

**BOARD OF SELECTMEN'S MEETING**  
**October 11, 2012 6:30PM**

**Quorum noted**

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

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

**Pledge of Allegiance recited**  
**Moment of Silence observed**

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

**6:31 PM** Motion by Mr. Murphy, seconded by Mr. Beckert, to approve the minutes of August 30, 2012, as amended.

**VOTE**  
**3-0**  
**Chair concurs**

**Public Comment:**

**6:32 PM** Ms. Fournier said that she just, late this afternoon, got a copy of a decision of the PB, dated September 18, 2012, adding that this directly impacted her property. She said that there were CMP easements on their property and they have been to the board a number of times, for years now, and they had some serious concerns. She said that there was a PB meeting on August 21<sup>st</sup> and she just received this afternoon a copy of the notice of decision, adding that she had had difficulty getting to the Town Hall as she had not had time to renew her driver's license. She said that the PB had CMP in to apply for revisions to a Shoreland Zoning permit to build two high-voltage transmission lines, which would cross their property. She discussed the work she and her husband have been doing over several years with the Maine PUC utilizing provisions that they were very directly involved in getting for the people of Maine on these NPRP projects, adding that she didn't have time to be anywhere else most of her waking hours other than working on that. Ms. Fournier said that they were property owners and had a lot of rights and they were going to exercise those rights, adding that she couldn't do better than she did but she did very well. She said that she came in here tonight...they came to the last Selectmen's meeting and she mentioned something pretty briefly but, right now, she told them she went through a lot to try to get this stuff...

Mr. Moynahan tried to speak...

Ms. Fournier said that the Selectmen were the bosses of these boards. She said that, apparently, the PB voted, which she just got a copy of tonight; that they had a packet, which CMP came in and applied for, which wasn't even what was approved...

Mr. Moynahan again tried to speak...

Ms. Fournier said that this was all about their property.

Mr. Moynahan asked her what she was referring to with the PB decision; that they had to get to a topic.

Ms. Fournier said that they would be appealing [that decision]...

Mr. Moynahan said that this was not the time to...

Ms. Fournier said that Ms. Pelletier asked her how she was going to appeal it because the decision was made on August 21<sup>st</sup> – well, excuse me, but someone doesn't read the ordinances around here; that she had spent some time again today briefing through them and reiterated that someone didn't bother to read them. She said that the PB voted on August 21<sup>st</sup>, which was noted in the decision, that they were making the decision that night and decided that night to have an administrative review of it. She commented that she wasn't sure who made anybody God but that this was really out of control; that they have been through a lot of suffering and they had a lot of damage, not just to their property, but she had serious lung damage because this company sent out someone to spray herbicide...

Mr. Moynahan asked what the PB decision was; that that was the crux of the conversation.

Ms. Fournier said that the PB made a decision on...first of all, they weren't done when they came in here before in front of the PB and both of them were told to shut up and sit down - there was a problem with freedom of speech there as far as she was concerned – and she was very nice about it, that she had a recording...

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Mr. Moynahan said that, as in any Board setting, they had to stay on topic...

Ms. Fournier said that the PB decided that they were going to do this administrative decision...

Mr. Moynahan asked if she could leave copies for the Board to review and, if there were questions with the process, then they could follow up with the PB; that that was their job, that it was within their purview. He explained that the PB, as a quasi-legal board, had to follow certain State requirements and laws and – (interrupted, couldn't hear) – and that sort of thing and he thought Mr. Beckert could speak to that, so, if they have not done their job and the Board reviewed that, then they would certainly take care of that. He added that the Board would need copies of the information to review.

Ms. Fournier said that this was the only copy she had right now.

Mr. Moynahan said, additionally, if she had a complaint, then that should be attached; that to come in to talk about the past and all that was not going to be effective...

Ms. Fournier said that it was all a part of it. She added that they had an in-ground swimming pool with a metal fence around it; that nobody ever checked for electrical safety...

Mr. Moynahan asked her to focus back on the PB decision...

Ms. Fournier said that the line that was there, now, the new line that was built, was illegal and it was illegal for a number of reasons.

Mr. Moynahan said that the PUC took care of that.

Ms. Fournier said no.

Mr. Moynahan asked who had the oversight.

Ms. Fournier said that the PB decided not to hear anything about it; supposedly it was based on the fact that it wasn't a structure...

Mr. Beckert asked if he might suggest, as he did at the last meeting when Ms. Fournier was in last...

Ms. Fournier asked him to speak up because she couldn't hear him; that she had a hearing problem.

Mr. Beckert said that he would like to suggest, as he did at the meeting last week when Ms. Fournier was in, that there was an appeal process if she felt she was aggrieved and the PB had erred per anything contrary to the ordinances – done contrary to the ordinances – then she could certainly exercise that right if she was within the timeframe that she had to meet...

Ms. Fournier said that they were, even though it was determined...according to Ms. Pelletier she said how would they appeal it...

Mr. Beckert, addressing the Chair, said that he would think that that should be the extent of the conversation this evening.

Mr. Moynahan asked if Mr. Blanchette had forwarded on the information for appeals that the Board had communicated to the Fournier's that the Board would get back to them this week on that process.

Mr. Blanchette said that he didn't think he had forwarded anything on the appeal but he was sure that Ms. Fournier was aware of the application form, that they could certainly get her an application form for an appeal.

Mr. Moynahan said that that was the only venue that could happen, that she had to appeal any decisions; that this Board, as a whole, would need to review that...

Ms. Fournier said that, according to the PB, they could not (appeal) and asked if they wanted to know why – because, on August 21<sup>st</sup>, it said in the letter of decision...that they were

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supposed to send a copy to the...they have always sent a copy before to the Board of Selectmen and the CEO, but she didn't see that on the list; she saw CMP, Burns & McDonnell...

Mr. Moynahan said that they may review them but, until someone had a concern or...

Ms. Fournier emphasized that this was a big deal; that what they were planning to do, what they have already done...first of all, they didn't have enough electrical clearance, they didn't comply with National Electric Safety Code...

Mr. Moynahan emphasized that Ms. Fournier had to go through the process...that this was not in this Board's purview. He said that, if the PB had done something improper, then she needed to appeal it – and that was not appealing to this group of five, reiterating that there was a process that needed to be followed and Mr. Blanchette would help them through that process, or, at least point them in the right direction of the proper way to appeal this.

Ms. Fournier said that she knew how to appeal it and getting the forms...

Mr. Moynahan emphasized that the needed to be done.

Ms. Fournier said that she would...

Mr. Moynahan thanked her for putting them on notice that she had concerns but she needed to go through the appeal process, adding that he would not talk anymore about this, that it needed to be done properly.

Ms. Fournier said okay. She added that the reason she came was that the Selectmen were the bosses and she thought there was a conflict of interest; she thought that Mr. Beckert...

Mr. Moynahan said that they would not...a conflict of interest was financial in nature only; that that was what the State statute on conflict of interest was – was that it was financial in nature only, so, they would not even have this conversation...

Ms. Fournier said that they didn't know if there was anything financial...

Mr. Moynahan said that, if this Board had a concern, then they would take it up amongst themselves.

Mr. Beckert, addressing the Chair, said that he would make one comment to the comment Ms. Fournier just made. He said that he would be very careful what was said in making slanderous comments towards him because he could take her to task just as well...

Ms. Fournier said that she wasn't meaning it that way...

