

SPECIAL BOARD OF SELECTMEN'S MEETING
November 15, 2012 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.

Pledge of Allegiance recited
Moment of Silence observed

Public Comment:

5:31 PM Mr. Faulkner said that he would like to address the issue of the Section 126 letter one more time. He said that, to begin with, three weeks ago the station superintendent mentioned their monitoring station on Pierce Island two miles south of the plant. He added that they had noted in the past that in-house wind roses plotted by PSNH back in 1972 and 1973, using a full year's worth of meteorological data, hourly observations from Pease Air Force Base indicated prevailing winds from the northwest and southwest so that Pierce Island station was not germane to what they have been discussing. He added that the station superintendent also mentioned that it was two miles away and the closest houses to Schiller were less than ¼ of a mile across the river and he had mentioned before that he was less than ½ mile. Mr. Faulkner said that a former PSNH employee said that he was responsible for the instrument calibration and that the instruments were always properly calibrated; nobody ever questioned their instrumentation and nobody ever questioned their calibration; that this was a matter of what standards the plant had to meet. He said that they mentioned the wood boiler; that they converted one boiler to burn wood so that they could clean the air up somewhat; that that was not done out of the goodness of their heart, it was done to sell pollution credits somewhere down the line. Mr. Faulkner said that Schiller has been an issue to the residents of South Eliot for over 25 years. He summarized numerous attempts to get cooperation on Schiller, adding that PSNH has never taken their concerns seriously. He added that the only time something has been done was after many complaints and it finally made the newspaper and they reacted. He added that they didn't know a citizen of the Sierra Club was going to get involved in this but they were thankful that they have. He said that, as residents, they felt that this could be their last, best chance to have something done about the plant. He added that PSNH has asked to sit down with the Selectmen or sit down with the Town; that he felt the time for sitting down was over; that they (PSNH) have had 25+ years to sit down with people here; that this was a matter between the citizens of the Town of Eliot and a regulatory agency involving an out-of-state corporation. Mr. Faulkner said that he felt that the Selectmen should send the letter, adding that the EPA could say that it did or did not have merit. He added that they had nothing to lose and everything to gain so he did hope the BOS would proceed.

Mr. Moynahan said that they had sent that material to the Town's attorney for review and, as discussed, the Board would get all parties involved, Sierra Club and PSNH with the BOS, and the Board would determine what route they would go.

Mr. Faulkner asked why the Board was getting PSNH involved; that the letter concerned them and they should not be a party to it.

Mr. Moynahan said that they had shared all information from PSNH to Sierra Club and they had submitted all information from Sierra Club to PSNH, adding that it pertained to both parties and the proper way to handle this was to have both involved in the discussions. He clarified that it did not mean that it would change what direction they would go in as a Town, but, both parties have been promised that they would be brought in to meet with the Board once the attorneys reviewed that document.

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Mr. Faulkner asked if that meeting would be open to the public or would all three parties – the BOS, Sierra Club, and PSNH – sit down at one time together.

Mr. Moynahan said that it would be all at one time and, unless the attorney said otherwise, he thought that it would be open to the public.

Mr. Faulkner said that he respectfully still felt that PSNH should not be a part of that; that he could understand their reasoning, though, and thanked them.

5:35 PM

Department Head/Committee Reports

There were no reports tonight.

New Business (Correspondence List):

#1 TO : Board of Selectmen
FROM : Possible executive session
REF : Personnel issue

Mr. Moynahan said that the Board had a complaint on a Town employee from Vicki Mills. He reminded the CEO, even though his letter stated that he chose not to have this in executive session, but there was still the ability to have this in executive session, as allowed by law, and he wanted to make sure that was still available to him.

Mr. Marchese said that he had a comment to make on that. He said that he realized that the appeal period was over; however, there still remained legal implications dealing with the property that they would be discussing – someone has sold land, someone has purchased land – according to the Board of Appeals it was a non-buildable lot. He asked what steps the Town was going to take next; were they going to cure the problem, were they going to impose a financial penalty; that those questions were still outstanding so, based on that, he felt it would be in the Town's best interest that this be held in executive session.

