

**BOARD OF SELECTMEN'S MEETING  
December 8, 2011 6:30PM**

**Quorum noted**

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

**Roll Call:** Mr. Fernald, Mr. Moynahan, Mr. Dunkelberger, Mr. Murphy (after first vote) and Ms. Place.

**Pledge of Allegiance recited**

**Moment of Silence observed**

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

**6:31 PM** Motion by Mr. Dunkelberger, seconded by Ms. Place, to approve the minutes of November 17, 2011, as written.

**VOTE  
3-0  
Chair concurs**

**Public Comment:**

**6:32 PM** There was no one from the public who wished to speak.

**Department Head/Committee Reports**

**6:33 PM** Mr. Blanchette discussed the results of the advertisement for a recording secretary for the Board of Appeals (BOA). He said that he had one finalist that he felt the Board should go ahead with, adding that, if they wished to meet the finalist, then she could be present at next week's meeting or, if they wished him to continue with the process to hire her by contract as the present one was hired, then he would do that.

Mr. Moynahan said that he thought they were all set with Mr. Blanchette continuing the process.

Mr. Dunkelberger asked, out of curiosity, how many applicants did he have (for the position).

Mr. Blanchette said that he had three. He added that her name was Linda Keeffe and that she lived here in Eliot.

The Board agreed with Mr. Moynahan.

Mr. Blanchette said that he was going to use the guideline for pay purposes that was with the existing recording secretary for the BOA and give her a 3-4-month trial period, then review with Mr. Ciesleszko at that time.

Mr. Ciesleszko said that he has not met her, but has heard good things about her and likes the plan that Mr. Blanchette has for an introductory offer.

Mr. Moynahan moved, second by Mr. Dunkelberger, to allow Mr. Blanchette to move forward with hiring Linda Keeffe by contract, which is the same as the prior recording secretary, for a three-month trial.

**VOTE  
4-0  
Chair concurs**

**6:36 PM** Mr. Moulton discussed the letter he had drafted for sewer violations, having exceeded the December 2<sup>nd</sup> deadline, and asked if the Board had had time to review that letter and were prepared to give their thoughts on that to him. He added that they had only about a third

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left, so they have done well, but there were a few outstanding issues that he would like to have reinforced with this letter.

Mr. Fernald said that he had read it and believed it was something that they needed to do. He asked for comments from the Board.

Mr. Murphy said that he had read the letter and believed it was an appropriate action.

Mr. Moynahan and Ms. Place agreed.

It was the consensus of the Board for Mr. Moulton to move forward with this letter.

Mr. Moulton discussed a violation issue in regard to the Transfer Station. He discussed that he had written a letter and asked if they had had a chance to review the letter.

Mr. Murphy said that he had and that he thought it should be followed up on. He asked if this would serve as a warning.

Mr. Moulton said that this first action would be a warning.

Mr. Moynahan said that he had reviewed it and, as long as it is consistent with the Town's current recycling ordinance, then that was the process that they should follow and something they would allow the department head to do.

Ms. Place agreed.

It was the consensus of the Board to move forward with this letter.

Mr. Moulton discussed an update to the issue with the Maine DOT. He said that the second letter hit home, saying that he had another meeting with representatives of the Maine DOT tomorrow to look at issues and concerns.

Mr. Fernald said that they continue to get complaints about Goodwin Road.

Mr. Moulton agreed and said that, according to what he has heard, Goodwin Road, Beech Ridge Road, and State Road were all getting shimmed and over-laid next year. He added that he was not convinced this would happen because, to him, that was an awful lot of money at one time, but they would see what transpired.

Mr. Murphy asked Mr. Moulton if he was able to keep a record of the value of the State work that the Town has done.

Mr. Moulton said that he has, saying that he had a rough spreadsheet going to capture the work done by Eliot on behalf of the State.

Mr. Murphy asked if Mr. Moulton had a rough dollar figure.

**6:40 PM**

Mr. Moulton said that he thought they were at about \$600 to \$800, including overtime and things they've done to assist.

Mr. Moulton discussed an employment issue and that he did not know if the Board wanted to discuss this in executive session.

It was agreed this would be discussed in executive session.

**6:41 PM**

Mr. Muzeroll discussed the tank truck, that it was back in the area, and he was in process of doing an informal contract with New England Fire Equipment to resell the truck for them (have not agreed what their % would be), adding that he was holding fast to \$7,500, based on what he has seen them sold at in this condition nationwide.

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Mr. Muzeroll also discussed the work done over the last several months on the emergency generator, clarifying that most of it was maintenance stuff that came together all at the same time. He reviewed the impacting events of the last year with the Board, including the substantial lightening strike on the station, the subsequent claim, and the secondary issues that were not being covered, leading to an approximate additional \$2,000 that was not budgeted for the facility. He said that he would like to approach the Board to see if they could, in the Facilities Fund, pay that \$1,987.68 that was due for the repair of the generator.

Mr. Moynahan said that, in view of later in tonight's agenda that that was currently earmarked out of the Facilities Account, they must have had some prior discussion.

Mr. Muzeroll said that he spoke briefly with Mr. Blanchette earlier but did not know how this ended up on the agenda. He added that he would like to at least know where to go with it but would willingly wait until it came up in the agenda tonight.

#5

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Update on Facilities Account

At this time, the Board agreed to continue discussing the generator issue.

