducting a meeting. He added that he and Mr. Blanchette sent out a memo to all the boards and committees indicating that video-streaming was available in both rooms and to contact Mr. Blanchette or Ms. Thain in advance of those meetings so that the computer piece could get scheduled. He suggested they have these instructions posted in front of the on-off switches, if this seemed acceptable for everyone.

The Board agreed.

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Mr. Moynahan said that there were three separate things: who was going to use the video-streaming and they had dealt with that as a Board and offered it to every board and committee in Town; how it would be done through the Administrative Assistant; the third was how to set the buttons and it was really an on-off here and it would be an on-off in the other room. He said that as long as they communicated that, then he thought that they could take video-streaming off of their AIL, unless anyone saw something that was missing.

Mr. Murphy asked if there had been any response.

Mr. Moynahan said that he had not had any, yet, and asked if Mr. Blanchette had had any response from boards or committees.

Mr. Blanchette said that he had not, as of yet.

Mr. Hirst asked if it would be in order to send out a second request.

Mr. Moynahan said that they just sent it out last week so he thought they would give it come time, as they may not have had meetings, yet, and that sort of thing.

Mr. Beckert said that the PB would be taking it up at their meeting this coming Tuesday.

The Board agreed to take this off the AIL.

**8:02 PM**  
**#11**

TO : Board of Selectmen  
FROM : Rebecca Davis  
REF : Questions/Requests

Mr. Moynahan said that Ms. Davis had four things for them and asked if she would like to speak.

Ms. Davis said that, in keeping with their agreement earlier in the year, she was presenting all of the BC's questions in writing and, when she submitted them, she copied all members of the BOS and the BC. She added that these were issues she was not sure of how things stood as far as having to be here to answer the questions; these were things she directed to Mr. Blanchette and she didn't know if he could just answer her questions back via email or if these were topics to be discussed.

Mr. Moynahan said that he thought these would be topics that this Board would have to discuss with Mr. Blanchette and she could probably just, once she compiled that list of questions from the BC, forward that directly to Mr.

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

Blanchette instead of CC'ing everyone and the Board would make sure it got on the items list to bring up for discussion and let her know that the Board would be discussing it, instead of trying to send emails to a bunch of people.

Ms. Davis said that she was wondering if she needed to be here every time she submitted questions or whether these were things that could be addressed by the Board.

Mr. Moynahan said that, if she was here, then she would hear those answers and, if not, then they would get a response to her based on these from their meetings, asking if that was okay.

Ms. Davis agreed, adding that she just didn't not want to be here if the Board wanted her to be here.

Mr. Moynahan said that he thought that they would always let her know when she was on the agenda so, if she chose to be here or not, then that was her choice, and any action they may take or answers they would make sure she got information back on that.

Ms. Davis said great.

Mr. Moynahan went through the four items:

**Item #1:** *The Budget Committee received a request for financial reports to be posted to the town web site. I'm not sure of the precise name of each report. Do the Selectmen receive reports that detail expenses and revenue? Is there a report which summarizes expenses by warrant article? How often are these reports generated (monthly? quarterly?), and would it be possible to create them in PDF for posting to the web site?*

Mr. Moynahan said that, yes, they did receive reports from the Treasurer and he clarified with Mr. Blanchette that they could get copies to the BC of any revenues versus expenses.

Mr. Blanchette said yes, that that wouldn't be a problem; that the issue was putting them up on the website and he thought that he would defer to their, now, interim CFO to respond to this. He added that that person has been away and was just back and could not be here tonight but Mr. Blanchette thought that the Board would want his input on this before they did anything on #1.

Mr. Moynahan said that these were available for anyone; that he thought it might start to clutter up the website little bit if it was not going to be kept updated consistently and all that, that it would be old data at that point and that was just

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**September 27, 2012 6:30PM (continued)**

his point; that these were available monthly for anyone; he thought that the website would be a little more challenging, explaining that their web administrator was very part-time.