Mr. Moynahan said that, that being said, the Board chose to enter into executive session, as allowed by law, and there was a M.R.S.A. on the agenda.

5:37 PM Mr. Murphy moved, second by Mr. Beckert, to enter into executive session as allowed by 1 M.R.S.A. § 405.6.A "Discussion or consideration of employment, appointment, assignment, duties, ..." Personnel issue.

VOTE

4-0

Chair concurs

6:23 PM Out of executive session.

#2 TO : Board of Selectmen
FROM :
REF : School Board Members

Mr. Moynahan said that they were supposed to have school board members in this evening and that they had had correspondence back from the superintendent that the school was choosing to have the entire school board before them, so they were looking at dates in December for that, adding that he guessed they weren't comfortable with just the Eliot members.

6:24 PM

#3 TO : Board of Selectmen
FROM :
REF : Sewer Committee – Sewer rate update

Mr. Dupuis said that right now their committee was deeply involved in several things but, per the agenda - the sewer rate updates, they were undergoing the task

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of getting information for a potential sewer rate increase for the Town. He added that they just received a booklet from the Maine Municipal Bond Bank (MMBB), which had all the towns that currently had budgets. He added that he attended a two-day seminar with Mr. Moulton; that they were starting to inventory all the equipment that the Town actually owned. He added that it was quite detailed and, as an example, the Pump Station #1 on King's Highway they had the building, itself, and they were starting an inventory on everything inside that building. He added that, along with that, they were doing a life projection of the equipment, which varied depending on the particular equipment. He said that they were also working on the need to upgrade some of the things the Town had and, in order to do that, they needed to prepare a proper budget for that. He added that that all started with some of the work they were doing with Underwood Engineers, which was evaluating the life expectancy on the equipment the Town already had without major repairs and, unfortunately, most of what the Town had was at its life span and why it was crucial to undergo a proper inventory; in that way they would know what the projection would be to operate the sewer.

Mr. Murphy asked if the SC was going to do the whole system, including like the 10-11 small pumps.

Mr. Dupuis said yes; that it was crucial that they had an inventory for everything the Town owned and give it an I.D. inventory number.

Mr. Murphy asked how they would I.D. a segment of force main.

Mr. Dupuis said that was, itself, piping and piping had a 40-50 year lifespan projection and they knew how many feet of pipe they had. He added that they have done video inspections; recorded inspections of the pipelines; that they just did quite a maintenance update on the Bolt Hill manholes. He said that he was the owner of Sturgeon Creek Enterprises here in Town and they had a maintenance contract; that they did a weekly check on the stations and they did maintenance but they needed to do a more stringent projection of what it would cost for the Townspeople to keep up with the sewer system.

Mr. Moynahan said that all the repairs were funded by the existing sewer users and the goal was to increase the rates to a manner that could support the repairs five, ten, twenty years down the road.

Mr. Dupuis agreed. He asked Mr. Murphy for clarification on when the sewer system went in.

Mr. Murphy said that there were three segments – 1983, 1984, and 1985 – about that time.

Mr. Dupuis said that, unfortunately, when it was approved from the start, there should have been a projection of costs, repairs, and everything else. He added that that was past history, now, and this is what they had so they needed to get on board and get caught up with some of this rather than have it management by crisis. He said that they would like to be pro-active on the situation, do some planning, and bring it to the BOS and Budget Committee (BC) so that they could set some funds up to do that.

Mr. Moynahan said that, if there were any sewer improvements done in Eliot, then this would be a baseline that could be utilized for setting up rate structures for the commercial district.

6:30 PM

Mr. Dupuis agreed. He said that it was important to be factual about it and that was why they were working with Underwood Engineering for projections. He discussed the larger pumps; that one that was put in in 1984 had only a 15-year projection. He added that he knew that two of those models they had already

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rebuilt because of the need from wear. He said that one issue they had was I&I (inflow & infiltration) – large pebbles, rock, grit passing through and seriously wearing down the impellers. He added that, at that point, they needed to become detectives and find out what was causing that infiltration, repair it and deal with the system being down while they did this; that new parts installed were being impacted, as well. Mr. Dupuis said that the Town owned 25 locations of small outlets that have not all been inspected, yet, and currently are strictly a management by crisis.