Mr. Moynahan said that they were going to end this conversation right now; that Mr. Blanchette was going to point them in the right direction on how to appeal any concerns that she had with PB decisions, okay; that that was what was communicated last week and it was communicated again this week, so, that was all they were going to take up right now; that anything else was not in their purview...

Ms. Fournier said fine, that she hoped they didn't end up having to sue the Town...

Mr. Moynahan said that that was something that would take care of itself...

Ms. Fournier said that she hoped they didn't; that they loved this Town but...

Mr. Moynahan said that the appeal process needed to be followed and he was going to stop her right there...at this point, were there any other members of the public that wished to speak on anything that was not on this evening's agenda.

There was no one from the public who wished to speak.

**Department Head/Committee Reports**

**6:42PM** Mr. Moulton discussed the Tree Maintenance Contractor. He said that he did not get RFP's but did get three price quotes, as follows: Tom Chase of York for \$950/day, Urban Tree

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Service of Rochester, NH for \$1,120/day, and Abbott Brothers, Inc. of Cape Neddick for \$1,000/day. He recommended Tom Chase as he has performed tree maintenance in Eliot for a number of seasons: he has an efficient, four-man crew, that it includes a traffic control package, and he was reasonably priced.

Mr. Moynahan clarified that this was a budgeted line item.

Mr. Moulton said yes.

Mr. Hirst suggested that Mr. Moulton also contact Frank Clark of New England Tree, who was almost on the border with Eliot, to at least get a price from him. He said that he had found him excellent.

Mr. Moulton said that he could do that.

Mr. Moynahan said that, before moving forward with this, if Mr. Moulton could provide another price seemed reasonable.

Mr. Hirst asked Mr. Moulton if that would put an undue burden on him because of no contract.

Mr. Moulton clarified this evening.

Mr. Hirst said yes.

Mr. Moulton said that he was looking to do it by the end of the month so that gave him a little leeway and why he was here tonight. He added that he could get that done and, maybe if the Board was having a meeting next week, then he could run it by them.

Mr. Moynahan said that they would be meeting next week and that he could bring the information to that meeting.

Mr. Moulton said okay; that he would get that price and run it by the Board.

Mr. Moulton said that he had a couple of informational things. He discussed the DPW Director Wage Proposal, saying that he would like to see if the Board would be interested in discussing restructuring his wage status from hourly to salary that would bring a variety of benefits, including budgetary savings.

Mr. Moynahan asked Mr. Moulton, when he was hired, how was he hired.

Mr. Moulton said that he was hired as a salary position.

Mr. Moulton said that it then got changed along the way so, certainly, it could merit some discussions, if the Board agreed.

The Board agreed.

Mr. Moynahan said that they would move forward with this on the next budget meeting that the Board had they would bring him in. He added that, in the meantime, if Mr. Moulton could provide some of his thoughts in writing, then that would be great and they would talk about that in the proper venue.

**6:45 PM**

Mr. Moulton said that he would do that. He added that he had one more item, which was regarding Inter Municipal Associations. He said that he had been in discussion with the Town of York Public Works Director regarding the disposal and transportation of their cardboard and mixed paper recyclables. He added that this could increase the revenue stream with no increase in employee hours or trucking costs and would benefit York, as well.

Mr. Dunkelberger said that, first, he wanted to applaud Mr. Moulton's creativity and initiative in making this happen; that this is the type of thing that they needed to do to help them get through their current budgetary issues. He added that he would fully support Mr. Moulton pressing forward on this initiative and if the Chair desired a motion to do so then he would be more than happy to initiate it.

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Mr. Beckert said that he agreed.

Mr. Moynahan agreed and said that he thought that one thing they would need to do to pursue, absolutely, he thought that the motion would be just to pursue this because with that he would need to have language from the Town of York and contracts and that sort of stuff.

Mr. Dunkelberger moved, second by Mr. Beckert, that the Board of Selectmen allow the Public Works Department to pursue an agreement with York for transporting their two recyclable commodities, as proposed by the Department Head.

**VOTE**

**4-0**

**Chair concurs**

Mr. Moynahan said that Mr. Moulton could move forward with that and that he saw that they had a monthly report from Mr. Moulton, as well.

**6:48 PM**

Mr. Donhauser said that his purpose for being here tonight, and that he had prepared a summary of audit bids, was to let the Board know that they had solicited and sent proposals (RFP's) to approximately ten accounting firms in Maine and received three back from very reputable firms. He explained that, in the audit summary he gave to them, he actually summarized the audit fees, adding that he thought that the obvious disparity between the lowest and highest was dramatic. He said that, with respect to the low bidder (RHR Smith & Company out of Buxton, Maine), he actually called the Town Manager, Dwayne Morin, at North Berwick because this firm audited them and he also called Joel Downs, the Finance Director for the Town of Kennebunk, as they also audited that Town. He added that he had the three proposals with him but that he didn't copy them as they were quite thick. He said that there were three bids; two that he didn't think were unreasonably high but had quite a disparity from the low bid. Mr. Donhauser said that the question was, if they were looking for a recommendation on which firm to hire, then it was very difficult to forget about the low bid because, even if the low bid doubled (finding a problem that became problematic) they were still below the highest bid. He added that it was difficult for him to say they should go with one firm over another and he had no individual relationship with them, clarifying that the only relationship he had with one of the firms was Ron Beaulieu & Company, explaining that when he was doing auditing Mr. Beaulieu did his peer review; that he was an excellent accountant but he was one of the higher bidders. He said that he was not necessarily here tonight to make a recommendation but, if they took the lowest bid he thought that, even if it doubled it would be below the highest bid.

Mr. Moynahan asked if, when the RFP's were sent out and the bids came back, were they all apples for apples so, in other words, all the companies were given the same workload and tasks to complete for the Town of Eliot's financials so that what they (bidders) gave back to them was that "not to exceed" or was it based on number of hours.

Mr. Donhauser said that the first one was "not to exceed" and was the lowest bid, which was very surprising to him. He added that, in the summary, he put in the hourly rates of the principals, managers, senior accountants, and staff accountants and they could see quite a disparity between the low bid and the high bid. He also added that, as a Certified Public Accountant (CPA), he was amazed at the hourly rate that they were willing to work for. He said that, with respect to Mr. Moynahan's specific question, they responded to the RFP equally, adding that he looked at all three proposals and they addressed exactly what in the audit needed to be done and they knew what Eliot was going to do, as a Town.

Mr. Dunkelberger clarified that Mr. Donhauser asked Berwick and Kennebunk for feedback and asked what the feedback was.

**6:50 PM**

Mr. Donhauser said that the feedback was exceptional, adding that RHR Smith & Company has audited both these towns for in excess of 6-10 years. He added that he asked the specific question of what their fees were and their fees were what this fee was. He emphasized what was utterly amazing to him was that they had a three-year contract; that the other two just wanted one year and then it was "to be determined" the next year and the next year and that was very common. He said that RHR Smith did 20% of the audits in Maine so, somehow, they were doing these audits very, very efficiently. He said that the feedback from both was that they were in and out; that they gave a checklist and want towns to provide them certain

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things before they arrived; that it was very-well planned; that they were very competent and he had no negative response. He added that there was a third person he didn't call; that there were a lot of local towns around here; that RHR Smith actually did some work for Kittery, also. He said that he didn't call Kittery but the feedback from North Berwick and Kennebunk was so favorable that it was amazing; that they were working very inexpensively for the towns and he was very surprised.

Mr. Dunkelberger said that, based upon the feedback and based upon what he considered a fabulous price, particularly with considerably high expectations, he moved, second by Mr. Beckert, that the Board of Selectmen enter into a three-year contract with RHR Smith & Company to perform the Town's audits on an annual basis.