Mr. Murphy said that he thought that they should have kind of a disclaimer that went along with, if they actually put that information up (on the website) because a monthly summary was only a temporary position – it was a snapshot – so it was not the final word on any of the articles and there may be mistakes in it, too, which may be corrected in subsequent months, so it was not necessarily true and was a working document that the Treasurer had moving forward throughout the year. He discussed his concern that these might mislead the public and that they should be warned about that.

Mr. Moynahan asked if the BC currently got a copy of the monthly reports that were generated for the BOS.

Ms. Davis said that they did not, adding that one solution to putting this up on the web site, specifically, would be if the Board would copy this information to the BC when the reports were issued, then, she would attach PDF's to their monthly minutes and citizens would be able to read the minutes and see that there was an attachment, able to read those reports at that time.

Mr. Moynahan asked Mr. Blanchette if that was something he sent in a PDF file.

Mr. Blanchette said that he was sure they could send a PDF file.

Mr. Moynahan said that they would work on getting that file in PDF format to her group and make sure that these monthly reports were copied to them, as well.

Ms. Davis said that, if that created an extra burden, then if they could just give the BC a copy of those reports, then she would scan them, PDF them, and attach them to their minutes; it wasn't a problem.

Mr. Blanchette said that he would make sure they got a copy.

**Item #2:** *The Budget Committee received a request for a 2012 year-end print-out (PDF) of town expenses. The resident would also like to know what the State calculation was for LD1 and where the town's expenditure fell in relation to that number. Is the same information available for 2011?*

Mr. Blanchette said that, first of all, the LD1 calculation has changed over the years as to when they finalize them and, as a matter of fact, the paperwork just came in to finalize the LD1 calculations for the last fiscal year. He added that that was generally done in the fall, after the fact, explaining that what was done in

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February was an estimate of LD1 and that was what they worked on through the year. He said that, in the warrant article, the last article was for the possibility of overriding LD1 and it was set as 'estimate'.

**8:10 PM** Mr. Dunkelberger clarified that LD1 was actually an appropriations limit, not an expenditures limit.

Mr. Blanchette said that that was correct; that it was an appropriation of taxes, not an appropriation.

Mr. Dunkelberger said that, again, the two numbers may not be related – expenditures and taxes appropriated.

Mr. Blanchette said that that was right; it was a tax appropriation limitation. He added that the answer to the question was yes, it was available once it was put together by the Assessor and would be available, probably, in a month or so. He said that she just got the paperwork in on it and, once it was figured out, then they could give a copy to the BC. He said that in the last number of years they had been under LD1.

Mr. Moynahan asked if they had the 2012 year-end print-out for Town expenses.

Mr. Blanchette said that, there again, he would want the current CFO to discuss that with the Board because he thought that the CFO's problem was that, until it was audited, it was not final. He explained that the key thing was the auditor's report and not the – and he hated to call it temporary, but the Treasurer's reports were temporary because they were subject to change by the auditor.

Mr. Dunkelberger asked if the Board could get those numbers as a draft, then.

Mr. Blanchette said yes, adding that they did have them and that they were a public document but one had to realize that they were not final numbers, even though they were year-end numbers.

Mr. Moynahan said that they needed to recognize it was the best guess until it was audited. He added that he thought the important part of the question was the PDF piece, wanting to receive that PDF file.

Ms. Davis said that they didn't have to; that if they could get a hard copy to the BC, then she would convert them to PDF and attach them to their minutes.

Mr. Moynahan asked Mr. Blanchette to make sure the financial reporting went to the BC.

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

**8:12 PM**      **Item #3:** *I understand that folders are generated for every meeting of the Board of Selectmen. Would it be possible for the Budget Committee to receive a copy of this folder as well? It would help the committee to stay abreast of current issues.*

Mr. Moynahan explained that the folders were not public information until the meeting has been held, so, the information contained in there was just for their group. He added that, unless it was financial – and some of the stuff he didn't think they would want to read.

Ms. Davis agreed, saying that occasionally she has missed a meeting. She added that the agendas gave an outline but they were not really specific and she would like to know what was going on. She added that she thought that obtaining a folder in time to know what was going on would be useful.