Mr. Moynahan said that until the inventory is done the rate discussion was probably premature.

Mr. Dupuis said that the rate discussions would go on because they were compiling information, saying that they were better armed right now with projection of costs than they were last year. He added that they were also working on an audit on the sewer allocation per user allotted per day. He said that Eliot was very, very close, if not exceeding, the 200,000 gallons per day allotted. He discussed that on the corner of Route 236 and Bolt Hill was a pre-approved elderly housing project that hasn't even gotten off the ground yet. He added that that was 60,000 gallons/day allotted to that; they talked with the gentleman and were able to take back 10,000 and two years ago they talked with the gentleman, again, and took back another 10,000 so his approved allotment was 30,000.

Mr. Dunkelberger said that he thought that that project was dead.

Mr. Dupuis said that they needed to approach a lot of the owners; if the allocation was 30,000, then they would either pay for the amount or they would rescind it and give it back to the SC. He added that, if they didn't pay for it, then the SC would take it back; that they needed that allotment to allow growth in the Town right now. Mr. Dupuis said that the SC was scheduled for a meeting next Wednesday but because of the eve of Thanksgiving and most of the members would not be present, they would not have a meeting next Wednesday, but he would like to bring forth a meeting for the following Wednesday, the 28th, at 4:15 PM. He added that he would like to thank his committee members; that they have been giving a lot of input and the attendance has been very good.

Mr. Moynahan said that on the BOS AIL, as it related to sewer, they had user rates and reserved allotments, which he thought Mr. Dupuis touched on with his last statements about the developers and all that; that maintenance he touched on with inventory and that it was ongoing, asking if there had been any odor complaints brought to the SC's attention.

6:37 PM Mr. Dupuis said that he had not received any odor complaints.

Mr. Moynahan clarified that the work that was recommended by the SC has been effective.

Mr. Dupuis agreed. He said that the owners of the Shipyard Brewery have been doing the cleaning per schedule on contract; that it was a complete scouring and, for those that didn't know, the sewer station pump was on Levesque Drive just past the post office and it pumped everything in that development up Levesque Drive. He added that it turned onto Route 236, going down to and up Bolt Hill Road to the highest point to the terminus, saying that because of the flow and stagnation there was an odor, caused by an extremely high bacteria count. He said that they had cleaned that, now, three times, discussing the process used to clean it out. He added that they were reactive as possible with odor issues; that it was a terrible thing and they just didn't want it.

Mr. Dunkelberger clarified that there were two residents still uninspected, asking where they were at with those two.

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Mr. Moynahan said that he thought they had a legal response on that when they inquired, asking what the next steps would be and he didn't believe the Town had a next step.

Mr. Dupuis said that it was his understanding that when they discussed it with legal counsel that they were pretty much dead in the water; that they had no legal right to pursue it any further than what they had done.

Mr. Moynahan said that all but two was a pretty good response; that it took a lot of time.

Mr. Dunkelberger said that, in regard to the two, could they bill them on an assumed rate.

Mr. Dupuis said that that question was before legal counsel right now.

6:39 PM

Mr. Murphy said that it was true that they had noticed a great reduction; that they didn't seem to have the inflow they used to have so people were listening and they were obeying the requirement not to put too much in.

Mr. Dupuis agreed. He said that they still had some inflow and infiltration situations going on but nothing on the scale that they had. He said that, before, when they were on a three or four day storm period, when they were putting 780,000+ gallons through the system, that they were down into 285,000; that it was definitely worth the money, adding that every gallon they sent to Kittery Eliot paid for.

Mr. Hirst clarified that they paid to treat it, even if it was fresh water, which didn't need to be treated.

Mr. Dupuis agreed.

Mr. Hirst said that that was a huge reduction.

Mr. Moynahan said that this was very good work and thank Mr. Dupuis for coming in and updating the Board.

