

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM**

**Quorum noted**

**5:30 PM:** Meeting called to order by Chairman Moynahan.

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

**New Business (Correspondence List):**

**5:31 PM**

**#1**

**Workshop with Department Heads on Budget**

**Discussion of format to be used:**

Mr. Moynahan had provided a copy of the format for everyone's review. He clarified that not everything in the format would be used by every department but said that the format they used was the administrative template. He said that the top part was the most important, which included the expended and approved going back through three fiscal years. He added that the budget letter spoke to that that was sent to all department heads. He said to feel free to add and subtract underneath the headings. He discussed that the Board didn't get the same format from all department heads last year and the Board was working to change that; that this was a little different from last year; that they had this format on disc, as well. He said that the Board was looking for feedback on any concerns or struggles the department heads had with this format. Mr. Moynahan said that department heads would have to work with the Treasurer or Mr. Blanchette on things like health insurance, salaries, income projections; that department heads should probably be more knowledgeable of what their salary requirements were. He said that he thought they had a pretty good base line if they utilized the letter and format, to start with, for submitting budgets this year. He added that there was room to include a CIP line, as well. Mr. Moynahan said that the BC was looking to request some additional information but wasn't sure to what level. He clarified that all the line items in the budget template correlated with everything done in Treasury so they wouldn't be expanding much with adding or deleting lines but maybe additional information requested or provided.

Mr. Dunkelberger gave examples, such as new programs or something that was different from last year, and asked department heads to make a note on it to explain it, as that would make everything a whole lot easier. He added the same thing with their CIP's – to add a note with more detail or accompanying documentation; that would be much appreciated.

Mr. Muzeroll asked if they were going to use the CIP template from before.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Moynahan said that that would be for the backup; that they would lump sum the CIP line item in the budget format and the details would be in the CIP form.

Mr. Muzeroll said that they would show approved and expended on the budget page and requests on the CIP template.

Mr. Moynahan said that that was what the Board was trying for.

Mr. Dunkelberger said that the CIP template was set up on a separate spreadsheet so it could be added to the budget template and the two could then 'talk to each other'.

Mr. Moynahan said that it was a work in progress; that the Board was trying to have it more streamlined with that so they parallel with the budgets they have, knowing that this request was looking at history and this year and the CIP was try to forecast into multiple years ahead.

Mr. Muzeroll asked if they were looking for individual totals under employee benefits on the first page and totals on the fourth page.

Mr. Beckert said that the fourth page figure should be the sum of the individual figures on the first page.

Mr. Moynahan added that fringe benefits was one warrant but people wanted to see individual departments.

Mr. (Ed) Strong, BC, clarified that he developed the format so that that benefit line did not add into the total; that the formulas were built into the format.

Mr. Hirst said that, having sat through a number of BC meetings, he knew that after department heads were in and explained their budgets and the BC would meet again it would not be remembered what a department head might have said; that the Board has experienced that, as well. He asked where they might put footnotes, here, to address each individual line that would need a footnote for further explanation.

Mr. Moynahan said that the cover letter indicated that, in those instances, an itemized list of capital expenditures over \$5,000, a written justification of any new or additional programs, staffing, or equipment, or any 3% increase in any budget line would be shown separately. He added that it would be covered in the total financial budget but a cover letter would be included to show these other items.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Dunkelberger said that they could address it in a cover letter or they could address it in the spreadsheet, itself, as a note; that if there was a significant piece to the budget then highlight that box – See Note 1 – and add a Note 1 down at the bottom of the spreadsheet. He suggested to the department heads that when they were preparing their budgets to anticipate the questions because the BC had already given department heads an idea of what they were looking for.

Mr. Moynahan suggested they start with what they had and have a cover letter that addressed any big increases or any shock and awe numbers – on line number 03 employee expenses this line item has increased ‘this’ percentage because of ‘this’; that it was just a quick overview and the numbers would tell the tale for the rest and, if they needed additional information from there or it was requested, it could be added onto the specific department head cover letter.