**DISCUSSION:**

Mr. Murphy asked if this contract was absolute and in place before they did [anything] or could it be conditional on doing something that the Town was pleased with the first time – if they did it right and the Town was pleased with it, then yes, they would enter it as a three-year contract.

Mr. Donhauser said that what would actually happen, normally, is that they would present the Board with an engagement letter and that letter allowed the Board to disengage them, as they couldn't force the Town to engage them so, the Board signed an engagement letter for this year but they also sort of were contracting with the Town, in a sense, that they would do the same thing the following year.

Mr. Beckert clarified that it was an option to renew.

Mr. Donhauser said that they did have a caveat in their proposal and he would like to read that to the Board, that it was very common and he didn't think it was going to be a problem, reading: *"If significant additional time is necessary we will discuss it with you and arrive at a new fee estimate and delivery date before we incur additional cost."* He reiterated that that was a very common thing that accountant put in because, if they gave a price or estimated fee and they arrive and everything was in a total mess, then they were not going to go forward with that, adding that he didn't think that that was going to be a problem. He said that they had that little caveat in there but it also said *"This price is in effect for three years. The audit price will not exceed the stated price and the above fee and proposed timeline is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered for any audit."* He added that it also said that *"Our price includes all travel and out-of-pocket expenses related to the audit and all client communications related to the audit."* He added that it was an unbelievably good deal and, again, he was not recommending that the Board hire that particular accountant but this was a very good bid.

Mr. Hirst asked Mr. Donhauser if he was comfortable that they were intimately familiar with fund accounting.

Mr. Donhauser said yes. He clarified that he didn't know them but he had a list of the clients they audited and it was extensive; that it was two pages long and he could read off a series of towns; that they also have a peer review attached. He clarified that every CPA that did auditing had to have a peer review every three years, which requires that another accounting firm came in to review their work, and they issued an opinion on ones work and it was either fail, pass with qualifications or comments, or pass, and this was a pass and one couldn't get a better peer review. Mr. Donhauser said that he couldn't speak to their expertise in fund accounting because he didn't know who they were, that he has never met the principals, but he would assume that, if they did all the towns (he will share that) he saw before him, then he would say that they were competent.

Mr. Hirst said okay, that that was all he needed.

Mr. Moynahan said that there was a motion and a second on the floor and asked if there was any more discussion. Hearing none, he asked for all those who were in favor.

**VOTE**

**4-0**

**Chair concurs**

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Mr. Moynahan asked Mr. Blanchette to engage a contract with that firm. He thanked Mr. Donhauser for providing the information and soliciting the estimates for the Board.

**6:55 PM**

Mr. Case, Energy Commission (EC), said that they came before the Board two weeks ago and mentioned that they had been looking at a large solar array possibility on the Town Garage; that they now had two bids and they would like to give a brief update and get feedback, with no decision needed tonight but, if the Board would like more information in any way, then they could provide that and have a more in-depth discussion at a future meeting.

Mr. Brickett said that what he and Mr. Case had done was to crunch some numbers from two very solid proposals that they have had from two local solar installers; that one was out of Portland, Maine called ReVision Energy, the other one was Sea Solar out of Dover, NH; that both of these outfits have done a good job in the past and were reputable. He said that what they found and he thought in the Town's interest was that, instead of the Town having to put any money upfront to generate electricity, they were actually looking at a proposal that they had chosen where Eliot recognized an immediate savings. He explained that Eliot's electric bill, which would be utilized as an offset against the Town Garage DPW total and a portion of it would be utilized against the electrical usage of the sewer pump or Transfer Station. He said that they put some numbers together; that they projected these numbers out over 40 years; that the savings to the Town, initially, weren't a whole bunch; that it didn't cost them anything upfront; that they were looking at maybe \$500 a year, initially, for the first six years. He added that, if the solar system worked as well as he thought it would work, then the Town would recognize somewhere in the order of over \$700/year in savings and basically amortize and buy this system back over another ten years. He said that, after fifteen years, they would own the system outright and at that point they would be recognizing \$5,000 - \$7,000/year in savings, adding that this was on a flat rate – that this was on today's electrical rates. He said that, if they were looking at projections, which they were looking at 2%/year, then this could save the Town well over \$300,000 in this one small array over the next forty years. Mr. Brickett said that he and Mr. Case have looked at these numbers; they've crunched them back-and-forth; that they had been very, very conservative in their outlook on what it could generate and very, very generous on what they guessed it would cost to insure the system and for maintenance. He said that they strongly recommended the ReVision Energy proposal to the Town for serious consideration. Discussing the timeline, he guessed they would install it in March and they would get the system up and operating he would say by April. He added that it would be on the Town Garage roof; that they had talked with Mr. Moulton already about re-roofing – that they wanted to re-roof his roof before they put a 40-year solar panel on the top, even though the solar panel would protect the roofing a bit. He said that Mr. Moulton could probably expand on that a bit. He added that they could get the system up and operating, probably, by mid-spring; that people coming to the Eliot Transfer Station would see it and ask questions about it; see how it was working; that there was no commitment to the Town of Eliot, initially, for this system; that they would basically recognize a savings in their kilowatt rate per hour for six years. He said that, at the end of the six years, they would have the option of buying the system or continue to purchase electricity from ReVision, hopefully, at a discount. Mr. Brickett said that what it all came down to was that, when one was making electricity with renewables, one could sell it for a premium – it was called carbon offset. He added that these laws were in place right now and that they were expanding all the time. He said that he felt comfortable that they could start with a small system, which would partially offset the minimal electrical uses of the DPW and the pump station. He said that, if this all worked out good; give it a year or two; they had two acres sitting up there at the landfill cap. He said that there was more than enough area there to generate enough electricity to pretty much run all the Town buildings and actually have an excess they could pump to the schools.

**7:02 PM**

Mr. Dunkelberger said, again, particularly for the committee, a wonderful report; that this was excellent and a good proposal. He added that they were very solid numbers and certainly got him excited after having just returned from Colorado, where both the state and municipal governments actively pursued solar power, seeing solar panels everywhere. He said that he thought that this was a very positive way to go and, particularly, with no initial investment by the Town. He added that the only investment, of course, would be on the roof and asked if they had the budgetary support for that replacement.

Mr. Moulton said that he probably would be looking at, at least, doing the front half, which they were looking to do; that the estimate was preliminary – that the estimates he had for doing the entire roof was around \$25,000 so they were looking at around \$12,000 to \$15,000,

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which was in the reserve account that they developed last year during budget season and that they had used minimal of it right now. He added that he was checking with Ms. Spinney to see if there was enough money in there and, if he recalled correctly, then he thought there was. He said that they could at least do half before...because there were issues with it but not major issues, as they have been doing maintenance to it. He said that, in his opinion, before they put something up there, they would want to do the roof – at least that half, and then do the other half in another season.

Mr. Moynahan said that, perhaps they could get three written estimates for the front-half roof replacement so that, when they were making a decision on how to move forward with this, at least they would know all the costs involved.

Mr. Murphy asked what kind of roof this installation required.

Mr. Brickett said a regular asphalt roof. He added that the good thing about solar panels was that they covered up the roof and so they had very little aging, guessing that they could double the life of the roof. He said that this was a good time to do it because, when these panels got mounted, they actually got bolted into the rafters and stringers; it was a very serious system in the way that they did it and it would be tough to go in there and re-roof. Mr. Brickett said that he and Mr. Moulton had talked a little about it in the past, he thought it needed to be done, and suggested they punch a roof on if they had the money in the budget. He added that they would then be good for at least 40 years.