Mr. Moynahan reiterated that, until the meeting was held, it was not a public document and that was why the agendas were as limited as they were. He said that the content of the information, until it was discussed and any actions taken here, it was not a public document.

Ms. Davis asked when they normally made them public.

Mr. Moynahan said after the meeting.

Ms. Davis said that she thought they had a folder out for the public to review prior to the meeting.

Mr. Moynahan said that that was for during, not prior to, the meeting; that they tried to put it out as last minute as possible. He added that the video-streaming was a good way to review the work of the Board, as well.

**Item #4:** *Did department heads receive a copy of the sample Highway Division Annotations provided by Ed Strong? The concept behind these annotations is critical to this year's budget review.*

Mr. Moynahan said that they did send out the letter; that what they sent out was the budget template that was approved by the Board with language that they would be required to have backup documentation.

Mr. Blanchette agreed and said that what they were provided by Mr. Strong was a fire department, not a highway department sample budget, so that was what went out.

Mr. Moynahan said that the budget format that was decided by this Board added three additional columns for additional years, budgeting and expenditures, and

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

there was something else, which was based on some of the communications they had with that. He added that the annotations they were not yet prepared to provide and require the departments to go to that extent but they did require the departments to support their budget requests with backup documentation. He said that, in this year's budget, he thought she would see a lot more supporting documentation from that and they could build from there.

Ms. Davis said that that highway division sample was just to give people a really good idea of how to annotate their budgets to be useful and she just thought that, even if they didn't follow it 100%, it would have been useful for department heads to each get a copy of it for review purposes.

Mr. Moynahan said that they could certainly forward them a copy, adding that they were asking department heads in next week to discuss some of the changes in the budget formats and that sort of thing so they could certainly share that with them.

Mr. Muzeroll said that he was a little confused. He said that over the course of the last couple of years they have all agreed on a budget template and a process in which they would do things. He asked if he was understanding that they were reevaluating that and they were going to do something different.

Mr. Moynahan said that they had added columns but the budget template has stayed the same, adding that the annotation that the BC had was a detailed backup of that front page. He added that that broke down, for example, that the road commissioner – 25% of their time went to transfer station, 12% went to whatever, and it broke it down that way; broke down repairs and maintenance – the 12 tires, etc., etc.; it was a kind of detailed line item to support the main budget page, which was something they did not forward on to the departments to fill out. He said that, like always, they were requesting as much supporting documentation to support the budget as possible.

Ms. Davis clarified that they were getting together with department heads next week.

Mr. Moynahan said that next week they were reaching out to department heads, if they had any questions before they prepare or start their budgets, then they could come in and ask questions about the budget template changes. He added that they may not have any questions and may not show up but the Board was extending the invitation.

Mr. Muzeroll asked if, just for his own information, as he was not going to be able to be present and planned to answer some things by memo, was there a possibility that things were going to substantially change.

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

Mr. Moynahan said no; that the letter that went out was the letter the Board agreed to, the budget calendar with budget expectations, and all that. He added that that was the direction the Board decided to move forward with all outside agencies, boards, and committees.

Mr. Muzeroll clarified that October 4<sup>th</sup> was the time to discuss anything that was in that letter.

Mr. Moynahan said exactly; if the department heads had any questions at all or what the expectations were going into the budget season to make sure the Board could answer questions or help in any way they needed to help them prepare.

Mr. Moynahan assured Ms. Davis that they would supply as much information to the BC as they could, as far as the financials and all that; that Mr. Blanchette would make notes with the Treasurer to burn off another copy and provided to the BC.

Ms. Davis asked if the meeting on the 4<sup>th</sup> was going to possibly include the BC in case people had questions or, perhaps, the BC could express some opinions, also.

Mr. Moynahan said that all of the meetings were open meetings but this was more a workshop around any questions the department heads had about the budget and expectations about the budget, so, he did not believe it was a joint meeting but Ms. Davis was more than welcome to attend.

Ms. Davis asked if it would be on the alerts next week, as she hadn't heard about it, that's all.