Mr. Hirst said that if they had footnotes it dispensed with a lot of questions down the road, when everybody’s minds have forgotten what people said, so he suggested footnotes be used significantly.

The Board asked the department heads which format the department heads would like to use – cover letters or footnotes.

Mr. Moulton asked what value the expended 2013/2014 figure had, as they were going to be six months in and, although he may have spent 75% of his budget others may not. He added that he preferred to express that information within the column versus footnotes.

Mr. Dunkelberger said that this was a different budget year from previous budget years so, for him, that would give him a pretty good idea on where this program was going to land and, in looking at that, what would be the department head’s future expectations versus what he (Mr. Dunkelberger) might question on it.

Mr. Muzeroll said that, in his department budget, a lot of his expenditures were at the end of the budget year just because of contractual things so it wasn’t always a true image of what was going on with the budget at the time.

Mr. Moynahan said that, whether it was exact or a ballpark, they could build from there.

Mr. (Ted) Short, PD, said that, regarding the format they would use for changes by number, what he has done historically was that, if he had increases or decreases or new items, then he did a separate sheet with a breakdown of the explanation and not a footnote.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Moynahan added that the goal this year was not to have ten of these budgets; that they would start early on and had given guidelines to everyone; that the Board would work with the departments on the first go-around with the BC and thought they would build on the directives from there. He emphasized that he was really going to try to not have ten of these, filling up the Board's budget books every week; that each department could submit their changes at the same time, if there were any but they were not going to go back every week and have a \$1,000 change here and a \$400 change there; that that was just non-productive and too much confusion with that. He added that at the first meeting they could create a timeline for additional information, maybe monthly; that they would have three total budget requests; put it on the Board's shoulders so that they weren't asking department heads repetitively to prepare information over and over.

**5:50 PM Timelines discussion**

Mr. Moynahan said that the dates were established but, if there were any conflicts within departments, then the department heads could work it out among themselves and the Board could just change whoever was coming on a particular date. He added that he picked Wednesdays because, on Thursdays, the Board was still very busy with Board work. He asked department heads to work out the dates and communicate them back to him so he could make the changes.

Mr. Short asked if the Board had given any thought to a buffer if their timeline was to have a Town Manager in place by January 1<sup>st</sup>; would they want that Town Manager to be in a position to present their own Town budget by January 8<sup>th</sup>.

Mr. Moynahan said that he had thought about that a lot but because of the timing he didn't know if it was feasible.

Mr. Dunkelberger said that he didn't think a Town Manager was going to be able to engage fast enough to work their own budget so, for the first year, they would probably have to use whatever the Board gave them. He added that one of the things that may help is that they have not only talked about 'to raise and appropriate' but to see if they could get the Town to agree to give the Board some flexibility in moving funds around and, if the Town was willing to do that, then it would probably give the Town Manager the flexibility he or she needed to work that out.

Mr. Moynahan said that that has been a challenge the last couple of years when reductions were made, especially fringe benefit lines where the Board didn't have any control and no control to transfer from another area; that already this year there weren't enough funds to pay for the fringe benefits for this year; that they were was trying to figure it all out. He added that, if they had the ability to transfer just \$1,000 at the end of the year instead of going to Undesignated Funds

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

at Special Town Meeting. He added that Mr. Dunkelberger was hitting on something very important, adding that it may not be everything but some key items so that they weren't backing someone into a corner. Mr. Moynahan said that they would get the budget format to department heads electronically; that they could tweak and modify budget formats to some extent – within their areas and take out TANS, for instance, and things specific to each department; that headings should identify each department. He asked if everyone wanted to use Mr. Short's suggestion for identifying increases and decreases in line items.

Mr. Muzeroll said that they all followed the same format that Mr. Short used last year; that they gave one more sheet on each line item that broke that item down.

Mr. Moynahan suggested they do that again this year and, if there was additional information required, they could just add it to that letter, such as any increase or decrease and err on the side of caution with trying to anticipate questions, as the more information the better. He added that the Board would leave that up to department heads and tweak it for next year, if needed.