Mr. Muzeroll said that this was part of that whole ongoing evaluation and did not want to throw good money after bad, explaining that he has had three contractors look at that facility (fire station) and how it's hooked in over the last year, free of charge, and they were not recommending replacement. He said that it ran top-notch with the money they had put into it over the last couple of years and he would like to keep it that way until it dies, explaining that there were thousands of these generators across the country in schools, fire stations, town halls and, so, parts were readily available.

Mr. Moynahan said that this sounds like it would be an essential repair for the operation of a life safety department.

Mr. Moynahan moved, second by Ms. Place, to allocate the \$1987.68 from the Facilities Reserve to pay that bill for that generator.

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

Mr. Muzeroll gave the Board an update regarding Hurricane Irene. He said that he believes that paperwork is now complete and tomorrow, after his final audit, will be sent in to FEMA, to include claims from Highway, Fire, and Police Departments. He added that the Highway Department had substantial items that were claimable for reimbursement and Police and Fire had some labor and equipment claimable. He said that they were looking at a total claim of about \$50,000, explaining that the majority of that (\$37,000) would be for the Highway Department, about \$5,000 would be for Fire and \$4,000 to Police. He said that most of it was labor, fuel, food supplies and was a direct reimbursement and could be direct reimbursement to the budget. He explained that they might be eligible to claim a financial amount greater than their expenditure and, what they did last year was, if this money gets approved from FEMA, then individual departments would approach the Board with exact expenditures to be reimbursed with the rest put into the general ledger FEMA account. He added that it would probably be several months before they saw anything because it had to go through another audit cycle.

Mr. Muzeroll thanked the Board and the Townspeople for all their support of the new memorial at the Fire Station, inviting people to stop by and take a look if they haven't. He added that it was a nice little spot, they have a bit more work to do in the spring, would put up some benches for walkers, etc.

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Mr. Fernald said that Mr. Muzeroll had done a good job on the memorial and it certainly was a good tribute to firemen who have served.

Mr. Muzeroll commented that they have quite a history – a “short” history- from 1914 – but still a lot of local history and they thought, departmentally, they wanted to give it prominence.

**New Business (Correspondence List):**

**6:43PM**

**#1**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Copy of Memo sent by Steve Beckert

Mr. Beckert said that they were here to answer any questions the Board had. He said that they had not finished going through the PB process and that, back in October, it was their (BC) understanding that they would go through that, then bring everything to the BOS once they were done with that, which would be the 20<sup>th</sup> of this month. He also added that they had all the preliminary plans for the building, the septic design, the sketch plan, as well as a summary of everything their committee went over on Monday to make sure they were all in agreement, which the committee was by unanimous consent with the preliminary figure of \$425,000. He explained that the sheet the Board should have explains where each piece of that puzzle, so-to-speak, comes from. Mr. Beckert said there was additional information about what was not included in that figure, as well, explaining that, if directed by the Board to go forward, items 2A & B would be needed by the BC to go for final construction plans and final material and finish specifications, which were required when they went out for formal bid to make sure that all the contractors were bidding on the same thing. He said that they saw that, when the preliminary estimates came in, that they were an apples and oranges comparison on some of the things and the BC wanted everyone to be on the same page with the bidding. He added that, with this economy it could possibly come in higher but could possibly come in lower, too, because people were hungry for work, as well. Mr. Beckert said that, if the Board had specific questions, then they would certainly answer them but that the BC, once they finish with the PB process, was pretty much at a stand until they knew from the Board of Selectmen where they wanted them to go – if they were going to authorize the monies to do the final plans, or not, and where they wanted the BC to go. He discussed the possibility of phasing the building in and, again by unanimous consensus at their Monday meeting, it was felt that, if the building were to be approved to be built, that it would not be cost-effective to phase it in. He explained that the part most were looking at phasing in would be the meeting area, which was probably the cheapest part of the building to build because the rest of the building, the office space, houses all the systems (heating, plumbing, etc.) and those systems would still have to be sized to take on that meeting room, etc., in the future. He clarified that it was not the BC's recommendation that it be phased in, if it was approved, but talking with other departments that, once the ground was opened up to do this kind of project, then one would put in the entire foundation, drainage, septic system, heating, etc., as that still needed to be done and sized to take on the additional space they might phase in, which was really no more than four walls and a ceiling.

**6:47 PM**

Mr. Murphy thanked the BC for the worked they have done and the presentation package they submitted.

Mr. Beckert was appreciative on behalf of his committee. He wanted to emphasize that these are only preliminary design drawings done in order to obtain preliminary estimates.

Mr. Murphy commented that he felt that they had sort-of waited long enough and this would be something significant for the Town and, if they didn't do this, when would they do this. He added that he thought that, somehow or other, they needed to figure out how to go ahead.

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Mr. Moynahan said that they had been waiting for a dollar figure, which the Board needed to know for the voters to approve any type of project, first and foremost. He clarified that the essential need they had going into this was to replace the space the ECSD was displaced from. He said that, in addition to that, this plan showed great meeting space (all meetings could be housed there – twice the size of the space here), with plenty of storage, so it certainly encompasses a lot of the Town's needs. He added that that was information they needed to express to the residents – that it was not just a Community Services space, it was a Town space. He said that that was a big thing but the first and foremost priority was to get the Community Services back into a Town-owned facility, since they were displaced. He reiterated that, at some point, they needed to put a dollar figure out there to see if the voters would move forward with it. Mr. Moynahan said that he knew they had \$100,000 in that account that was earmarked for Community Services so that would certainly limit the bond amount they were looking at, up front.