Mr. Moynahan clarified that the agenda was not usually set until Thursday or Friday when he and Mr. Blanchette produced the agenda for the following week, adding that she was knowing as soon as anyone else because he just talked with Mr. Blanchette about the agenda items.

Mr. Blanchette commented that he didn't think the Board knew that they were meeting next week.

The Board members agreed.

**8:21 PM**  
**#12**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Proposed Policy re: authority for permits for concealed handguns

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

Mr. Murphy said that in looking over the policies he discovered a reference to a State law; he went to the State law and learned that the issuing of concealed hand gun permits is really in a municipality of this size a responsibility the Board of Selectmen. He added that he knew that they had not been doing this for many years so he looked into it and talked with the Chief about it. He added that the Chief couldn't remember when this duty had been transferred over to his position, but, the law was still the law and they, as a Board, had to designate the Chief of Police as the person who would process applications for hand gun permits. He said that this was something that should be in their policies; that it should have been there all these years; and it was something that every year, when the new BOS met, they should accept this, as it was one of the policies that they signed on to. He said that this was just getting this policy finally into their policies. He read the statute: *"Under 25 M.R.S.A § 2002.9.A, we, the Board of Selectmen of Eliot, Maine, do hereby designate our Chief of Police as the issuing authority for permits for concealed handguns to residents of the Town of Eliot."*

**8:23 PM** Mr. Dunkelberger moved, second by Mr. Beckert, that the Board of Selectmen implement the policy, as written.

**VOTE**

**4-0**

**Chair concurs**

**8:24 PM**  
**#13**

TO : Board of Selectmen  
FROM : American Medical Response  
REF : Increase effective January 1, 2013

Mr. Moynahan said that this was a list of AMR's billing rates so that they knew what the residents of the Town were being charged for things and all were increases.

Mr. Beckert said that this was effective January 1, 2013.

Mr. Hirst said that, just for the record, this did not impact the Town's cost for ambulance per month.

Mr. Moynahan agreed it was no cost to the Town but a cost to the residents for treatment, transportation, etc.

**8:25 PM**  
**#14**

TO : Board of Selectmen  
FROM :  
REF : Report on moving ECSD to School (no correspondence)

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

Mr. Hirst said that there was a subcommittee of Mr. Dunkelberger, Mr. Blanchette, and himself who have been looking into the issue of moving the ECSD into the school. He added that, at the moment, they have not made a decision on it; that they have asked the ECSD Director to give them a memo of understanding between the ECSD and the Fire Department; that they have given them some direction on what the subcommittee would like and they have not yet received a satisfactory response based on their indications to that department. He added that, until they did, they were not in a position to vote on it one way or the other.

Mr. Moynahan clarified that there was no recommendation from his subcommittee.

Mr. Hirst said that that was correct.

Mr. Moynahan said that when they did, could they make sure they had backup documentations with their thoughts and all that so that the Board could review those, too, with whatever the subcommittee's recommendation was.

The subcommittee agreed.

Ms. Muzeroll-Roy said that to avoid email conversation like what was done today were they going to have another subcommittee meeting to go over these things.

Mr. Dunkelberger said that that was what he proposed.

Ms. Muzeroll-Roy said that she had not seen anything; that this was new to her.

Mr. Blanchette suggested Monday.

Mr. Hirst said that he would be away.

Mr. Moynahan suggested they could schedule a meeting.

Mr. Hirst agreed that they would work something out.

**#15**

TO : Board of Selectmen  
FROM :  
REF : Ordinance Governing Boards, Committees, etc. (no correspondence)

Mr. Murphy said that he was still working on this.

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

**8:27 PM**  
**#16**

TO : Board of Selectmen  
FROM :  
REF : Set date for June Town Meeting (no correspondence)

Mr. Moynahan said that, based on their meeting last week with the November referendum not occurring for some of the items for the Town, he thought that once they set the June Town Meeting that they should confirm that they were going to include the Fireworks Petition and also include the sewer improvements on 236 as a referendum. He added that, if that was going to happen and especially with the sewer, they should create a calendar that had monumental dates – for example: November 30 - Eaton Peabody study completed and presented to Board of Selectmen; December 30 – Underwood Engineer final preliminary plans completed and presented to the Board; January 30 – the Route 236 Implementation Committee – work completed and presented to the Board. He added that the public hearings started in February, March, April, and May. He said that, with Eaton Peabody, it was \$600 for additional public hearings but he thought that two would be much more adequate than the one that they had proposed. He said that Underwood had two public hearings and the Board should plan them and advertise them in advance so that they got as much public participation as possible.