Mr. Dunkelberger used an example to show what type of question he would ask – that if a department head asked for a phone budget of \$1,000 and the expenditures for the past three years has been \$500 or \$600, Mr. Dunkelberger would ask why the increase; not what was asked for but what was expended. He explained that if a department head has consistently asked for a phone budget of \$1,000 but, consistently, only expended \$500 or \$600, then he would ask why the department head why he was expending \$1,000.

Mr. Murphy asked if there could be a case for a line item where the monies haven't changed but what the department head was doing with that has changed and, yet, it didn't show up in the monies, adding that he didn't know if that was possible. He added that each line item was fairly specific but were there some in which, suddenly, to do that one was doing something entirely different.

Mr. Muzeroll said that, under general equipment, he didn't buy general equipment but specific items.

**5:54 PM**

Mr. Short said that he didn't think anything would prevent department heads, or anyone who wanted to, to individualize each category and just explain what the monies are used for in those categories by way of explanation. He added there was no plus or minus but the additional sheet of the plus or minus 3% was specifically explaining why there was a 3% increase or decrease; that there would be one sheet explaining what came out of the contractual fund but, if that was going to be raised by 5% then it would be explained on a sheet specific to that increase why that was going up. He added that for anybody who hasn't sat on the BC, or what have you, they could look down through and see exactly why that

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

particular account line was used, what came out of it. He said that, if it was not an increase or decrease, then it would be inside the budget line but, then, the second page would be specific to whatever increase or decrease there was.

Mr. Moulton said that, regarding fuel and gasoline, he assumed the Board would stay with the same format from last year and asked where the Board was going to carry an anticipated increase.

Mr. Moynahan said that they set up a petroleum reserve fund last year so he thought that the Board was planning on level funding and then utilize that reserve, if needed.

Mr. Dunkelberger said that Mr. Moulton should go with the consistent price per gallon that he used before in his budget. He added that, if he had an increased requirement as far as the amount of fuel, then that was separate and he needed to put that in.

Mr. Moulton asked, regarding the Transfer Station budget, how many days.

**5:58 PM**

Mr. Moynahan said that they currently had two days of operation and to budget for that.

Mr. Dunkelberger asked what they used last year for a fuel price, budget wise.

Mr. Moulton said that he level-funded it from the prior year per gallon. He added that his was estimated based on gallons that he used knowing what the cost was at the time. He said that in his first budget he projected a slight increase in petroleum but, then, because the Board developed that reserve account, they knocked it back to level funding; that he didn't know how that was going to play out, yet, because he was only this far into the budget.

Mr. Moynahan said that there would be some history when the budgets were presented; that if they were all over budget or under budget they would make the alterations at that point in time.

Mr. Short said that he budgeted for \$4/gallon last year because of the fluctuations; that the Police Department was in the process of switching over to gas up at the pumps in Kittery and their bid price for gas was \$3/gallon fixed for the next year; that he thought that would be a \$4,000 or \$5,000 savings in what they had been budgeting for.

There was discussion around what was paid at local gas stations and that, even with a reduced price per gallon, the price was not fixed and so subject to spikes.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

**6:01 PM** Mr. Dunkelberger said that the whole purpose of the fuel reserve account was to absorb fluctuations, particularly if they spiked up. He added that if Mr. Moulton picked a reasonable price and his planned fuel usage, then he should use that as his fuel budget numbers. He said that the Board would maintain the fuel reserve for any surge. He asked Mr. Short to include his fuel price in his notes.

Mr. Moynahan asked the department heads to include their CIP plans with their budget packages on day one. He asked what the Board could do to be helpful to department heads in planning their budgets.

**6:03 PM** Ms. Muzeroll-Roy said that it would be helpful to her to find out what her budget was prior to reading it the Town Book. She added that, although not wanting any additional meetings, they (BC) might have some sort of statement or paper stating how they came up with reductions that were given to them at the end of the budget process; that she didn't find out about any of her reductions until she got into the Town Book and then she scrambled with Mr. Blanchette trying to find out how they came up with that. She said that just as a mindset, if she knew ahead, she could counteract it with an explanation – she could get where they were coming with that or no, she didn't agree with that at all – and be better prepared at Town Meeting.