**6:55 PM**

Mr. Dunkelberger clarified that the \$425,000 was the best estimate from the BC. He said that his suggestion going forward would be to get some detailed plans out, put it out to bid, then go to the Town to say what it would cost. He added that he realized those costs might be offset, in part, by what the Highway Department could do, but they couldn't count on that because, if they were doing work on the pertinent facility then there might be other work not getting done or Murphy's Law would say that, as soon as they counted on help from Highway, then they would have an Irene-type of event or a Mother's Day flood that kept them busy elsewhere.

Ms. Place agreed that they needed a definite figure and they do need to take it to the people, letting them know what they intended to do and get their votes on it.

Mr. Fernald said that the BC had done a good job with this and it is something they want to move forward with.

Mr. Muzeroll asked where the \$425,000 came from.

Mr. Beckert said that it came from all the preliminary figures the BC put together from the preliminary estimates, the costs to do construction drawings, etc.

Mr. Muzeroll clarified that the BC, somewhere along the line, have had data given to them that was derived from fairly reasonable cost estimates for what they thought would happen – otherwise, they would not have presented that \$425,000. He said that he remembered when they did an addition – that they went through the same process – and they said \$350,000 and they didn't have drawings – the Town approved \$350,000 and the Town built a \$350,000 fire station. He said that, if the BC was saying \$425,000 then build a \$425,000 Community Services center, clear and simple, and move forward.

Mr. Moynahan said that, ultimately, it was not their say; that they could only put certain things in front of voters to decide. He added that they had been waiting for that “elephant out of the bag”, all the information gathered by these folks and now they have it, so, now it was time for the Board to put it in front of the voters to see if that was something they wanted to move forward with.

Mr. Muzeroll agreed with what Mr. Moynahan said but added that they already had a figure out there.

Mr. Moynahan said yes, right now. He added that he wasn't disputing that and, if that was the figure, then that was the figure and that was all he was saying. He discussed that they could put a figure of \$200,000 out there and have someone design something for that dollar figure, but this was for additional needs for the Town, as well. He said that they were trying to do a couple of different things, here, which he thought they had succeeded in doing – the storage and meeting space.

**7:01 PM**

Mr. Beckert said that their tasking and mission statement that the Board approved, back when the committee was formed, told them to look at the Town's space needs and ECSD in particular, in the fore front, to go out for something that would last for 20 – 30 years. He

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added that he thought the committee had done that. He said that he thought it was prudent that, when they did look at any of the space needs of the Town, that the building was not too small the day the Town opened the doors. He commented that most people remember the Town Hall was too small the day its' doors were opened and the BC did not want to get into that same situation again. Mr. Beckert said that, if the Board was asking the BC to move forward, then the prudent thing to do when one was going out for costs that they could take to the Town (his opinion, and what they have discussed within the committee) was that they needed the formal drawings and material and finish specifications so that everybody was bidding on the same thing. He said that, then, once those bids were in, they could sit with the contractors and, possibly, negotiate fixed costs. He clarified that they did not want cost overruns, that they wanted to know what the building would cost and, as he would hope anyone would agree, that it would not fluctuate once they got started. He emphasized that, like the statement at the bottom of the page, these were only preliminary figures, and the design architect would tell them the same thing.

Mr. Fernald agreed but, if they went to the Town for \$425,000 and that was what was approved, then that was what they would have to spend.

Mr. Beckert said that he understood and added that they could go out for formal bid and find out it came in less, or more, that was the risk taken.

Mr. Fernald agreed.

Mr. Beckert added that they would then have a more concrete number that what was there now. He added that the Fire Marshall would have to be involved and would want to see more concrete, formal drawings.

Mr. Strong commented that the contractor said that they dealt with on the preliminary estimates could not give the BC a lock-down figure unless the BC had final drawings and fit finish, which would be the next phase.

**7:05 PM**

Mr. Murphy said that it seemed to him that the Board had had a committee working long and hard on this and their recommendation that the Board perform steps 2A and 2B and learn a little bit more in final detail is reasonable. He added that they could then have plans that the Town could rely on much more certainly – these are hazardous times and people were much more skittish and would like to be more fully assured of the outcome.

Ms. Muzeroll-Roy said that she was curious, now that they were presenting to the Board, what were the next steps after this. She said that she was a little disappointed that they were not able to piggyback on the fire ordinance special meeting coming up – there certainly wasn't enough time to do that and she was just wondering what happens after the Board was presented this information.

Mr. Fernald said that they needed to know how long this process would take when they had a figure they could go to the Town with to get approval.

Mr. Strong said that that depended on how quick they could get the final drawings and he did not believe they would take more than a month to do, including time for the BC to meet, go over them, and make any corrections.

Mr. Fernald said that one of his personal concerns was that he would hate to see another special Town Meeting just for this purpose. He added that he knew they had set up a tentative Town Meeting for the Fireworks Ordinances, suggesting they might look at those dates and decide that those ordinances and this project be on a Town Meeting in January, but that wouldn't work if it would take another month.

Mr. Strong reiterated that they had to first have the finished drawings, go out to bid to contractors, the contractors have to return their bids, then the Board would have to decide what was the best bid and what the final price would be before they asked for money.

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Mr. Fernald discussed that the BC had given them a recommended figure of \$425,000, suggesting they could go to the Town to ask for that amount to build the ECSD building.

Mr. Strong asked if he wanted to lock in on a figure before actually knowing what it could actually be built for.