Mr. Dupuis said that they were quite welcome. He added that this was the first year the SC was going to actually do a budget submittal.

6:40 PM
#4

TO : Board of Selectmen
FROM :
REF : Ambulance and dispatch updates

Mr. Moynahan said that Mr. Hirst and Mr. Dunkelberger were working on this. Mr. Dunkelberger clarified that they were working on the ambulance piece. Mr. Moynahan apologized, adding that he had rolled them in together.

Mr. Dunkelberger said that, as a matter of fact, when they met with Mr. Markel, he thought they were there to talk about dispatch.

Mr. Moynahan invited them to share where they were with ambulance.

Mr. Hirst said that they had identified three, and possibly four, bidders for ambulance services. He added that they had a preliminary meeting with one of them today to introduce each other. He said that one of them was Careplus, out of Merrimack, New Hampshire, but that they have a location in Dover and they have a presence in Portsmouth, with Portsmouth Regional Hospital. Mr. Hirst said that AMR, through York Hospital, has indicated an interest or, rather, York Hospital wished to quote using AMR as a subcontractor so they were going to meet with

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Mr. Knox tomorrow. He added that there was another ambulance service in Sanford and they were trying to set up a preliminary meeting with them to talk about just basic information. He said that Mr. Markel had a potential fourth bidder from Massachusetts but it was unclear whether they were going to be a player.

Mr. Dunkelberger said that, with regard to their meeting with Mr. Markel, it was very productive in that he has been given basically free reign by the Kittery Town Council to work out the details with regard to the next contract. He added that Mr. Markel was fully supportive of doing a joint request for proposal (RFP). He said that that may make it easier because it provided a larger population for service, which may decrease their rates.

Mr. Moynahan said that at some point they all were going to have to come up with RFP proposal language.

Mr. Hirst said that they had two samples already; that one was provided from Mr. Markel, from his prior employment, and Careplus provided them a great one today, adding that they were to be used as guidance. Following up on Mr. Dunkelberger's comment, Mr. Hirst said that not only was Mr. Markel interested in a joint RFP on the ambulance but he was also interested in any kind of cooperation they could have between the towns.

Mr. Moynahan said that Kittery has been involved with the regionalization meetings. He added that he knew the dispatch piece was still pending as they were waiting for financials to come back from both sides and there were some equipment differences between towns. Regarding ambulance, he said that at some point they would have a full package or did they want to discuss tweaking or providing the Board an RFP that they could approve and send out to potential purveyors.

Mr. Hirst said sure. He added that it was extremely complicated, that he had no idea; that the Medicare reimbursement and private insurance reimbursement had a lot to do with setting the price that the ambulance charged the Town.

6:44 PM

Mr. Dunkelberger added, as well, the Town citizens. He said that the Town could also set those, too, and that was something they were talking about today – setting those rates so that they didn't get the constant rate changes as they were getting now from AMR.

Mr. Murphy said that he assumed that the users paid more than the Town, say, per trip; if all the trips per year were put against the amount that the Town paid per trip, who paid more - the Town or the user.

Mr. Dunkelberger said that he was glad Mr. Murphy asked that question as he was going to up tonight wanting to get from AMR their 2011 dispatch numbers as well as how much was charged on each call. He added that that way they would have some kind of reference for what was going on and, if the different companies that may want to bid on this were asking what level of service they could expect, then they could have some idea on number of calls and types of calls they were responding to. He said that, hopefully, once they got that information, they could answer that question.

Mr. Moynahan said that they currently had a contract with AMR, too, to review or compare with what was being provided by those folks to make sure they didn't decrease what was being provided. He asked if they were involving both fire and police.

Mr. Hirst said that he notified both fire and police and indicated that they would have a meeting shortly, as soon as they had preliminary discussions, and he hadn't heard back from fire and police and that was fine.

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Mr. Moynahan said to Chief Short that he had been notified, again, as of now, so he would be kept up-to-date on any ambulance discussions and all that sort of thing.

Mr. Hirst said that, after the Board gave them the authority to proceed, he sent fire and police a note advising them that they were starting that process and that they would be involving police and fire in seeking their advice and counsel.