Mr. Moynahan reiterated for Mr. Moulton to provide those estimates for the Board and the Board would bring this up once they had all associated costs and direct him in the proper way at that point in time.

Mr. Brickett agreed.

Mr. Murphy said that they would presumably have a contract and asked what the deadline date was for that contract, was it before December 31<sup>st</sup> or something like that.

Mr. Brickett said yes, that they could actually have the contract before December 31<sup>st</sup>. He added that, every year, things changed a wee bit with respect to the carbon credits and the way the pennies came out. He said that he talked with ReVision Energy and they would give Eliot what they called a revised proposal at the Town's request, which they could probably have within a week so that they could get it right down to the dollars and pennies. He added that they were too busy to get the system in before December 31<sup>st</sup> this year, however, they could quote whole price to get it installed in spring-time.

Mr. Murphy asked if the Town got the credits and sold them or were these credits something that ReVision could keep and was that why they could afford to let the Town have such a good bargain.

**7:05 PM**

Mr. Brickett clarified that, for the first six years and he wasn't sure of the exact number, they sold renewable energy back to the grid for more than gas-powered plants or fossil-fuel plants were generating; that that was where the deal was. He said that, when the Town looked at this in six years and decided it was a good deal, then the Town would buy the system and sell clean electricity for a premium, asking Mr. Case if he was correct.

Mr. Case said that they were anticipating that the Town could sell power in the future but that was not part of the PUC's rules right now.

Mr. Moynahan said that that would be a conversation at that point. He said that he hated to cut them off but that they had a Public Hearing on the agenda at 7 PM. He thanked them for their presentation.

Mr. Case and Mr. Brickett thanked the Board for their time.  
Ms. Fournier asked if she could ask a quick question.

Mr. Moynahan said that the Board had to move to the Public Hearing, which was scheduled at 7 PM.

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**New Business (Correspondence List):**

**7:06 PM**

**#1** TO : Board of Selectmen  
FROM : Susan Allen, dba Sue's II  
REF : Application for liquor license

Mr. Moynahan read: The Eliot Board of Selectmen will be conducting a Public Hearing on the application of Susan Allen dba Sue's II, 424 Harold L. Dow Highway, Eliot, Maine, for a Liquor License. Written and oral testimony will be accepted. Written testimony may be mailed to Eliot Town Office/License Hearing at 1333 State Road, Eliot, Maine 03903. He said that the date was October 11, 2012 at 7 PM.

**7:06 PM      The Public Hearing was opened.**

Susan Allen was present.

Mr. Moynahan clarified that she was looking to have a liquor license at a new establishment in Eliot and all the paperwork has been filled out. He asked if there were any questions from the Board.

Mr. Hirst asked if John W. Price Trust was in Eliot because it was not shown on the application.

Ms. Allen said that that was John Price of J.P. Shellfish.

Mr. Hirst clarified that his address was Eliot.

Ms. Allen said yes.

Mr. Hirst asked if she could identify for him where on Route 236 this was located.

Ms. Allen said that it was directly next door to Toby Sheet Metal in the little gray building.

Mr. Hirst clarified that it was in the building that housed Positive Paws.

Ms. Allen said yes.

Mr. Moynahan asked if there as anyone else who wished to speak. There was no one.

**7:09 PM      The Public Hearing was closed.**

Mr. Beckert moved, second by Mr. Dunkelberger, that the Liquor License Application in the name of Susan Allen dba Sue's II of 424 H. L. Dow Highway be approved.

**VOTE**

**4-0**

**Chair concurs**

At this time, the liquor license was signed.

Mr. Hirst said that the Board wished her good success.

At this time Mr. Moynahan moved back to Department Head and Committee Reports, asking Mr. Blanchette if he had anything this evening.

Mr. Blanchette said that the only thing he had was to not forget the holiday schedule, adding that they didn't need to take care of it right now.

Mr. Moynahan said that Mr. Blanchette had produced numbers for the holiday schedule and he believed that it was \$6,300 per occurrence of salary and benefits and overtime and there were three such holidays – an \$18,000 benefit.

Mr. Dunkelberger asked if the Chairman would like to discuss that now or should they wait.

Mr. Moynahan said however the Board liked.

**BOARD OF SELECTMEN'S MEETING**  
**October 11, 2012 6:30PM (continued)**

Mr. Dunkelberger said that he had a proposal that would lessen the cost but, at the same time, potentially respect the lack of business that occurs during those days. He added that, where he worked, during days like the day after Thanksgiving they normally didn't have vacation time, however, normally they were required to have all of their shops manned on a day-to-day basis. He said that days like the day after Thanksgiving they had what was called a "liberal leave" policy, which removed that requirement to have all those shops open and let people take leave. He added that he would propose something similar here for the day before Christmas and the day after Thanksgiving where they would have a liberal leave policy and if the employees, far enough in advance, let Mr. Blanchette know that everyone was going to be gone, then that particular section would be closed for services. He said that the employees would actually be using vacation time.

Mr. Moynahan said that he thought that that was the conversation that happened each year; that Mr. Blanchette came before the Board to ask if the Board wanted to close Town Hall for a specific day and it was a matter of compensating the employees or having them use their earned time.

Mr. Dunkelberger said that he was suggesting they utilize their sick leave, if they chose to do so, but this gave the flexibility to then either have certain sections open for those that didn't want to take vacation time or not. He added that the reality was that during those days, particularly those two days, probably State and federal offices would be at minimum or no manning, anyway, so there would be very little business that could be transacted between the Town and State or federal offices.

Mr. Beckert said that the State offices were closed on the day after Thanksgiving; that that was an annual occurrence; that the State shut down and there would be no State office support for any Town Hall functions.

Mr. Murphy asked about the day before Christmas; that it was a Monday.  
Mr. Beckert said that he wasn't sure.

Mr. Moynahan said that he thought that it was a direct benefit to the employees to give them additional time to be with their families and that sort of thing; Christmas Eve and day after Thanksgiving. He said that it was just a matter of how they were compensated; did they use their own funds or did the Town find funds to compensate them.

Mr. Dunkelberger said that his impression was that the employees were more than willing to use their own time if they allowed them the flexibility to do so.

Mr. Moynahan said that he thought it would be reasonable to close the offices, as requested, and the employees could utilize whatever earned time that they had.  
Mr. Dunkelberger said that for those that didn't want to take vacation time it would probably give them some quiet time to catch up on some housekeeping details.

Mr. Murphy clarified that they would come to work.  
Mr. Dunkelberger said yes if they chose not to take vacation time.  
Mr. Murphy clarified that the Town Hall wouldn't be open.

Mr. Moynahan said right; that they would be offered that opportunity if they chose not to utilize earned time, vacation time, or what-have-you, then they could come in.

Mr. Dunkelberger said that they would not necessarily have to say that the Town Hall would be closed, as they could be open for limited services, if someone chose to work.

Mr. Moynahan suggested it could just be services not open to the public; that they would still be closed but, like Mr. Dunkelberger said, they could catch up.

Mr. Dunkelberger said that the Board could allow the department heads to handle that internally, as to who would want to do that, and they could just post it far enough in advance on the web site and around Town so that everybody would know exactly what services would be available on those days.  
Mr. Murphy asked if there must be supervision for a worker; that he didn't know what the requirements were for that.