Mr. Dunkelberger said that he shared Mr. Strong's concern. He said that, if they lock in on that figure and the bids came in at \$500,000, then they would be stuck because they would then have to change some key component within the facility (requiring further drawings and more time and probably back out to bid). He added that he was also concerned with a January Town Meeting when they have a very small component of the public that would be able to, he thought, show up to give them a yea or nay on a project of this scope.

**7:08 PM**

Mr. Moynahan said that he thought that in the construction industry budgets were formulated for any contractor working on a project. Discussing the presented preliminary figures, he said that he was pretty familiar with a lot of the people who were asked to price this – there was a range of pricing as there were still some question marks – he did not believe they would far exceed this number as much as everyone was concerned with. He said that he thought they needed to get that number out to people and have it budgeted. He added that, if bids came in at \$440,000, then there were simple ways to downsize this project without redrawing it – meeting room could be left unfinished, kitchen could be shrunk or not installed for the time being, window schedules could be changed – there was a whole multitude of things that the contractors, BC and Board could be involved in to make the decisions to make sure that dollar figure was not exceeded. Mr. Moynahan said that they have been a long time trying to get something going – let's get a feel for what the residents want and see if they would approve this type of funding.

Mr. Dunkelberger commented that they would be putting the facility out front, advertising one facility for \$425,000. He said that, if they started downsizing things, then they would be creating a facility that the residents of the Town did not vote for. He added that they were short-changing themselves and would have to go back out to the residents to fill in those gaps in which they were short-changing themselves.

Mr. Moynahan said that he did not say downsize, clarifying that he was talking about downsizing the scope and phasing – so they could leave a wing off, phasing that in later, and build just the needs of the ECSD, which was a 30' by 50' area (1,500 sq. ft.). He added that they could build that box now and then go bond for a meeting room later down the road or they could do the whole thing now and not finish every aspect at one time. He explained that they didn't have to do all the dry-walling, do all the lighting schedules, put in a kitchen but the 1,500 feet the department was utilizing in the former building should be made available somehow. Mr. Moynahan said that this seemed like the most logical approach as it benefitted the whole community over time. He reiterated that he thought it was time to get a dollar figure out to the public and see if the people were even going to approve something like this because, if they said no, then they needed to make other arrangements for that department. He added that they could not stay in the firehouse any longer; it was not conducive to the business they were trying to conduct.

**7:11 PM**

Mr. Dunkelberger suggested that, since they were going to have a Town Meeting in December, maybe they could have a public hearing with regard to this project to get feedback from the voters.

Ms. Place said that she did not think they would get enough of an attendance in December to have a public hearing. She wondered if there was some way to incorporate getting just this \$425,000 figure out there at the Town Meeting in the beginning of or sometime in January, thinking that the people would respond to that. She asked if they should then be talking about getting the estimate for the designs and the money for Attar Engineering and talking or voting on that, as well, to begin with.

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Mr. Murphy said that was a question he had, as well, on items 2A and 2B (finish specifications). He asked if those monies were available now or did the Board need to get Town approval.

Ms. Place said that there was currently \$100,000 in the Building Fund.

Mr. Fernald agreed and said that that is where the money would be coming from.

Mr. Murphy said that that would reduce the \$425,000 by about \$90,000.

Ms. Place asked Mr. Blanchette if there was a possible date in January that they could do the Fireworks Ordinances and this.

Mr. Blanchette said that they had not checked for availability of the gym in January, that that was something that Ms. Rawski usually did. He added that they had a particular date and that was what they looked at.

Ms. Rawski clarified that the December 16<sup>th</sup> Special Town Meeting was voted in an open Board meeting here. She said that she was unaware of that for about a week and a half after it happened and found out about it by reading it in a newspaper article, which made it hard for her to plan for that meeting. She requested that, in the future, either Mr. Blanchette or Board members communicate with her, as their Clerk, to schedule that meeting. She said that they were lucky they even got Eliot Elementary School (EES). She added that EES is now scheduled for December 16<sup>th</sup> at 7 PM and she was waiting for a signed warrant from the Board tonight to post on the deadline, which was tomorrow to legally hold that meeting. Ms. Rawski personally would strongly advise the Board against adding a dollar figure item on a warrant at that time because they're not going to get the people's vote (not even in January, she believed) and she had a week to notify people about this meeting. She said that they have people complain that they don't know about Town Meeting in June, which is held every year. She added that, if the Board was going to do an article of that caliber, then they need to have it so that it is advertised and the public was fully aware, adding that seven days was not enough time to do that.

Mr. Fernald asked for Mr. Beckert's input on what the Board was discussing.

**7:16 PM**

Mr. Beckert discussed that he had four other members of the BC present and hoped they would speak up. He said that it was the unanimous consensus of the BC that the Town needed to do 2A and 2B so that the Board had a good figure to give to the people of the Town on the cost of this project. He added that, if it came in higher, then they would adjust and, if it came in lower, then everybody would be the better for it. He said that, in his own opinion, he did not agree that they should just throw a dollar figure out there and then build the building to that figure. He added they throw a design out there and build the building to that design, which is the way it was normally done.

Mr. Muzeroll said that they had preliminary drawings that the BC threw out that gave them that \$425,000 estimate – it wasn't a figure they dragged out of the sky. He added that, somewhere along the line they had to ask reputable people to arrive at that figure and to now say that it was invalid kind of blows all the work they've done out of the water.