Mr. Short clarified that he wasn't looking for any input on that one.

Mr. Hirst said not yet, not until they knew who was on first.

Mr. Moynahan said that he was just trying to keep the people who work every day with any ambulance provider in the loop. He confirmed that the subcommittee would plug along and, when they were ready to let him know, they would get it on an agenda again.

The subcommittee agreed.

6:48 PM
#5

TO : Board of Selectmen
FROM : Police Chief
REF : Department Report

Mr. Moynahan said that the Board was trying to bring department heads in for a meet-and-greet; that they did have the ability for executive sessions if there were any personnel issues that Mr. Short needed to bring the Board up to speed on and that sort of thing, so they were prepared.

Mr. Short said that he did but that they could cover some of the other stuff, first, if the Board wished.

Mr. Moynahan agreed.

Mr. Short discussed statistics for overtime through the end of October 2012. He said that this year they have had 384.5 hours of overtime; that they spent just about \$12,900 in overtime funds and that was compared to 2011, where they had 817 hours of overtime to the end of October and \$27,400 in funds so, at least until the end of October, they were doing pretty good. He added that they had a vacancy that may start to draw down on some of that a little more until that got filled. He said that one of the things regarding the vacancy, he received some information and wanted to verify it before he put it out there on the vacancy that they had; that there was a reimbursement that came back to the Town because the officer only had two years with the Town so the town he went to will have to reimburse Eliot \$24,000 – for education and uniform and all that. He added that it was his feeling that that money should be put into the overtime account or salaries account to allow for the cost of that vacancy until it was filled or, at least, help to absorb some of that. He added that he had sent a letter to the Town of Sanford basically indicating that they owed Eliot \$24,000.

Mr. Moynahan said that they would have to have a discussion once that came in as to how to utilize that; whether it was for training costs for a new employee or anything like that.

Mr. Short discussed calls for service. He said that through the end of October they were running about 13% above where they were last year; that around this time last year they had around 11,000 calls and, now, they were about 13,000, adding that that was everything the officers did plus other calls for service, self-generated activity. Mr. Short said that people probably wondered what they did for summonses or traffic tickets compared to what they did for warnings so, to-date,

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they have issued 3,264 warnings compared to 274 traffic tickets and 233 criminal violations, so they gave out a lot more warnings than they did tickets. He added that so far this year they have arrested 44 people for operating under the influence of alcohol or drugs compared to 53 last year and they have had 73 accidents this year compared to 89 last year, so there was about an 18% reduction in accidents. He said that he did have some personnel issues to discuss in executive session. Mr. Moynahan asked if any Board member had questions or comments for the Chief.

Mr. Beckert said that he was going to ask the Chair if the Board could do all the open business and have Mr. Short wait until they were done.

Mr. Short said whatever worked for the Board.
The Board agreed to finish the open business first.

6:53 PM
#6

TO : Board of Selectmen
FROM :
REF : Article versus Expense Report

Mr. Moynahan said that everyone had the latest article versus expense reports; that they had talked about sitting down as a group and reviewing for any red flags that they should look at and follow up on. He asked if anyone had concerns with any numbers they have seen.

No Board member had any concerns at this time.

Mr. Moynahan said that he thought that these would be on monthly for a quick discussion so that, if there was something, then they could at least all be on the same page as it related to the financial piece.

Mr. Hirst suggested putting those out weekly in the month of December.

Mr. Murphy said that that was impossible; that there was no summary. He added that Ms. Spinney summarized only in a month.

Mr. Blanchette asked why December.

Mr. Hirst said that he was thinking of county and their fiscal year. He said to forget he said that; that he would say it again next May.

Old Business (Action List):

Mr. Moynahan said that they did have an updated AIL on here.
At this point, Ms. Davis asked if she could interrupt.
Mr. Moynahan agreed.

Ms. Davis said that she had a couple of things from the BC and asked if she could insert that here.

The Board agreed.