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Mr. Moynahan said that he really thought it should be all or none.  
Mr. Beckert asked if they needed to make a decision on this tonight.

Mr. Moynahan said that that was not necessary; that the numbers were provided and Mr. Dunkelberger wanted to start some conversation.

Mr. Dunkelberger suggested that the sooner the Board made a decision the sooner that the employees could plan on what they were going to do about vacation time.

**7:15 PM**

Mr. Hirst suggested that Mr. Dunkelberger restate his suggestion for Mr. Blanchette, who was out of the room, and see how that would work for him.

Mr. Dunkelberger restated his suggestion.

Mr. Moynahan suggested that, since they had had some pretty good input on this, the Board could add this to their next Thursday agenda, have discussion on it, and see if they could come up with a decision.

The Board agreed.

Mr. Murphy suggested the department heads come in because they may know something that the Board did not.

Mr. Moynahan asked if Mr. Blanchette had anything else.  
Mr. Blanchette said no.

Mr. Moynahan asked if there were any other department head or committee reports.  
There were none.

**7:16 PM**

Ms. Fournier asked if she could make a brief comment about what the Board was talking about on the holiday situation.

Mr. Moynahan said yes.

Ms. Fournier commented that she thought that they should be able to take off the day after Thanksgiving and Christmas and some companies allowed that. She asked why couldn't the Town, because the Town could pass ordinances that were more strict than the State laws – why couldn't they work on passing an ordinance to make the day after Thanksgiving and the day after Christmas a Town holiday.

Mr. Moynahan said that it came with a cost and what they found out tonight was that the cost to the Town was \$6,300 for each occurrence. He added that they were all for offering the days off but it was a matter of if the Town funded it or the employees utilized their earned time. He added that that was the Board's challenge – how those costs were absorbed. He clarified that they were not saying that the Board didn't want them to have those days off but that they were trying to come up with options that worked for everyone.

**7:18 PM**  
**#2**

TO : Board of Selectmen  
FROM : American Red Cross  
REF : "Real Heroes"

This was a program from the American Red Cross that identified and honored "Real Heroes", *"recognizing residents and employees in Cumberland and York counties who have demonstrated acts of heroism and shown courage, kindness, and unselfish character in service to others."*

Mr. Moynahan said that they had nomination forms if anyone would like to nominate someone for the "Real Heroes" Program and the deadline for nominating someone was February 10, 2013.

Mr. Dunkelberger read off the different categories for the public. They are: Public Safety, Life Saving, Community Service, Youth Community Service, Military, Animal Rescue, Education, Workplace Safety, International Service, Medical Provider/Outreach,

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**October 11, 2012 6:30PM (continued)**

Environmental Services/Outreach, and Other. He said that he did know that they ran this program rather successfully in the Seacoast area.

**7:20 PM**  
**#3**

TO : Board of Selectmen  
FROM : PSNH  
REF : Sierra Club

Mr. Moynahan said that he had some correspondence from Ms. Celentano of PSNH and asked if she would like to speak.

Ms. Celentano said yes and that she would like to introduce Mr. Despins, Station Manager from the Schiller, who has been here before.

Mr. Despins thanked the Board for allowing them to speak tonight, adding that they had met Ms. Celentano, the Community Relations Manager for PSNH, and he also had Mr. Patrie, who was their Maintenance Manager. He said that they were here tonight to ask to open up a dialogue with the Town of Eliot and PSNH as it pertained to the Town's discussions with the Sierra Club pertaining to Schiller Station's operations. He added that, at the Board's meeting of September 13<sup>th</sup> they may recall that he stated, on the record, that PSNH was fully aware of the EPA's air quality standards and that they were prepared to participate in resolving air quality issues that might arise, whether it was in the State of New Hampshire or in the State of Maine. He said that PSNH worked closely with both state and federal regulators to ensure the Schiller Station operations were not only in compliance with the law but went above and beyond whenever feasible. He said that, in addition, PSNH was always willing to have a dialogue with neighboring communities about any concerns that they might have. He commented that the door was always open at PSNH to discuss and consider any collaborative efforts and that Schiller Station was already a good neighbor, as displayed by their collaborative efforts with many of the Eliot riverfront residents on noise issues. Mr. Despins said that he would like to bring to the Board's attention an article from seacoatsonline.com, dated June 26, 2010, entitled 'Eliot Resident's Blog Reduced Noise' and, in it, it discusses some Eliot residents expressing their appreciation for the work PSNH did with them in resolving their issues. He added that one of those residents was named Dan Boganam and he read a quote: "*Boganam expressed his appreciation. Your efforts have made a huge impact. It goes beyond just the sound we were hearing. You've made a difference in property values and quality of life. All sorts of things have happened because you made the effort to listen to us and do what you did.*" Mr. Despins said that, at the time they were developing their Northern Wood Power Project, they took the initiative to contact the Town of Eliot and met with Town officials to go over those plans for that project, as well as to provide contact information should the Town need it. He said that PSNH and Schiller's 83 employees, many of whom live in communities on this side of the river in Maine and in Eliot, were proud of the environmental record at Schiller Station. He added, at the very least, let there be no misunderstanding that Schiller Station operated in accordance with all local, State, and federal permits. He said that, beyond that, they were always looking for new opportunities to reduce emissions and have completed many on a voluntary basis, such as: Schiller Station has chosen to burn low-sulfur coal for many years, which resulted in actual SO<sub>2</sub> emissions less than half of their permit. He said that in 2006, the Northern Wood Power project that he referred to, they replaced one of their existing coal boilers with one of the state-of-the-art fluidized bed technologies boilers that burned 100% wood. He said that this 75-million dollar project was the first fossil fuel unit in the country to be converted to wood and, as a result, become a model across the country for similar conversions, receiving numerous state, regional, national, and international awards, including recognition from the EPA, itself, awarding them the EPA Clean Air Excellence Award. He said that in 2010 PSNH entered into a partnership with Lindt Chocolate, where PSNH took a by-product of their process, namely the cocoa shell, and used it as part of their fuel mix. He explained that every ton of cocoa shells that they burned displace a half ton of coal. Mr. Despins said that, in addition to those initiatives, they have made numerous other emission control improvements at Schiller Station, including the addition of precipitators, which were designed to remove ash particulate from the flue gas. He added that they have installed a system called selective non-catalytic reduction and other improvements associated with reducing NO<sub>x</sub> emissions; that they covered their coal piles to minimize air-borne dust and, as he stated, they burned low-sulfur fuels. He said that the Sierra Club claimed that it was seeking cleaner air by its actions, yet, this same organization has repeatedly tried to prevent the construction and operation of their Merrimack Station scrubber, which was designed to reduce both SO<sub>2</sub> and mercury emissions by about 95%. He said that

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**October 11, 2012 6:30PM (continued)**

the Sierra Club challenged pollution control projects in the New Hampshire Department of Environmental Services (NHDES), the New Hampshire Air Resources Council (NHARC), the New Hampshire Public Utilities Commission (NHPUC), in the New Hampshire Legislature, as well as notifying PSNH of its intent to sue in federal court. He added that the Sierra Club has lost in every forum and, as a result, the scrubber – the largest environmentally-beneficial pollution control project ever undertaken in the State of NH – is now complete and fully operational; and still the Sierra Club was looking to shut it down. He said that they needed to remember that the product they were talking about that was produced at Schiller Station was electricity, which was critical to everyone's everyday life. He added that society should be careful not to allow special interest groups to arbitrarily decide which forms of production of electricity were acceptable and which were not. He said that they must ensure that a diverse blend of fuels was maintained in order for them to sustainably retain the reliable supply of electricity they have come to expect each and every day.