Mr. Beckert commented that they never said they have an invalid figure. He said that they had said right along that these were preliminary figures; the design architect said they were nothing more than preliminary figures and even the contractors that gave them the estimates said that they were preliminary estimates, that they could not give good concrete estimates based on those preliminary drawings. He added that the contractors told them they would need final specifications and final construction plans and those are people who were in the business every day. He said that the estimates ranged from \$300,600+ to \$354,000+ and was quite a range because they weren't estimating on the same thing.

Mr. Strong said that the contractors would not bid on those specifications because they weren't specific enough. He added that they wouldn't give the BC an estimate and those

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were people they would like to go back to when the BC had a full set of plans so that the BC could get good estimates from them.

Mr. Hirst asked if there might be an argument for going to the people first before they did this \$8,000 in design and ask if they wanted to go forward with this design work or do the design work first and take the chance that the people would say no.

Mr. Fernald asked him when he would get that inquiry from the people, from a Town Meeting.

Mr. Hirst said that the Board was talking about having a Special Town Meeting in the winter sometime and the Board could go to them in that mechanism and ask them. He said that the Board could tell the people that it looks like the project would be somewhere in the neighborhood of \$425,00 and ask them if they wanted the Board to go forward and spend the \$8,000 to get the design documents so that they could get bids. He added that, if they said no, then the Town will have saved \$8,000.

Mr. Place commented that he thought they ought to keep going 1, 2 3, instead of jumping around. He said that he had talked with Mr. Moulton and that the best time for Mr. Moulton to do his work would be early spring. He added that he did not agree with just putting a figure out there.

Mr. Pomerlau, resident, said that there had certainly been a lot of conversation about this on EliotOnline and with people he had spoken with. He added that, as far as he was concerned, the Board could stop right now and not go any further without getting input from citizens of Eliot because he thought there would be widespread opposition to spending one more penny on anything that would raise taxes in the Town one cent. He added that he thought they might find that this entire proposal could probably be voted down completely. He said that what he would recommend and advise the BC to do would be to stop right now and not spend another dime or another hour on any staff time without going to the citizens of Eliot and asking them if they were ready for something in the ballpark of \$400,000 to \$500,000, Regardless of the amount, he added that the figure, itself, was enough to tell him "no", they weren't prepared to do that in the Town, now. He said that they were in an economic crisis and the Board needed to do things to reduce the taxes and not anything remotely close to increasing them, whatsoever. Mr. Pomerlau commented that the government of Maine was proposing removing 65,000 people off the Medicare rolls and Eliot was talking about spending a half a million dollars for a community service building. He said that he did not see it as a necessity, whatsoever, and something they could do without. He clarified that he was not in opposition to the concept but it had to be affordable to the Townspeople, adding that there were a lot of people unemployed and a lot of people on fixed incomes, that everyone was suffering and this was bad timing for this project. He added that he thought they would find, overall, that the people in Eliot would not approve one dollar for a new community service building.

**7:22 PM**

Ms. Shapleigh said that she thought they definitely needed the drawings and, in order to be able to go to the people and let people decide whether or not they wanted to spend that kind of money, then they have to have actual drawings that these estimates could come from. She added that she thought there were many people in this community that were probably not on EliotOnline and suspected they thought differently. She also added that she thought it not right that the Town continue to use the Fire Station, which was the Fire Department's space, and was an accident waiting to happen. She said that they had young kids and old people toddling in and out of there and believes it was a very unsafe situation. She said that she thought that, if the people understood that situation, they would come to some kind of compromise of what the Town could afford. She commented that they definitely needed to do something to put the ECSD in their own space.

Mr. Fernald asked if anyone else wanted to speak.

No one spoke.

Mr. Fernald asked the Board members for their direction.

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**7:24 PM**

Mr. Murphy moved, second by Ms. Place, to approve the recommendation of the Building Committee and proceed with steps 2A and 2B in order to get truly reliable estimates and take those to the Town.

Discussion: Mr. Murphy said that they must do this. He said that the Town needed a community services department, that its' usefulness has been proved for a dozen years or so and it would be ridiculous for the Town to go back to the old ages where nothing happened and a lot of needs went unmet.

There was no more discussion.

**VOTE**

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

**Chair concurs in the affirmative**

Mr. Fernald said that, with that matter, he would like to ask the Board to discuss the community service building at their next off meeting on next Thursday – how it might be financed, etc.

Mr. Dunkelberger said that he would not be able to make that meeting, as he would be in Washington, and asked if it could be deferred.

Mr. Fernald said that he would like to see this project get moving and so that they could come up with a date in the late winter or early spring for a Town meeting.

Mr. Dunkelberger said that he had been waiting to bring something up that might help them meet all of their goals. He said that he would like the Board's permission to enter into discussion with MSAD #35, with the potential of taking a look at how they could collaborate with MSAD #35 in housing and operating the ECSD. He explained that his reasoning was that a lot of the programs overlap, now, MSAD #35 has the facilities and, as the school population continued to decline, it presented an opportunity for both MSAD #35 and ECSD to build upon each other's capabilities.

Mr. Murphy said that the operations of this combined thing would then be divided between the towns depending on the function, and something may occur at the EES, some at the new school, some at South Berwick, some at Marshwood High, and bus trips that would go elsewhere...

Mr. Dunkelberger said that that would be part of the discussion as far as whether South Berwick wanted to be a partner in those discussions.

Mr. Murphy clarified that Mr. Dunkelberger was thinking that no building might be needed.

Mr. Dunkelberger said that that was what he was hoping.