Ms. Davis said that she printed it out for everyone to have a look at; that they just had some topics looking forward to the upcoming budget year. She said that the first item was a discussion they had at the last BC meeting where they wanted to re-emphasize from the letter to department heads that they were really focusing on item #3 on page 2, which stated: "with your budget request, detailed back-up documentation shall be included, separately, that reflects your budget requests." She added that they have done quite a bit of study this year on zero-based budgeting, and they weren't going that way, but they really wanted to see quite a bit more detailed breakdown so that there were not so many outstanding questions

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after the initial interviews. She clarified that everybody just voted on that and they just wanted to re-emphasize.

Mr. Moynahan clarified that it was for specifics to the format that was sent to all the department heads – for specific requests for information.

Ms. Davis said that the format sent out was a good template but there was a sample highway budget from Kittery that the BC passed out along with that.

Mr. Moynahan said that the Board discussed that, saying that they were not in a position to send that out to the departments and expect them to have that completed this budget season. He added that they sent the other piece that he thought Mr. Strong had provided with some changes, such as additional years, but that annotation, as a Board, they chose not to send that to the departments. He added that they did send it for review only; that she had asked that that be forwarded and he did send it to all the department heads for their review.

Ms. Davis requested they use that as a guideline; if they could add more line items, then, to each of their categories so that they could see a more granulated breakdown of what each of those expense items represented, they would greatly appreciate it.

Mr. Moynahan said that, as the department heads were coming in, they would try to emphasize that; that Mr. Short was present and hearing that, as well, and if there was any additional breakdown that he could do in his budget, with that same template, would be helpful, he thought, during the process.

Ms. Davis said that the BC has been experiencing more public attendance and, during the department head interviews, the BC would like to request that the interviews be conducted in the larger meeting room; that the BC would like to set up a table for their own paperwork and the Board sit where they normally sat so that the people who did attend these meetings would have a more comfortable place to see what was going on.

Mr. Moynahan said that he didn't see why they couldn't accommodate that as they got closer and work out the specifics of that to make sure as many spots were open for the public, he would think.

The Board agreed.

Ms. Davis said that she received an email from Ms. Thain requesting the BC's mission statement. She said that she received that request after she had typed up the list so she just wanted to update the Board that the BC did develop a mission statement and she included it on this form so that the Board would know where they were at. She added that Ms. Thain received the paperwork today so she had it now.

Mr. Murphy read the BC mission statement to the public.

Mr. Moynahan said that he had a file of these and would put that in with them, review them, and communicate back to the committees.

Ms. Davis said that 10% BC and 90% private citizens were requesting that certain committees – SC, Building Committee, and PB – whenever possible, schedule themselves for video-streaming. She said that the purpose behind that, largely for her, she liked to keep up with things but she couldn't always attend the meetings; that she had noticed that the SC has scheduled for video-streaming but it would be helpful if these major committees would take that into more consideration.

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Mr. Moynahan said that they did send a note out to all the boards and committees strongly encouraging them to video-tape their meetings. He added that he believed that both the Building Committee and SC have been scheduled for video-streaming.

Mr. Beckert said that the PB has discussed it but have not formally voted to do it yet; that they have asked a couple of questions that Ms. Pelletier was looking into for answers as far as what they had to have as far as minutes and so on. He said that he would note that it was a good thing that they didn't just rely on the video-streaming for their minutes because the one in the big meeting room tonight was broken. He added that the written word was the gospel as far as what he was finding out.

Mr. Moynahan agreed about the written word, adding that the video-streaming was going to be secondary.

Mr. Moynahan said that that has been brought up and it took a while because committees met on different schedules.

Ms. Davis said that was okay; that it was just sometimes she couldn't make the meetings and she really appreciated it when they were available online and thanked everybody.

1. Route 236 Sewer Expansion Project reports, updates, and schedules – Questions from Route 236 Ad-Hoc Committee - Mr. Blanchette

Mr. Moynahan said that he had sent the questions out from the expansion committee; that he didn't know if Mr. Blanchette had had time to answer any; that he had answers back from Ms. Painchaud and one was for the BOS to discuss. He said that one was #11: "What is the Town's purpose and financial goal of this project?", adding that he thought they had decided that that was more of a BOS question than a Mr. Blanchette question. He said that he didn't know if anyone had given any thought to that or how that may be or may not even be answered to that committee.