Mr. Moynahan said that that was a good point and suggested that maybe they could have another meeting like tonight's after the BC has come up with their recommendations and it could be explained from that group.

Mr. Dunkelberger said that, once the BC had their recommendations, they could have a joint meeting between the BOS and BC to talk about the recommendations so that the Board could get some clarification, as well as understanding, and the department heads would be more than welcome to attend.

Mr. Short said that he thought that, in the Town Report, he would like to see reflected what the department head's initial budget request was; that he thought that sometimes there was a perception that, if he presented a budget and the BOS put that budget in with his numbers then that was what he asked for and was getting; that the BC recommended less in certain categories and he thought that there should be a full disclosure of the give and take of what the initial budgets were that were presented, the BOS's final recommendations, and the BC's final recommendations.

Mr. Moynahan suggested they put last year's initial budget request numbers in their cover sheets.

**6:10 PM** Mr. Short reiterated putting it in the Town Book so that everyone could see what was initially requested and, then, where it went from there; that he thought that

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

would show that the BOS weren't just rubber-stamping what the department heads wanted and that there had been concessions made along the way about how the final budget was put together; that the Townspeople didn't see that.

Mr. Moynahan agreed with Mr. Short.

Mr. Beckert said that they may have done that in the past, put three different figures in – initial request, BOS recommendation, BC recommendation; that he didn't remember doing it every year but he thought that they had done it in the past. He agreed that it was not a bad idea.

Mr. Hirst said that it sounded like a reasonable thing.

Mr. Murphy suggested there may not be enough room.

Mr. Moynahan said that another idea he thought might have been brought up at another meeting was to have a public hearing, for lack of a better term, with the final budgets before Town Meeting so that residents could better educate themselves on what they were going to be voting on. He added that at Town Meeting it didn't seem as effective getting the information out there because people didn't have much chance to explain what services they were providing or what impact something may have.

Mr. Murphy agreed an open meeting would allow folks to have real differences of opinion related to a factual case.

Mr. Dunkelberger said that it would be important to stick to the timeline; that if they could stick to the timeline on the budget then it would give everyone an opportunity to have a lot more discussion about the changes the different steps were proposing and for the department heads to answer what the impacts would be on services if the reductions were implemented. He added that they hadn't had that the past couple of years because they hadn't had the time. He said that, if they could, then they could have the discussions so that everyone would understand that if the budget went 'this' way then 'this' was what it meant.

Mr. Muzeroll suggested the department heads come in fully prepared to negotiate one night and get it over with; that they have discussed this time and time again. He added that he realized there was a process but some of the things restricting them from getting this done was that it dragged on and suggested they resolve those things. He suggested that, if they needed to buy pizza and soda and sit here on a Saturday, then do that and get it over with.

Mr. Moulton agreed. He said that one of the issues was questions coming from everywhere.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Moynahan said that the Board tried to manage that last year; that everything was supposed to be disseminated through one source so that there weren't twenty different people asking sometimes the same question. He added that he wasn't sure how to make that work better.

Mr. Moulton suggested having the questions put in writing directly to the Board for their review then distributed to department heads; that everything went strictly through the Board, period, from anybody and everybody.

Mr. Moynahan said that the cover letter said that "Additional requests for information by either Board or BC will be provided to you in writing by the respective chairman." and "All these will be done through the Administrative Assistant." and "It is your responsibility to provide such information and detail in a timely fashion." He said that, moving forward and people were communicating, maybe they could limit how often those requests were made.

Mr. Murphy said that he thought all questions should come to this Board; that the Board should know what questions were being asked and why, and what the effects would be.

Mr. Moynahan said that having them go through the Administrative Assistant would keep both the Board and BC privy to all questions and everyone would get to review them, including the department heads; that it would be good to limit the amount of times people were requesting things so they didn't have a hundred requests; that they could look at the calendar and maybe have requests due four different times and put the onus on the Board to be prepared for the questions and be able to react, and the same with the BC.