Mr. Murphy said that he wanted to bring up the subject but Mr. Blanchette said that the Board would maybe have it at the October 4<sup>th</sup> meeting; that that was to begin thinking early about the fact that Mr. Blanchette would be retiring around January or February of 2014. He said that there was the question of whether they would find another Administrative Assistant or should they consider going to a town manager at that time.

Mr. Moynahan said that that was something that was put on next week's discussion on a town manager with the Comprehensive Plan Implementation Committee (CPIC) that has already discussed some of this.

Mr. Murphy said that he had a calendar that showed, counting back, suggesting that they may want to this coming March have a Special Town Meeting in order to adopt the town manager form of government and was at least 90 days before the Annual Town Meeting in June. He added that, beginning in June, it would become effective if the Town adopted it, adding that that would give a 6- or 7-month period of the town manager and Mr. Blanchette's presence in order to pass over information and get the new town manager up-to-speed as quickly as possible on running the Town. Mr. Murphy said that it was coming up awfully quick, explaining that, if they didn't do it and have it adopted at this Town Meeting in 2013, then it couldn't be adopted until the Town Meeting in 2014 and that would be after Mr. Blanchette left.

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

Mr. Moynahan suggested they might adopt it in August 2014; that they didn't necessarily have to wait a full year if they were having a Special Town Meeting to decide this.

Mr. Murphy clarified that it had to be at the Annual Town Meeting.

**8:32 PM**

Mr. Blanchette clarified that he thought what Mr. Murphy was saying was that when the change occurs they had to vote it at a Town Meeting at least 90 days prior to the Annual Town Meeting in which they wanted the change to be effective. He said that, if they wanted the change effective prior to June of 2014, then they would have to do it 90 days prior to the Annual Town Meeting of 2013.

Mr. Murphy said yes, that that was what he was saying. He passed out copies of the calendar he had discussed to the Board.

Mr. Blanchette said that there was another State law, and Mr. Murphy was the one who found it, that allowed the Board of Selectmen a transitional time so, therefore, if the Town voted that it would become effective July of 2013, then they would not need have to someone, in Maine, as town manager until after that; that it allowed them transition time to do it because, by the time the vote occurred and so forth, the Board would be searching for a town manager and they might not hire anyone until September or October of 2013.

Mr. Murphy said that this was all covered in the Maine Statute 30-A beginning at § 2631-2639 and 2637 covered the transitional provisions.

Mr. Moynahan said that this should be brought up at the next meeting. He said that he thought that they should be talking about setting the June Meeting date and he was encouraging that, once they set that, they include some additional items on that Town Meeting date, with some milestones.

Mr. Hirst asked if the election date had been set; that he had it in his calendar as the 11<sup>th</sup> of June.

Mr. Blanchette said that it had not been set; that the 11<sup>th</sup> would be the recommendation and the following Saturday would be the 15<sup>th</sup>.

Mr. Beckert asked if that coincided with anything the State might be coming out with in June.

Mr. Blanchette said that the State has not decided on anything, yet, in June but that was the second Tuesday following the first Monday, which was generally when the State did theirs. He said that he thought that the idea was that these were

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

the dates that the Town was looking at and, unless the State came up with something different, then they could use those dates.

Mr. Moynahan said that his whole intent was to make sure that any of these items were going to be agreed to be referendum items on that and, then, be able to work it backwards so that they had some milestone dates to meet, etc.

Mr. Murphy asked if the Town Clerk suggested these dates.

Mr. Blanchette reiterated that the State had not issued when or if they were going to have anything for next June. He added that, generally speaking, it was the second Tuesday after the first Monday that they did that, which June 11<sup>th</sup> would be the election and then that following Saturday, June 15<sup>th</sup>.