Ms. Muzeroll-Roy said that she has had meetings with other departments as far as collaborating, right now, and everybody was doing their own thing. She added that they did overlap in some things and combined in other things, so collaborating with rec departments right now, where they were all doing their own thing, was a conversation that had been done twice over. Regarding collaborating with the school, she said that there were so many organizations in Town trying to go into the schools, that she had a hard-enough time getting people to the Fire Station to register for programs in one facility and now being spread out amongst the school district was ridiculous sounding to her. She also said that she has had a meeting with the principal of the EES when EES found out the ECSD building was coming down, trying to offer ECSD space, etc., and they do let ECSD hold some things down in their basement for their gym. Ms. Muzeroll-Roy said that there was absolutely no space in this entire district, adding that one could barely get any space and she was allowed one day a week, if she was lucky, so now the suggestion was to run office space and programs out of elementary schools and middle schools and the high school. She said that those conversations have happened, would welcome more

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**December 8, 2011 6:30PM (continued)**

conversation, and would like to be a part of those conversations but reiterated that those conversations have happened and that it wasn't going to happen.

Mr. Dunkelberger said that all he was asking for was the opportunity, on behalf of the Board, to enter into discussion with MSAD #35 to see if there was some potential to make things work, that there would be no decision, and welcomed Ms. Muzeroll-Roy to be a part of that.

Mr. Fernald said that there was no reason why he should not be able to do that and, if that was the consensus of the Board, he could go ahead.

It was consensus of the Board for Mr. Dunkelberger to go forward with that.

Mr. Moynahan said that he thought it would be more beneficial for all involved, based on the conversation, was a centralized location for housing the offices.

Mr. Dunkelberger said that he didn't have any idea on where or what kind of space and that would be part of the discussions.

Ms. Muzeroll-Roy said that they had gone from discussions of figures to Town meeting time to now relocating amongst a district and asked for clarification on what was the focus.

Mr. Fernald said that they were going ahead with the building and what Mr. Dunkelberger wanted to discuss with MSAD #35 was fine – that he would come back to the Selectmen with his information and the Board would go from there.

**7:30 PM**

Mr. Beckert said that the BC would get 2A and 2B moving tomorrow.

Mr. Strong said that he thought Mr. Dunkelberger's idea was good because the people would ask them the same question regarding whether they tried to see if the school could do this, adding Ms. Muzeroll-Roy's research that it wasn't available and could not happen there, then that would put that to bed.

**#2**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Warrant for Special Town Meeting

Mr. Blanchette said that the Board needed to discuss which warrant they were going to do, with or without the fourth article.

Mr. Dunkelberger asked if they had gotten any feedback from the attorney if plowing Wildbrook Lane this coming winter would open the Town up to any liability.

Mr. Moulton said that it could open them up to all kinds of things.

Mr. Moynahan said that there was a State law that allows people on a private road to petition the Selectmen to authorize this – the use of Town staffing and equipment.

Mr. Dunkelberger said that he understood that but he was concerned about damaging equipment or damaging the road and then being held liable for that. He was also concerned that they would be setting a precedent regarding the other private roads that would cause them some difficulties.

Mr. Fernald said that this request was for just one winter season, that this was not something that would be plowed until approved and was something they had previously discussed.

Mr. Moynahan said that they had voiced all those same concerns.

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Mr. Dunkelberger agreed but said that he had been thinking about it and was bringing it back up again.

Mr. Murphy said that that road was just about 800 feet long, there were seven lots – they mean to say they couldn't afford a guy with a pickup truck to come in and plow.

Mr. Fernald said that, evidently, that was the concern.

Mr. Dunkelberger said that, if the Board accepts this, then what's to prevent someone from any other private road coming back and saying the Board did it for them, now do it for us.

**7:32 PM**

Mr. Moulton commented that, in his previous employment, he wrote a road acceptance policy – steps necessary to follow to get a road approved to get to town meeting as an existing road – and he believes that would be on the PB agenda sometime in January. He again said that it had the potential to open up liability to the Town. He added that he did not believe it would damage equipment and would be more concerned with damaging the road but he believes Mr. Howell said that they would put in a document that said he would not hold the Town liable and, if the Board wished to accept that, then that was their choice. Mr. Moulton said that he would probably plow that road only with a small pick-up and treat with a larger vehicle. He added that it was his understanding that they wanted to save the winter maintenance money to go towards the rehabilitation of the road so that it could be approved next year.

Mr. Moynahan said that he would be more inclined to go without the fourth article in the warrant and let each private road, if they so choose, come on an individual basis and, at that point, they would have these same conversations, as it was their right to petition the Selectmen to use Town staff and equipment. He added that, in this case, he would be inclined to keep that fourth article off this warrant.

Mr. Moynahan moved, second by Mr. Dunkelberger, to keep the Fourth Article off the Town Warrant of December 16, 2011.

**VOTE**

**4-0**

**Chair concurs**

Ms. Place moved, second by Mr. Moynahan, to hold a Special Town Meeting on December 16, 2011, at the Eliot Elementary School at 7 PM.

DISCUSSION:

Mr. Murphy asked that "Friday" be inserted to make it clear for the residents.

Mr. Blanchette said that that could not be done because they needed to sign the Warrant tonight, so no changes could be made.

**7:40 PM**

Mr. Reed asked, if the Board was not going to have the fourth article on the warrant, then he was curious to know what the urgency was on this particular Town Meeting that the Board would want to make a Special Town Meeting for these particular issues, with the expense and effort to get people out in this season.

Mr. Moynahan explained that it was a timeline for a State Law that enacts a Fireworks Ordinance on January 1<sup>st</sup> so the Town needed to have something in place by that date.