Mr. Murphy said that he was interpreting this as why they want sewer on Route 236, was that it.

Mr. Moynahan reiterated one: what is the Town's purpose, yes, and two, the financial goal of this project.

Mr. Murphy said that his understanding of this, and he was really just speaking for himself and just a distillation of many, many meetings and thinking for a number of years was that the Town was really afforded an opportunity by the gas compressor station to set up a TIF; to use that to improve and modernize and extend the infrastructure of the Town, which was always a very costly basis and upsetting for the citizens when they had to pay it out of their regular taxes. He added that here they had a special amount that suddenly was above the normal flow of money to the Town, which the State allowed the Town to use in a special way, and that was what started their thinking. Mr. Murphy said that several of them at Town Hall were aware of TIFs and wistfully wondered when Eliot could ever hope to do something by a TIF because they sort of viewed themselves as sort of stuck as a bedroom community and it would be very expensive for Eliot to carry the whole weight with the amount of tax income they had at that time. He discussed the gas company plans that began back in mid-2006 and that there were rumors that they would build then, suddenly, they did build and Eliot had to move fast to take advantage of that. He added that the value of this to the Town was that the Town had hotspots, which would need sewer in the future, and they were scattered around and what was needed was sort of a central spine of sewer main to which ribs could go out to these areas on either side and connect communities that they would need very soon or may even need now; that they had one community that has been a sewer problem almost from its' beginning. Mr. Murphy said that a TIF's stated purpose, and its purpose written on paper, was to be for economic development; that that was the State law and so

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everything need to be talked about in terms of economic development even though, once it was there, ordinary people could, if they were close enough, tie into it and solve their problems, which were existing now or soon would in the future. He said that it sounded wonderful and would be a godsend to the people of Eliot; that they were protecting themselves from a huge problem in the future; that it just fell in their laps; that they didn't even have to go looking for it, contrary to what most TIFs in the State of Maine had to do. He explained that those others didn't have this allotment but had to go out and fight for it, then build the infrastructure, themselves, and entice someone to come. He added that someone came without Eliot even asking and the Town had this opportunity; that he was still elated and that was his feeling; that they were lucky, that they should just go ahead and get it done.

Mr. Dunkelberger said that he had two comments; that one was the economic development that Mr. Murphy talked about. He said that putting in sewer along Route 236 encouraged businesses to come in that otherwise wouldn't be able to be served by well and septic. He added that it also encourage those businesses that they already had there with room to grow because right now they were limited by their septic system. He said that the other piece to this was environmental; at what point did they have too many septic systems or were unable to put in septic systems because of wetlands or whatever; weren't they more environmentally responsible by putting in a sewer system, in which they were treating that water.

Mr. Moynahan said that they would continue to work on this; that they had good input and he would try to write something down that the Board could review before it was turned in or maybe they didn't turn anything in to the committee; that they all had their own goals and objectives for this and for the Town. He added that he thought that two of them were just stated and would sum up a good chunk of it. Mr. Moynahan said to Mr. Blanchette that he left a note with him for some potential follow-ups and asked if there was anything that they could get follow-up to.

Mr. Blanchette said that he had several updates. On insurance, he read "What is required, if any, for outstanding events for outside vendors on Town property?" He said that this was dealing with Eliot Festival day; that he has talked with Mr. Hirst a little bit and they were going to come up with a proposed guideline to the EFDC. He added that, primarily, it was the EFDC's insurance that protected the Town; that that was what the Town was relying on. He added that if EFDC wanted more insurance or if their insurance company wanted them to get certificates of insurance from the vendors, then that was a whole separate thing. He added that the Town was not required to have that from the vendors; that the Town was requiring that EFDC had it to make sure the Town was covered.

Mr. Moynahan said that they always have.

Mr. Blanchette said yes.

Mr. Moynahan clarified that it was not a change to them; that that was something that the Town did not even get involved in.