Mr. Moynahan reiterated that they didn't have to pinpoint the exact day; that what he was trying to accomplish was to stir up a discussion to start working it backwards from that June date so that they could schedule, in advance, public hearings with the hired professionals that they had and groups that have been working on that sewer extension project to get the most public participation as possible.

Mr. Fisher asked, in this transitional government, were they planning on a charter.

Mr. Moynahan said that they would be talking about it next week but he believed that the copy they had was not a charter; that it did not have a charter with the town manager that they were discussing.

**8:43 PM** Mr. Blanchette said that the only thing they were discussing right now was the town manager form of government under the State law.

Mr. Fisher asked if they were planning to introduce some type of charter.

Mr. Moynahan said that he didn't know if this group would; that it was a lengthy process.

Mr. Murphy said that no one mentioned it tonight so they hadn't any plans.

Mr. Moynahan said that he thought that at some point in time, as most towns have done, they would probably create a charter but he wouldn't be here doing that. He said that they would continue discussing that as they moved forward and perhaps he could do up a calendar and have that available for discussion.

**#17** TO : Board of Selectmen  
FROM : Shannon Darr, Eliot Health Officer

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

REF : Schiller Emissions, (in reference to Correspondence #6)

Mr. Moynahan said that he totally spaced this and apologized. He said that this was from the Eliot Health Officer and was in regard to the Schiller Station and some of the conversations they had this evening. He added that she supported moving forward with trying to clean up that area. He reiterated his apology, saying that he meant to bring that up during their discussions earlier.

**Old Business (Action List):**

This was not directly discussed tonight.

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. Sewer User Rates

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

17. Monthly Special Meetings for Action List School

**8:38 PM**

**Selectmen's Report:**

Mr. Hirst asked what plans had they brought about for an RFP for a new auditor; where did they stand with that.

Mr. Blanchette said that it has been advertised and that they have sent out a few, they will have requested the specifications and it was due, he thought, next Friday.

Mr. Hirst said that he was surprised as he hadn't seen anything in writing.

Mr. Moynahan said no; that the Board had directed Mr. Donhauser to go do that.

**8:40 PM**

Mr. Muzeroll asked if they could open #14 again.

Mr. Moynahan asked if the Board wanted to open #14 again.

Mr. Hirst said that it would be his preference to handle it at a meeting to be set up as soon as possible with ECSD and the Fire Department.

Mr. Muzeroll said that he wasn't saying they could resolve everything; that he just had some questions about their reluctance to talk about it right now.

Mr. Hirst said that, if he was asking him, it was Mr. Hirst's preference to handle it in a separate meeting.

Mr. Muzeroll asked in a non-public meeting.

Mr. Hirst said that he didn't know.

Mr. Muzeroll said that Mr. Hirst was the one who didn't want to talk about it and he wanted to know why he didn't want to talk about it here.

Mr. Hirst said that he thought he expressed himself when he said that the memo of understanding, that they asked for, was not what they asked for; that it didn't follow the parameters that they asked for.

Mr. Muzeroll said that it did.

Mr. Hirst said okay, then, that was why they had to have a separate meeting.

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

Mr. Muzeroll said that Mr. Hirst's contention and Mr. Dunkelberger's contention that the language they used was their language or their way or the highway. He asked if that was what they were telling him; that that was what he was getting out of this because he has worked hard to get this to resolve this for them and Mr. Blanchette, with the ECSD, for whatever language they wanted; that it has gone back-and-forth, back-and-forth and now, all of a sudden, he was hearing that they didn't like the words so they weren't going to play. He added that he did not want to be the one to hold this up and asked what words they didn't like that was keeping them from playing.

Mr. Hirst said that they asked that it be a date, non-specific, and it has been set as a date of a three-year period.

Mr. Muzeroll said that that was the same as the school contract the subcommittee agreed to.

Mr. Hirst said that they didn't agree to the school contract; that it hasn't been let.

Ms. Muzeroll-Roy said that the school contract was three years.

Mr. Hirst said that he understood what it said.