**7:28**

Mr. Despina thanked the Board for the opportunity to speak and tell their side of the story, as well as re-emphasizing some key messages. He said that they were good neighbors and they have always worked to do the right thing. He added that they sought ways to operate well below any permit limits; they had a track record of working with neighbors in New Hampshire and Maine. He added that he assured them that they would continue to do the same in the Town of Eliot. He said that they always strived to do the right thing for customers, the environment, and their neighbors. He added that, as he stood before the Board this evening, he has yet to receive any contact from any official in the Town of Eliot, including the Eliot Energy Commission (EEC), regarding the Sierra Club's request nor has he been given the opportunity to review and discuss the information provided to the Board by the Sierra Club about the facility he worked at and managed. He said that what he was asking from the Board tonight was to be given the opportunity to open up a dialogue with the Board to ensure the Town was fully informed before the Board listened to one biased group whose motives were to close Schiller Station. Additionally, he asked for an opportunity to meet with the Board before any letter was finalized and sent to the EPA; that that seemed only fair. He reiterated his appreciation for the Board's time and he would entertain any questions the Board might have.

**7:31 PM**

Mr. Dunkelberger said that he truly appreciated all of the efforts that Schiller Station has taken to mitigate both the air as well as the noise; and he especially appreciated Mr. Despina coming here and offering to open the dialogue. He wanted to ask him a question. He said that, right now according to what Mr. Despina said, Schiller Station currently met its permitted sulfur dioxide emissions. He added that they should differentiate between what the EPA standards were with regard to air quality versus what Schiller was permitted. He clarified his question to ask if Schiller Station was currently meeting EPA standards for air quality as it related to sulfur dioxide.

Mr. Despina said that they were operating well-within their permits.

Mr. Dunkelberger said that that was what he was concerned with because the permits didn't address what the EPA standards were.

Mr. Despina said that he was right; that he believed what Mr. Dunkelberger was referring to the national ambient air quality standard – the NAAQS – as it pertained to SO<sub>2</sub>.

Mr. Dunkelberger said yes. He added that he realized that Schiller Station was a relatively old station and been grandfathered under its permits.

Mr. Despina said that that was not correct. He said that they had active operating permits that were current – their Title 5 Permit - and, in fact, they were going to be going into the process for renewal. He added that what he thought the issue was here was that the EPA's NAAQS required states to determine the air quality in each of their respective states and at this time, until the EPA issued its instructions on how to conduct the modeling and utilize monitoring data, they didn't know what that answer was. He added that, when they had that answer, then they would know, collectively, what the issues were in this region and then, from there as he has stated to the Board repeatedly, they would participate in any solution required, whether it be in the State of NH or the State of Maine, to make sure that those air quality standards were met.

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**October 11, 2012 6:30PM (continued)**

**7:34 PM**

Mr. Dunkelberger said that that was probably a discussion they needed to have because the resident's concerns seem to focus around sulfur dioxide pollution. He added that he would be curious, if they were to measure it on this side of the river, as to what Eliot had in the way of sulfur dioxide pollution as it related to the EPA ambient air standard.

Mr. Despins said that that was a process that needed to be completed; that every state, he believed, was required to complete that process.

Mr. Dunkelberger asked if that was something, then, that PSNH, maybe in partnership with Maine DEP, could help them determine.

Mr. Despins said, again, that they wanted to open the dialogue and investigate what options may be available.

Mr. Moynahan asked if they currently tested the air in New Hampshire as it related to sulfur dioxide, as part of their permit for the EPA. He asked how they got those readings to make sure...

Mr. Despins said that their permit required them to measure as it was leaving the stack; continuous emissions monitor was what it was referred to – CEM's – and they continuously monitored emissions – in this case, the SO<sub>2</sub> as it left each individual stack and they were limited on what it could pass. He added that they were always well below that limit.

Mr. Beckert asked if it would be the State of Maine's DEP that would take the readings necessary to see where Maine's limits were now.

Mr. Despins said that he believed that that was correct. He added that he wasn't an expert but he believed it was under the jurisdiction of each state's DEP as it pertained to them to make sure that the State of Maine was meeting the NAAQS.

Mr. Hirst asked Mr. Despins if he had received the September 2011 air quality study that the Sierra Club submitted to the Board.

Mr. Despins said that he has not received any materials from the Town.  
Mr. Hirst clarified from the Sierra Club.

Mr. Despins said that he attended a public hearing they held in the Town of Eliot a couple of months ago. He added that they were gracious enough to allow him to participate and he did receive materials at that meeting; that he couldn't tell them whether it was the same materials as what the Board had.

Mr. Hirst said that he would like to state, for the record, that he would oppose a Section 126 action until the Board actually sat down with Mr. Despins and gave him an opportunity to respond.

Mr. Despins said that they would appreciate that.

Mr. Moynahan said that, at this time, they did not have a final draft of what would be presented from the Town of Eliot. He added that he thought that they were currently working on that and, once they had that in hand, it would be smart to review that, maybe invite public service in, and discuss how they, as a Town, got to what they wanted, which was clean air; what was the most effective route for the citizens – would it be more timely working directly with the company or would it be more beneficial to go through a petition. He added that he thought that, once they had the draft as it related to the language, specific to the Town of Eliot, then they could get all parties involved, then see to making the right decisions on how to move forward on it.

Mr. Beckert said that, as a courtesy, if PSNH was not given copies of what the Board was given several weeks ago, then he would recommend, so that all parties had the same information, that the Board make that available to Mr. Despins and folks at the Schiller Station so that they could review it before sitting down at the table.

Mr. Moynahan agreed.

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**October 11, 2012 6:30PM (continued)**

- 7:38 PM** Ms. Corkery clarified that the document was sent to PSNH and whether or not they shared it with the station plant manager was not her responsibility; it was shared with the company. She added that she had a couple of comments but would first like to introduce Maggie Wendler, another Sierra Club person, who would like to address some of the claims from the PSNH Schiller Station Manager.
- 7:40 PM** Ms. Wendler introduced herself, saying that Mr. Fabish couldn't be here tonight and added that she has been working on this case almost as long as he has. She said that she thought they got a little off-track of what was really going on here. She said that it was an issue of sulfur dioxide, not particulate matter, not NOX or all these other pollutants, it was sulfur dioxide. She said that an independent contractor, not an employee of the Sierra Club, modeled it based on Schiller's allowable emissions under their permit which, we have hinted at, were set way too high and they were actual emissions based on their highest emissions for a year's span. She explained that what the model did was to show that air pollution from the Schiller Station was traveling across state boundaries and Maine has no control over what was in this permit, adding that it cannot impact what NH put as the limits. She said that Mr. Despina mentioned that they were seeking a new permit; that their current permit has actually expired and so they were updating. She said that they have lowered the sulfur dioxide levels slightly; however, it was still set too high. She added that their third-party contractor put those levels in and again found that pollution was crossing state borders and that was against the Clean Air Act's Good Neighbor provisions. Ms. Wendler said that all this petition would do would be to submit this information to EPA and to ask them to evaluate it. She added that EPA would then take the reins; if the EPA were to accept the petition then the plant would be set on a three-year timeframe to do whatever it saw fit, whether that was fuel-switching, installing pollution controls, that would be a business decision that the EPA would work with the plant on. She said that it was really a simple process; it set up that three-year timeline versus the implementation process that Mr. Despina mentioned, as well, which was a much longer process. She said that right now they were still implementing rules from 2006 for particulate matter; that these standards were still be run through EPA approval process with state regulators so that was a much longer timeframe and, as a Maine governmental body, the Board couldn't really impact what happened in NH, except through this program provision. She added that, if they had any other questions in that regard, she would be happy to answer them.