Mr. Dunkelberger added that this would be to approve or disapprove doing something other than State Law.

Mr. Fernald clarified that the State Law would allow fireworks to be sold in any town in Maine and used by any person in Maine.

Mr. Reed clarified that the Board had already had the discussion in that the Town wanted to do something different from the State.

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Mr. Dunkelberger said that they may want to do something different, which was why the Board was putting this out to the people – to let them make the call.

Mr. Reed thanked the Board for their explanation.  
There was no more discussion.

**VOTE  
4-0  
Chair concurs**

At this time, the Board signed the Warrant for the December 16, 2011 Special Town Meeting. They also signed the final version of the ordinances to be voted on.

While the Board was signing the documents, Mr. Dunkelberger explained that the Board was putting forth two ordinances for the Town to vote on: one deals with the use of fireworks in Eliot totally banning the use except under application for a formal display; the second bans the sale of fireworks in Eliot. He said that, if either or both of those two ordinances do not pass, then the Town falls back on the State guidelines, which will allow both the sale and use of fireworks.

Mr. Fernald said that they had to do that in that way to give the voters a chance to vote if they wanted it or not and this is not to say that the Board feels one way or the other, that they had discussion for and against, but that this was a way for the people to make a decision.

#3

TO : Board of Selectmen  
FROM : Dept. of Trans.  
REF : Strut Replacement Eliot – South Berwick

Mr. Moulton said that this was part of the dam/bridge project and they were upgrading the drainage at the same time.

Mr. Murphy asked what the “CMP” stood for.

Mr. Moulton said that it stood for corrugated metal pipe.

Mr. Moynahan cautioned, or remind, the Board and other members of the Town that “The municipality is required to make all necessary notifications of the project to abutters and occupants of the highway...” and make sure that was done.

Mr. Fernald asked who that notification would go through.

Mr. Blanchette said that, first, they would have to look under the appropriate section to determine what would be the proper notification and what was required.

Mr. Fernald asked Mr. Blanchette to work on this, getting it to the right departments and make sure everyone was notified.

**7:46 PM**  
#4

TO : Board of Selectmen  
FROM : Thompson Imports, Inc.  
REF : Sale of Town-owned surplus property

This was a letter from Mr. Thompson, having an interest in purchasing a property owned by the Town.

Mr. Fernald said that there was a small piece of land adjacent to his property, saying that they had put this property out to bid in the past and asked Mr. Blanchette if they had any takers.

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**December 8, 2011 6:30PM (continued)**

Mr. Blanchette said that they had put a number of parcels up for bid he thought about 12-15 years ago and this parcel was one of the ones that no one bid on. He explained that, as far as he could recall, it was a tax-acquired property from many, many years ago and it sits right next to Thompson Imports. He added that there is a brook (Littlebrook) that either goes through it or along side of it.

Mr. Murphy said that the brook forms one side of the parcel, that he looked this up because he was interested in it because of it's' closeness to wetlands and, perhaps, a 75-foot setback. He added that he talked with the CEO and the CEO picked up that the site of this property was at the low point along Route 236, which would be exactly the point where the sewer pump station would be installed at some point and he thought the Town should hold onto this piece of property, as it would not cost much – it's only 1/3 of an acre and he would have to stay away from the brook by quite a ways – and, according to the CEO, there would be enough room for a pump station and, if the Town kept it, then the Town would have that available as a site for future expansion of sewer along Route 236. He added that this would prevent entertaining taking someone's property by eminent domain in order to install a pump station somewhere else. Mr. Murphy recommended thanking Mr. Thompson for his interest but that the Board foresees the possible future Town use for this piece of property and was not for sale at the present time.

Mr. Moynahan said that, perhaps with that, the Board could, upon the completion of the engineer's report, see if that parcel was in fact not utilized, then the Board could go back to Mr. Thompson and engage in some conversation about the sale of that parcel.

This was the consensus of the Board.

Mr. Fernald asked Mr. Blanchette to draft a letter to Mr. Thompson.

**7:50 PM**  
**#5**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Update on Facilities Account

Mr. Fernald said that this showed the Board what monies were in the Facilities Account, which was \$44,359.

Mr. Blanchette explained that the reason for this correspondence was that Mr. Moulton was asking for about \$4,000 for electrical work at the Transfer Station.

Mr. Fernald said that it looked like they had the money available for that expenditure. He asked for comments from the Board.  
There were none.

**7:52 PM**  
**#6**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Proposed letter to Sea Dog Realty, LLC

Mr. Blanchette said that the Board wanted to have the draft of a letter for their next meeting dealing primarily with the manholes, however, the issue with the possibility of using the Eliot Commons sewer came up, in a preliminary sense, with the engineer's draft report and, so, it made sense to combine the two, if the Board wanted to do so. He added that the Sewer Committee (SC) would like to recommend a subcommittee to do that, saying that he thought that Mr. Moynahan, Mr. Murphy, Mr. Moulton, Mr. Marchese and one or two other members of the SC were going to make up the subcommittee to follow up on this, if the Board agreed.