Mr. Muzeroll said that he didn't have a problem answering questions; that he thought one of the things that slowed the process down was that the Board wanted an answer two weeks from today when he could give them the answer two days from now. He added that a lot of things could be handled electronically rather than face-to-face; that that distribution point was up to somebody else to determine how it would be distributed so that they could reduce some of these time things to help meet those goals, get it over with quickly, disseminate information to whoever needed to comment on it, then move on. He said that electronic was fine with him as long as they all could agree that anybody that needed to know or should be involved, was and got the answers, adding that somebody would have to follow the questions and somebody would have to distribute the answers.

Mr. Dunkelberger said that he thought that would be the Administrative Assistant, for now, and the Town Manager position coming.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Moynahan suggested it may roll off onto one of the Selectmen, for the time being, through the budget season and that was fine, as long as they were consistent with it; that they may get 50 emails a week but, as long as they had a timeline when the question and answer period was done, they could have their final budgets completed.

Mr. Moulton agreed with Mr. Muzeroll's suggestion of a Saturday – for the Board to pick a date and be done; that 10 months was a long time.

Mr. Moynahan said that the initial review when everything would be presented would set up another calendar to meet with department heads and the Board would be prepared to try to pare down budgets and the Board could be done with departments. He emphasized that it was the Board's job to be prepared for that and really be prepared so they only had to meet with department heads once; that if the Board has asked enough questions and department heads have provided enough information, then the Board should be done.

Mr. Muzeroll said that one question he had and a little confused about it last year was that department heads were held to a 'day' to submit their budgets for distribution to people and he got the impression when he went to these meetings to present his budget that they were starting brand new, as if he was presenting it to only a couple of people. He asked if, after he presented his budget electronically, there was enough time for people to formulate their questions or were people waiting until they showed up at the meeting. He said that he thought that was one of the things that slowed things down because people were treating it like that was the first time they had seen it and he knew better than that; that then people went into their groups, whether Selectmen, BC, or whatever group, have a little caucus then come back a month later and ask questions that could have been asked a month previous.

**6:22 PM**

Mr. Beckert said that he thought a big part of that would be that, once these budgets were turned in from department heads and distributed to the BOS and BC and whoever else wanted to look at them, Mr. Moynahan might need to sit down with the BC Chair and mesh the schedule so that they were reviewing the budgets and meeting enough times prior to the actual meeting with the department head so that it didn't appear that they've only looked at it just before they walked in the door. He added that it needed to be a joint effort between the two to make this work smoothly.

Mr. Moynahan said that he would follow up with Ms. Davis; that he had a calendar at the Town Hall that had everything highlighted; what the key target dates and all that were and he would forward that information on to Ms. Davis, as well.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Beckert agreed with Mr. Muzeroll and Mr. Moulton – the old adage they used to go by was ‘permission granted to meet as many nights as one needed to get it done and get it done on time’. He added that, if someone had to meet on a Saturday, then meet on a Saturday; if they had to meet once a week, regardless of that group’s regular meeting schedule, then meet once a week to do it.

Mr. Muzeroll discussed an issue with the timeline. He said that department heads would have several months to get their budgets together and they had to be turned in by the end of business on December 30; that he didn’t know how it would be distributed after that point; that the first meeting they had was a week later. He added that that didn’t give a lot of time for the groups of people who may have questions to review what was going on; that that may contribute to having repeat questions or drags on.

Mr. Moynahan said that the schedule was starting too quickly.

Mr. Muzeroll said that it may be but maybe that was something Mr. Moynahan could speak to the BC Chair about.

Mr. Moynahan said that budgets were going to be due November 30, by policy, and the Board extended that an additional month to try to help the department heads but the other part of the timeline did not change to reflect that.

There was discussion regarding salaries, benefits, etc. and the issue of getting timely and correct information.

Mr. Short said that, regarding getting proper information, for him there have been some difficulties with that; that he hoped that during this current budget process they received timely and correct information to make sure they got their budgets done effectively. He added that, for whatever reason, that seemed to be a moving target sometimes.