Mr. Moynahan said that he thought it would be a more productive conversation to have all the information in front of the Board and have a better dialogue with all parties involved prior to that occurring.

Mr. Faulkner, Maple Avenue, resident for 36 years and, in full disclosure, he was employed for 16 years by PSNH in the environmental department. He said that he would not repeat the testimony he gave two weeks ago regarding the history he gave but what bothered him was that Mr. Despina mentioned that he wanted to be a good neighbor; that it has always been their experience that Schiller has always been reactive, not proactive. He said that Mr. Despina talked about the dust issues and noise; that they went years suffering from dust problems in South Eliot; he, himself, was given a certificate to his house, pressure-washed back in the early 2000's; they finally covered up the pile. He added that they complained about the noise issue for many years and they finally did take care of it but, according to one of their own employees, they didn't really take it seriously until he was cruising down the river one day and mentioned how loud the noise really was. He added that he didn't think they had taken them (Eliot residents) seriously across the river. He added that, at one hearing some years ago, they talked about NOX source being from traffic over the high-level bridge, and that sounded all well and good, but the wind rose accompanying prevailing winds northwest in the winter and southwest in the summer would put the lie to that. He clarified that these were all technical issues they were talking about, adding that here in Town, when he was still employed with PSNH, PSNH did not want to make the coal conversion because of these things but now everything was going fine. Mr. Faulkner said that, on something of a more personal nature that he had never mentioned before but, he thought the good neighbor thing put the lie to it – on Tuesday, June 26, 1986, in the employ of PSNH, he was seriously injured while performing duties in environmental compliance work at the Seabrook Nuclear Plant; he was taken to a local hospital, transferred to the Lahey Clinic because of their diagnostic capabilities; at the time he was single and his next-of-kin was his mother; this was how his family found out: first off, when my family found out...

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**October 11, 2012 6:30PM (continued)**

Mr. Moynahan said this...

Mr. Faulkner said no, that this had to do with the good neighbor thing...

Mr. Moynahan said, "Excuse me, but it doesn't..."

Ms. Fournier said that she really wanted to hear this because they weren't her good neighbor, either...

Mr. Moynahan interrupted again and said that he was not going to allow finger-pointing and all that...He said enough. He said that they were, as a Board, committed to having clean air within the boundaries of the Town; that they were seeking to have the best, most effective and timely means for that.

Mr. Dunkelberger asked Ms. Wendler what Sierra Club's objection was to the Merrimack scrubber.

**7:43 PM**

Ms. Wendler said that she was less familiar with that piece than she was with the Schiller case. She added that she believed their main issue with the proposed project was the increased cost that it was going to give to rate-payers, so, from her understanding of the case, it was an issue for rate-payer impact with multi-million dollar costs that the scrubbers could push on the business then trickle back down to rate-payers, which wasn't good for anybody, either.

Ms. Richards, Eliot resident, said that she just wanted to remind everyone here that the citizens of Eliot have been trying to open a dialogue for decades and they have had phones hung up and doors shut, so, they were just asking the Town to take kit to the EPA because it was not the citizen's job to interpret all the data and, as knowledgeable as they all were, it was not their job, either; it was the EPA's job. She added that they set the standards and they were the agency that the citizens had charged with making sure everybody was in compliance so they were just asking the Town to put them to work for them.

Mr. Moynahan said that they had moved forward with trying to get language specific to the Town of Eliot as it related to the EPA...that they would make an informed decision on what the best avenue to proceed with was, for the residents of the Town, as it related to clean air standards.

Ms. Richards said that she would also like to say that, so far, it was very much appreciated, as an individual; that she appreciated the steps that have been taken so far.

Mr. Hirst said that he thought that one of the folks indicated that they would have available for the Board the format of the 126 action so that they could look at it to see what it said.

Ms. Wendler said that she believed that was sent.

Mr. Hirst said that he had not seen it.

**7:45 PM**

Mr. Blanchette said that he had forwarded it by email; that it did not come in time for tonight's agenda but he has forwarded it to each one of the Selectmen by email and gave Mr. Murphy a hard copy. He added that, if Mr. Hirst had not received, then just let him know.

Mr. Moynahan thanked everyone for coming in to try to take care of this and this Board will set up a meeting with all when they were prepared.

**7:47 PM**

**#4**

TO : Board of Selectmen

FROM : Counseling Services

REF : Thank you letter for Town allocation for FY 2012

Mr. Moynahan said that this was a thank you for Eliot's continued generous funding of CSI Counseling, Inc.

**#5**

TO : Board of Selectmen

FROM : Dept. of Conservation

REF : MNAP

Mr. Murphy suggested that this should be forwarded to the Conservation Committee.

**BOARD OF SELECTMEN'S MEETING**  
**October 11, 2012 6:30PM (continued)**

The Board agreed.

**#6** TO : Board of Selectmen  
FROM : Kittery – Maine's First Port  
REF :

Mr. Moynahan said that this was regarding memorial project support for the USS Thresher. He added that the letter said that "*contributions are more than welcome, but mostly we seek your endorsement and assistance in getting the word out in your Town/City.*"

Mr. Dunkelberger suggested they put something on the Town website; a link to the memorial to let people have easy access to that, if they were interested.

The Board agreed

**7:50 PM**  
**#7** TO : Board of Selectmen  
FROM : Lee Downer  
REF : Letter of Appreciation

Mr. Moynahan said that this was a letter from Major General Downer saying that he was very thankful for the cooperation from the gun club and the Town of Eliot staff; that he still had some concerns with some range housekeeping, which should be relatively easy to fix. He added that he thought that, once the dialogue was opened, that they were taking care of things, collectively.

Mr. Dunkelberger said that he did bring a good point regarding the CEO and that was that he should probably be monitoring for lead build-up in the berms, adding that that was a problem he had some personal experience with. He added that they ought to see how they planned to mitigate that, adding that it should be relatively easy as long as they were thinking about it.

Mr. Moynahan said that he would follow up with the CEO.

**7:52 PM**  
**#8** TO : Board of Selectmen  
FROM : NCCI  
REF : Worker's Compensation Experience Rating

Mr. Hirst said that each year the National Council on Compensation Insurance (NCCI) reviewed the losses and premium of each entity that it oversaw and they published a multiplier based on a loss experience based on compared with what was expected and what has actually been incurred. He added that they publish a factor which, in this case, was .96, which means effectively that, as of January 1, 2013 (Worker's Comp renewal date), they would get 4% off based strictly on the experience of the Town of Eliot.

Mr. Dunkelberger asked if that was good.

Mr. Hirst said that anything that was under unity was wonderful but it used to be .76, so, it was less good than it has been but it was still good; it is 4% off and last year it was 2% off. He added that it was something over which they had very little control because they couldn't, other than safety consideration, really impact what kind of Worker's Comp claims they have; they could just try to minimize them and they did have a Safety Committee.

Mr. Blanchette said that Mr. Hirst might want to advise the Board members of the fact that, if there was a claim and the claim wasn't settled before this came out, then they had to carry over reserves for that specific claim. He added that sometimes that boosted the experience mod (rate modification) up.

Mr. Hirst said that it certainly did. He said that every year he called up their claims people to check on the status of each claim to see whether the reserve was reasonable that was being held on the books or whether a reserve could be dropped or a case could be eliminated, reiterating that that was something he did every year and would do again this year.