Ms. Muzeroll-Roy said that that was the same one she put in her proposal; that she took the exact same verbiage. She added that the only thing she added differently was "review after a space-needs assessment was done by the Building Committee."

Mr. Dunkelberger said that this was exactly why this meeting needed to take place because this could get into an extended discussion. He added that, if the Board was willing to sit here and have this discussion, then they could probably clarify it right now and the Board could issue its' thoughts but the subcommittee was commissioned to find something. He pointed out that the three-year requirement was put out by MSAD #35 and wasn't the subcommittee's requirement; again, they were asking for MSAD #35 to have an open-ended agreement.

Mr. Moynahan said that it sounded like they all had some things to hash out regarding the school or the Fire Department or whatever they were working on.

Mr. Muzeroll said that all he wanted out of Mr. Hirst and Mr. Dunkelberger was what was holding things up. He added that they could say non-specific date or anything like that but open-ended, and they would discuss that in a meeting, was an open checkbook.

**BOARD OF SELECTMEN'S MEETING**  
**September 27, 2012 6:30PM (continued)**

**8:43 PM** Mr. Beckert said that he and Mr. Murphy had not seen any documentation and he wasn't sure the Chairman had, either, so they were kind of at a loss. He suggested that the subcommittee with the Fire Chief and the ECSD Director get together so that the other Board members had something in front of them when they came here to discuss it.

Mr. Moynahan said that, hopefully, any information that was requested from any parties was communicated in a timely fashion and a professional manner and all that kind of stuff; they wanted to make sure they all played nice in the sandboxes.

At this time, Mr. Moynahan said that they did have executive sessions to get into and he would entertain a motion.

**Other Business as Needed**

There was no other business tonight.

**8:44 PM**  
**Executive Session**

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

**DISCUSSION:**

Mr. Beckert clarified that they had three issues that needed to be discussed under that statute and they were all personnel issues. He asked if he could make a continuation of that motion to cover the fourth executive session, as well, or did they need to do that separately.

Mr. Blanchette said that he never thought of that. He added that he would say that they could go ahead and do that.

Mr. Beckert further moved, second by Mr. Murphy, that the Board of Selectmen also enter into executive session as allowed by 1 M.R.S.A § 405.6.D "Discussion of labor contracts and proposals..." Parties on Team: Mr. Dunkelberger, Mr. Moynahan, Chief Short, and Mr. Blanchette.

**DISCUSSION:**

Mr. Beckert said that that dealt with the union contract with the Teamsters for the Police Department.

**BOARD OF SELECTMEN'S MEETING  
September 27, 2012 6:30PM (continued)**

**VOTE  
4-0  
Chair concurs**

Mr. Fisher said that he was wondering if the personnel that they were talking about should be here to defend themselves or agree with the Board. He added that he was wondering if they were present.

Mr. Moynahan said that any personnel that were to be talked about didn't have to be here.

Mr. Fisher asked if they were invited.

Mr. Moynahan said that he could not speak to that because he may be speaking to the employee. He added that they could have an executive session without their presence; that he did follow up with a Town attorney on that to make sure; that there were times when employees chose not to be here or show up.

**9:44 PM** Out of executive session

**9:45 PM** Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen adjust Garrett Morrow's pay to \$13.50, as of July 1, 2012, when he started working for Community Service on a full time seasonal basis.

**VOTE  
4-0  
Chair concurs**

**9:46 PM** Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen show full support of the negotiating team and back their proposal.

**VOTE  
4-0  
Chair concurs**

**9:47 PM** Mr. Beckert moved, second by Mr. Dunkelberger, that the Board of Selectmen authorize the compensation of Charles Bradstreet in a lump sum to the 10/27/2011 date, as requested.

**VOTE  
4-0  
Chair concurs**

**BOARD OF SELECTMEN'S MEETING  
September 27, 2012 6:30PM (continued)**

**Adjourn**

There was a motion and second to adjourn the meeting at 9:48 PM.

**VOTE**

**4-0**

**Chair concurs**

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**DATE**

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**Mr. John J. Murphy, Secretary**