Mr. Moynahan said that he would see to that; that he would work with the Treasurer on salaries and such.

There was discussion regarding fringe benefits; that it seemed a volatile issue; that accurate answers were not available for a January deadline when percentages changed in April; that they could give the most relevant information they had at the time.

Mr. Moynahan said that, once information was submitted, department head jobs were done; that if fringe benefits changed, with a separate warrant article, then the Board was tasked to make sure they had adequate funds for everyone; that they

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

were just trying to show a true overview of every department that fringe benefits make up 'this' portion of the budget.

Mr. Murphy added that there was no way that Eliot was going to control Augusta and the rate at which they provided the Town the changes in what the State effects Eliot, which is what happened over and over again last year; that it may well happen again this year.

Mr. Moynahan said that, referring to the LD1 cuts, he thought that last year all the departments did a good job working with the Board to create the first budget; that the Town was \$134,000 over last year's appropriations – when one takes out one-time expenses of moving the ECSD, fringe benefits, increasing capital improvements for roads, regular capital improvements – that was with the inclusion of the petroleum reserve, undesignated reserve fund balance of \$50,000; so, for people to say they didn't work to keep taxes low and budgets low was so false; that there were more components that made up that entire thing than just the specific departments. He added that he thought that if they could continue to work in that same manner, then they would have a productive time; that they would continue to look into the future, also; that it was foolish if they, as a Board, were not looking to future things – capital things, etc.

Mr. Moulton added that he thought that was where showing that start figure (initial budget figure request) compromise would help out a lot.

**6:30 PM** Mr. Moynahan asked if there were any issues with the CIP form.

There were no issues.

Mr. Moynahan said that the Board would follow up with initial requests being included in the Town Report, try to streamline and simplify the budget process, work with the BC on the calendar, ensure department heads received correct information as it related to salaries and benefits, explore answering all budget questions this year electronically.

**Other Business as Needed**

**6:32 PM** Mr. Moynahan said that the CEO and Planning Assistant met with Sweet Peas last Friday to review some information that a subcommittee had; that the CEO followed up with Attorney Saucier. He added that Attorney Saucier agreed with the 1,000-foot requirement not being applied in this particular instance; that with that a building permit could be issued with specific requirements.

Mr. Beckert added that they had just gotten an updated response from Attorney Saucier that clarified the issue even more.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Moynahan said that, at this point in time and as much as C.A.'s were not great, if there was still additional information that would be challenging for Sweet Peas to get – that they were under the impression that they would be able to do something, one way or another.

Mr. Beckert said that he would let Ms. Pelletier explain it to the Board as Attorney Saucier explained it to her; that in Mr. Saucier's and Mr. Vaniotis' opinion it was not advisable to go with a C.A. over a building permit.

Ms. Pelletier said that it was cleaner and the best way to go. She said that the CEO was the authority to issue building permits; that the cleanest way to go was to just do it through a building permit. She added that C.A., according to Mr. Saucier, were typically better for things where there was already a violation occurring or litigation has already been filed with the courts. She said that her question to the attorney was what the difference was whether someone filed or threatened to file; did they need to make the applicant go through that process in order to get to a C.A.; that it was just a cleaner process to go with a building permit.

Mr. Dunkelberger asked the CEO if he was intending to issue a building permit for this.

Mr. Marchese said that it all depended on the aspects of the application.

Mr. Dunkelberger said that that was the right answer. He asked if the CEO had seen the application.

Mr. Marchese said no; that the applicant was unaware of this avenue of the possibility of refile for an application for a building permit. He added that the applicant was aware of two directions – either he issued a building permit based on the information provided or the BOS issued a C.A.

Mr. Dunkelberger said that the CEO could not take action on the previous application.

**6:31 PM**

Mr. Marchese said that the previous application has long since expired, as it had been over the 30 days; that Sweet Peas needed to refile an application. She filed a request for a growth permit yesterday.