Mr. Blanchette said that, if they wanted to look at it as different...for example, they determined that anyone who brought in food needed to have a certificate of insurance versus someone who was knitting mittens, then they could have that sort of policy, and he could understand that, but this was nothing that the Town's insurers were requiring; that the Town was only requiring that they, the EFDC, be insured.

Mr. Moynahan said that they have always provided the Town with ample insurance so, anything else that the Town offered them would be courtesy in nature of trying to help them with anything their insurance company might ask for separately.

**SPECIAL BOARD OF SELECTMEN'S MEETING
November 15, 2012 5:30PM (continued)**

Mr. Blanchette agreed. He said that he did hear from the attorney on the Good Neighbor petition; that they have reviewed it and the BOS should be getting their opinion of it. Discussing the union, he said that they had nothing to update.

Mr. Murphy asked for the status.

Mr. Blanchette said that the status had not changed since they last talked about it four weeks ago. He added that he has contacted the attorney for the union and they had not heard back from them, adding that he would send them another email before the holidays reminding them that they were still here.

Mr. Moynahan said that there was a question posed about executive session material on when it was deemed confidential and how much in advance was material given. He said that he found that the M.R.S.A.'s really spoke to nothing about confidentiality of material in executive sessions or how much in advance material could be given and that sort of thing. He added that they should probably get some clarification because the question was posed as to what they did with information presented in executive session, adding that in one of the most recent executive session there was no material, no correspondence, in the executive session.

Mr. Blanchette said that whatever he got for materials he tried to make sure that the BOS got it; that if he didn't get it then he couldn't produce it.

Mr. Moynahan said that if it was just a request for executive session, with no correspondence, then that was what the BOS would have for executive session.

Mr. Murphy said that, as usual, they never generated anything in executive session.

Mr. Blanchette agreed. He added that he would try to be more cognizant of the request for executive session and make sure that, if they had any hint that they could pass it along.

2. Sewer Contract/IMA – Schedule IMA/Kittery Meeting for presentation - Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette
3. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short
4. Community Service Space: Relocation to Elementary School – explore school space – fit up costs, service impacts, insurance, MSAD #35 contract, CSD Director – Mr. Dunkelberger, Mr. Hirst, & Mr. Blanchette

Mr. Moynahan said that they had a meeting with the ECSD Director last week and there was some follow-up, he thought, or something they had requested the Department Head to do and he couldn't remember what some of those were. He said that, if folks had any thoughts of what the Board had asked, if they could forward it on to him or Mr. Blanchette, then they could make sure they could get the answers or material completed.

5. Town Manager – schedule workshop; include Comp Plan Implementation Committee
6. Dispatch Service/Ambulance Contract – Contract with Kittery, request from same, costs – BOS, Mr. Muzeroll, Mr. Short
7. Policy creation/review – debit card, video-streaming, website management
8. Employees – cross-training, charting earned times, job descriptions - BOS
9. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review - BOS
10. Budget Preparation - BOS

SPECIAL BOARD OF SELECTMEN'S MEETING
November 15, 2012 5:30PM (continued)

11. Auditor – financial statement, management letter, finance director, personal property tax, fixed asset management - BOS
12. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
13. Legal issues – pending and Consent Agreements – Eliot Shores, PSNH/Sierra Club, Mr. Bogannam - BOS
14. Sewer User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
15. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews - BOS
16. Research grant opportunities – AED's for Town buildings
17. Comp Plan follow-up

Selectmen's Report:

There were no Selectmen's reports tonight.

Other Business as Needed

There was no other business tonight.

7:10 PM

Executive Session

Mr. Beckert moved, second by Mr. Murphy, to enter into executive session as allowed by 1 M.R.S.A. § 405.6.A "Discussion or consideration of employment, appointment, assignment, duties, ..." Personnel issue.

VOTE

4-0

Chair concurs

7:50 PM

Out of executive session.

7:53 PM

Mr. Beckert moved, second by Mr. Dunkelberger, to bring David Arsenault as a regular employee under probation.

VOTE

4-0

Chair concurs

Adjourn

There was a motion and second to adjourn the meeting at 7:54 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John J. Murphy, Secretary