**BOARD OF SELECTMEN'S MEETING**  
**October 11, 2012 6:30PM (continued)**

#9

TO : Board of Selectmen  
FROM : York County Maine Revenue Services Property Tax Division  
REF : Proposed 2013 State Valuation

Mr. Moynahan said that this was York County's proposed State Valuation.

Mr. Blanchette said that, as the Board could see, he had last year's and this year's. He added that last year, their relationship to South Berwick, which was the key thing that they wanted to look at for Eliot because of the local share of the school. He said that Eliot's percentage was 52.5 for the current year and it was going up to 55.99%. He said that he didn't think this was the only thing that was considered in the local share but it was a major component of the local share.

Mr. Dunkelberger said that Eliot's valuation went up a million dollars and South Berwick's went down 19 million. He asked how did that happen.

Mr. Blanchette said that that happened in many various ways, adding that they went over the sales that occurred in the year and that was what came out of it, adding that, in reality, those numbers were showing that South Berwick had a decrease in valuation and Eliot has had an increase in valuation.

Mr. Moynahan asked if infrastructure was taken into account for State valuation – bridges and roads and such.

Mr. Blanchette clarified that it was purely the sale of the property and any new value that has come in line, but it was looking at the sales of the properties and, obviously, sales of South Berwick properties have decreased and Eliot's have continued to stay the same or increase. He added that Eliot has not had the decrease that a lot of other towns have had.

Mr. Moynahan said that they should forward a copy of this to the BC.

**7:55 PM**  
**#10**

TO : Board of Selectmen  
FROM : Mike Moynahan, Chair  
REF : Scheduling Calendar for 2013 Town Meeting

Mr. Moynahan said that he worked with Ms. Thain and did a clean copy of a proposed scheduling calendar preparing for a Town Meeting in June, adding that this was a draft for their review and someone had mentioned getting a clean copy. He added that it indicated some milestones and was for trying to get a better handle on prescheduling some of this and getting information out. He asked if they should utilize this for the time being and adjust as needed or add to it and that sort of thing. He added that he thought that the key was whether they were going to move forward with the sewer expansion on a referendum vote and the fireworks on a referendum vote and a town manager on a referendum vote and, if so, then these types of milestone meetings should occur or some semblance of this.

Mr. Dunkelberger said that he thought that this was an excellent product and he thought that they ought to try to stick to this.

Mr. Murphy asked if the BOS meetings were all on Thursdays.

Mr. Moynahan said that he thought they were shooting for the regular Board of Selectmen meetings or Thursday meetings, adding that he thought that with the other ones, they were targeting Thursdays, also. He added that he wasn't sure every one ended up on a Thursday or not. He said that they could certainly put the day on there, too.

Mr. Murphy said yes, that he thought that that was advisable.

Mr. Moynahan said that he would do that and have that emailed to everyone for review and, if that was the plan, then they should probably put it on the website at some point and start advertising, accordingly, and communicate to all the people that were on here.

The Board agreed.

**BOARD OF SELECTMEN'S MEETING**  
**October 11, 2012 6:30PM (continued)**

Ms. Adams said that she understood that they were probably required to do only one public meeting on a warrant and they had plenty on the sewer extension, which she knew was a big one, but she thought that the town manager was a big one and just one public information meeting she didn't think was going to do it.

**8:00 PM**

Mr. Moynahan said that this wasn't on the original draft he had started with; that at last week's meeting they discussed the town manager so he added that; that he put one date on the calendar knowing that, if they were going to move forward with that direction, then they would probably want more than that one meeting. He said that they already knew, with the sewer expansion, the vote was going to happen they needed to do these key dates; that if the town manager was going to be presented for the June meeting, then they would need more public meetings.

**Old Business (Action List):**

This was not 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
17. Monthly Special Meetings for Action List

**8:02 PM**

**Selectmen's Report:**

Mr. Dunkelberger said that he would like to thank the Board for accommodating both his surgical schedule and his trip schedule, adding that, unfortunately, he had planned some of his trips before they had scheduled their unscheduled meetings. He added that, hopefully the Board could do this far enough in advance so that he could plan future trips around Selectmen meetings.

Mr. Moynahan said that he and Mr. Blanchette spoke yesterday or today in regards to that to try to come up with a calendar that addressed the action items and dictate when they would have their off meetings. He suggested that they may not have them every week; that they might get back to once a month, at some point, and focus on an item and finish it as opposed to adding something new each week.

**8:03 PM**

Mr. Murphy said that he and Mr. Blanchette did another update on the IMA; that their engineers discovered a discrepancy in understanding in one of the points; that this Board had approved an earlier version of the IMA and Mr. Pratt said that he didn't think that was what they were going to do, etc. He added that he thought that that was straightened out and, so, he and Mr. Blanchette finished what they hoped was the final version but he has sent it to Mr. Pratt once again to verify that this was it. He said that they were nearly there and they probably would want to think of a Town Meeting to approve this because Kittery has been waiting for it and there was nothing controversial about this; that it just updated the way Kittery did its accounting, financially and technologically, with regard to the sewer plant and Eliot's current sewer contract. He added that, as far as he knew, the Kittery Town Council now had to review all the little changes that went through. He said that many small changes were made to make the proper definitions used and consistent usage throughout and loose

**BOARD OF SELECTMEN'S MEETING**  
**October 11, 2012 6:30PM (continued)**

ends were tied up so that both towns were protected into the future and it would be easier to change if they wanted to make an addition to it in the future.

Mr. Moynahan asked if he was thinking of a Special Town Meeting.

Mr. Murphy said that he didn't think they would want to wait until June; he thought Kittery would not want to wait until June.

Mr. Moynahan said that the sooner they had that finished document, the better they could plan and that sort of thing.

Mr. Murphy agreed, adding that the idea was that, once Mr. Pratt agreed that, yes, this was what Eliot should be and then ask the Kittery Council to look at it and, if they agreed, then it could come back and this Board could take it to Town Meeting. He added that, if the Town Meeting agreed with it, then the Board could sign off and Kittery Council could sign off, so, it was the Eliot Town Meeting that was the ultimate bottleneck before accepting by either town.

Mr. Moynahan asked if there was a timeline that Underwood had to complete their review.

Mr. Murphy said no; that he thought that Mr. Blanchette just sent it.

Mr. Blanchette said that he sent it just this afternoon.

Mr. Murphy said that they would wait for Mr. Pratt to come back and he suspected that Mr. Pratt would have made a comment by their next meeting and they could put it on that agenda, assuming that Mr. Pratt had come back with his approval.

**Other Business as Needed**

There was no other business tonight.

**8:05 PM**

**Executive Session**

Mr. Beckert said that, as they had two different executive session titles that they needed to go in to, then he would make a motion for both at the same time. Mr. Beckert moved that the Board of Selectmen go into executive session as allowed by M.R.S.A 1 § 405.6.A "Discussion or consideration of employment, appointment, assignment..." and the second ...to move in to executive session as allowed by M.R.S.A. 1 § 405.6.F "Discussion of information contained in records made, such as property abatement or sale of tax-acquired property back to the owner." Mr. Dunkelberger seconded this motion.

**VOTE**

**4-0**

**Chair concurs**

**8:45 PM**

**Out of executive session**

**Adjourn**

There was a motion and second to adjourn the meeting at 8:46 PM.

**VOTE**

**4-0**

**Chair concurs**

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**DATE**

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