Mr. Hirst said that the first time Sweet Peas filed for a growth permit Ms. Breen said that it was denied.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Marchese said that the growth permit was denied based on the aspects of the information that was supplied.

Mr. Hirst said that it would seem, then, that Sweet Peas should be notified that they should forthwith file an application for a building permit.

Mr. Marchese added that the other option was that he could tell Sweet Peas that the application for a growth permit that was recently supplied needed further information and outline the information required.

Mr. Hirst asked if the CEO needed both of those things or just the growth permit.

Mr. Marchese said that the growth permit locks down the growth cap for 90 days and allows a person 90 days to obtain a building permit; that he could not issue that growth permit to someone else.

Mr. Dunkelberger said that the CEO would need both – a growth permit and a building permit.

Mr. Marchese agreed.

Ms. Pelletier asked if the motion was for Mr. Marchese to either issue the growth permit or the Board entered into a C.A.; that she didn't know that there was a reapplication option.

Mr. Hirst said that he did not think that a reapplication was part of his motion.

Mr. Murphy said that it wasn't forbidden; that Mr. Hirst's motion only had top level actions and did not include all the bureaucratic stuff which might be needed to accomplish the motion.

Mr. Dunkelberger said that he thought that applying for a building permit and growth permit would be a lot faster than trying to go through a C.A.

Ms. Pelletier said that there was no question on that. She added that she just spoke with Ms. Breen today and she was expecting one or the other to happen and would probably be coming to the Board if one of those things didn't happen. She said that Ms. Breen didn't know about reapplying.

Mr. Moynahan asked how long the first permit has been on file; that the CEO said that it has expired.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Marchese said that it (growth permit application) has been a considerable period of time; that he didn't know exactly how long; that a variance was requested based on his denial.

Mr. Moynahan said that it would then have to be a new growth permit regardless.

Mr. Marchese said that that was correct.

**6:39 PM**

Mr. Beckert said that he would think that based on Mr. Saucier's most recent email dated today at 5:30 PM the fact that the applicant has not been made aware of what Mr. Saucier has determined and what would be required that they, as a Town, needed to notify the applicant, forthwith, on how to proceed and meet these requirements; what the requirements were because Mr. Saucier spelled them out. He said that it was obvious to him in reading this email that a building permit was reasonable and, in Mr. Saucier's words, "It is reasonable to conclude that the 1,000' requirement in Section 45-466(g) does not apply to existing non-conforming access ways due to the provisions in Section 45-466(e).", but they would have to meet the other requirements. He said that Sweet Peas had to show that the ROW was 30 feet wide, had to have a 15-foot graveled travel way, and so on and so forth; that that information needed to be relayed to the applicant that they need to reapply for the growth permit and the building permit and show that they meet those requirements.

Mr. Moynahan asked if there would be anything additional besides what Mr. Saucier put in his email.

Mr. Marchese said that he has not seen Mr. Saucier's 5:30 PM email.

Mr. Beckert said that it was addressed to Mr. Marchese and Ms. Pelletier and copied to Mr. Blanchette and Dan Crawford.

Mr. Moynahan said that the email said they had to meet all other requirements in that section. He asked Mr. Marchese that in that section the only portion that was denied on, originally, was the 1,000-foot limit.

Mr. Marchese said that that was correct.

Mr. Moynahan said that, so then, the permit would require no additional – meeting the 30-foot road width, etc., etc.

Mr. Marchese said that the new permit requested would require that the applicant provide a deed that illustrated that they have access to this ROW and would also require a description of the ROW suitable for recording at the Registry.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Moynahan said that those would be two pretty simple tasks for the applicant to come up with, he would think; that that was standard fair for any other applicant.

Mr. Marchese said yes.

Mr. Moynahan said that if the Town reached out to Sweet Peas that, if they came in with those pieces of information and a revised growth permit application, then they would permit away if those were the only limitations.

Mr. Dunkelberger suggested, as a way forward, that the applicant work with the CEO or Planning Assistant on their application.

The Board agreed that both should the CEO and Planning Assistant should work with the applicant.

Ms. Pelletier asked about what if the applicant declined.

Mr. Beckert said that the Board would have to deal with that when and if it happened.

Ms. Pelletier said that she thought it would be considerate to let Ms. Breen know the risk involved in going with the C.A.; that it wasn't their responsibility to tell her as they were not her attorney but going that route left Sweet Peas wide open to being appealed by an abutter; that it was just an easier process to get the building permit the right way. She asked the Board if they wanted that to come from her and the CEO.

Mr. Beckert said that that has been relayed to them, as the Town, and in all honesty, he would think it would behoove them to relay that to the applicant; that he didn't see any reason to hold that information back.

Mr. Moynahan agreed and said that he would follow up with Sweet Peas in an email.

Mr. Beckert said that he thought that whatever the requirements were that Sweet Peas had to have to move forward with this and do it per what the attorney was telling the Town needed to be laid on the table, up front, right now and, then, when the application for the building permit and growth permit came in, there shouldn't be any other requirements that Sweet Peas needed to meet; that if there were they needed to be told now because this back and forth was getting a little bit edgy as far as he was concerned. He added that they make a decision, they determine this is the ordinance they were going to use, the lawyer said that this can be used and they better stick to it.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Moynahan said to Mr. Marchese that outside of what Mr. Saucier had in his email, there would be no additional requirements for a growth permit; that the first denial was just on the length of road; that everything else was satisfactory.

Mr. Marchese said that that was correct; everything else with the lot was satisfactory.

Mr. Moynahan said that, if he followed up with Sweet Peas to resubmit an application for a growth permit...

Mr. Marchese said that Mr. Moynahan just had to simply state that they had to meet all the requirements of 45-466(e).

Mr. Moynahan confirmed that Sweet Peas was able to do that last time.

Mr. Marchese said yes.

Mr. Moynahan said that he would follow up with Sweet Peas tonight and would copy the Board.

Mr. Murphy asked Mr. Marchese to read of what those requirements were, from his point of view.

Mr. Marchese said that, from his point of view, Sweet Peas needed to provide a deed description that illustrated the lot as well as a description of the easement and the ROW and they also needed to provide the Town with a description of the ROW suitable for recording – a deed description that includes the right to use the accessway and any description of the accessway.

Mr. Murphy added they should include which one as there were two subsidiaries roads out there and one of them had to be her access, as he understood. He asked if Sweet Peas could decide that or could the CEO require it be one or the other, was one better or easier or justifiable.

Mr. Marchese said that the description would be a road that was an extension of Littlebrook Lane to this property.

Mr. Murphy asked if that had to be a real road or could it be a paper road.

Mr. Marchese said that it had to be a real road with a 15-foot graveled surface.

Mr. Murphy asked if such a road existed.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**October 17, 2013 5:30PM (continued)**

Mr. Marchese said that, plus or minus, such a road existed; that the plan that was given to the Town showed a gravel way and the width of the gravel way varied from 10 feet to 18 feet based on scaling of the drawing.

Mr. Murphy asked if that would be a drawback to approval.

Mr. Marchese said that Sweet Peas would have to upgrade that gravel way to meet the 15-foot gravel way to the lot.

Mr. Murphy asked if that could be part of the approval or would the CEO's approval wait until that was done.

Mr. Marchese said that that would be part of the approval, a condition of approval.

Mr. Murphy asked if there was anything else in that list of things that the CEO wanted.

Mr. Marchese said no.

Mr. Moynahan confirmed that the conditions of approval would include the right to the accessway and a description of the actual accessway, as well as the 30-foot/15-foot graveled road mentioned by Mr. Saucier.

It was confirmed.

Mr. Moynahan said that he would follow up with Sweet Peas and cc anyone wanting that this evening to let her know to come in and talk to both the CEO and Ms. Pelletier; that he would have Ms. Breen contact them both to come up with a schedule that worked for everyone.

**Adjourn**

There was a motion and second to adjourn the meeting at 6:47 PM.

**VOTE**

**4-0**

**Chair concurs**

---

**DATE**

---

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