Mr. Moynahan said that the Board had discussed a draft letter at their November 7<sup>th</sup> meeting but now they have already had discussions with the engineer about this stuff, with an engineer from the Town with a department head way before the way it was supposed to be done – that the process was supposed to be done correctly. He added that when it even comes to utilizing that, it was the Board who needed to set up and negotiate that team to

**BOARD OF SELECTMEN'S MEETING**  
**December 8, 2011 6:30PM (continued)**

discuss with a private facility and payments with this. He added that they hadn't done that yet and, even though he knew this talked about it, but it starts here. Mr. Moynahan discussed H<sub>2</sub>S levels, saying that the last meeting he sat in on with two local contractors (one on the SC), it was argued that the H<sub>2</sub>S levels did not come from The Commons so, before the Town sends them a nasty gram, they needed to be 100% certain that The Commons is directly responsible for the breakdown of the manholes. He added that they were several manholes away from the out-flow and there were people who did not believe they were responsible, that the H<sub>2</sub>S was coming from sewer gases at the pump stations in Town rising to the highest spots on Bolt Hill Road, which were deteriorating the manholes along that route. He reiterated that they needed to make sure, before they send a nasty gram to the tune of \$75,000 to that business that they were properly informed that that business was, in fact, breaking down those manholes.

Mr. Moulton said that, starting tomorrow, he would do a manhole screening from the high point and The Commons has been authorized to do a cleaning by Seadog Realty. He added that he would do a week's worth of monitoring of the manhole before and after the cleaning to see if there was any affect. He added that that was part of that discussion they had with Underwood and Attar and they didn't have a problem with it. He also added that they already had the information that indicates...

Mr. Moynahan said that they had always had high H<sub>2</sub>S levels but the cause of those H<sub>2</sub>S levels has always been pinpointed on one end of the system and never looked at the other end of that system. He added that the pump station, where 90% of the Town's sewerage currently went, needed to vent and, in talking with those two contractors, the belief was that the sewer gases were coming from there and going through the system up to the top of Bolt Hill Road – the high point. He commented that the Town may be causing the damage on their own and thinks it was worthy of more exploration.

Mr. Moulton said that this screening would be the second set of data, in reference to The Commons.

Mr. Moynahan asked if he was going to isolate that the H<sub>2</sub>S was coming from The Commons.

Mr. Moulton said no.

Mr. Moynahan reiterated that it was coming from within the municipal system and he wanted to caution them that they wanted to make sure, for a fact, that that (Commons) was the reason for the breaking down.

Mr. Murphy said that it was his understanding that the measure of H<sub>2</sub>S always show peak values at the point of exit from Eliot Commons, at the side, then diminish as they go down the other side. He added that he agreed that they might accumulate in this way but that didn't prove that it wasn't Eliot Commons, either.

**7:59 PM**

Mr. Wood said that he was present as an agent of Seadog Realty and he and Mr. Blanchette talked about this a couple weeks ago and he assured the Board that Seadog was more than interested in working with the Town on the disposition of that system. He added that they would probably recall he was before the Board in 2009 and 2010 and they always thought it could be an asset to both. As far as the H<sub>2</sub>S levels and deterioration of the concrete...well, he asked to get back to his point...he said that he did attend a meeting with Underwood and several Town representatives this past Friday and they asked them to set up another meeting where they would talk about the possible conveyance of that system and easements with other users who were on the Commons system and that meeting has been set up for next Wednesday at 10 AM at The Regatta. He revisited the H<sub>2</sub>S and deterioration of the concrete, saying that they cleaned that system in 2009, in 2010, and they were cleaning it again in 2011. He said that, in 2009 and 2010, the outflow manhole (referred to by Mr. Murphy as having the highest H<sub>2</sub>S) was in the best condition. He added that it was referenced in the report and the meeting that Mr. Moynahan was referring to with Mr. Morgridge and Mr. Dupree, they noted that the particular manhole (Bolt Hill

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Road) was in very good condition. Mr. Wood said that it was his understanding that the pertinent manholes were up to a half a mile away from where their force main comes in, on Bolt Hill Road between State and Main. He said that they did not have any problem working with the Town, adding that Mr. Moulton was correct that he talked with him about taking an H2S reading with Gerome Meter before they cleaned it and afterwards. Mr. Wood suggested that the Board might want to consider breaking that letter into two letters. He added that, if the Board felt they needed a letter to acknowledge The Commons' cooperation and participation in that system (something they've been doing the past 5 years), then he was certain Mr. Forsley would sign that letter. He added that they would work with the Town on any problems with the catch-basins...but just thought the way the Board's letter was worded, saying, "On this hand, will you agree to work with us? Sure we will. But, on the other hand, you might be responsible for up to \$75,000 in catch-basin repairs, so we aren't really sure of who or what is the cause." and was a kind of letter that argued with itself.

**8:02 PM**

Mr. Dunkelberger said that, if they broke the letter into two letters, then he suggested proceeding with talking about the sewer system, itself, and wait until they had some numbers from H2S tests before they decided on the second piece.

Mr. Murphy agreed, as did Mr. Moynahan and Ms. Place.

Mr. Fernald said that it was the consensus of the Board that the second paragraph be removed.

Mr. Moynahan asked Mr. Wood if he had talked with Mr. Forsley about the conveyance discussion that Mr. Wood had already been a part of already.

Mr. Wood said yes.

Mr. Moynahan said that, really, the letter was a moot point now, anyway, because it's been done.

Mr. Wood said that, as soon as Mr. Blanchette called him (a couple of weeks ago), he talked with Mr. Forsley and he was very excited about it. He added that he told Mr. Forsley he would attend tonight's meeting and Mr. Forsley encouraged him to tell the Board that he was more than willing to work with the Town.

Mr. Moynahan said that meant, then, that if the Town was looking at conveyance of that system, should the Board look at setting up a negotiation group that would be part of the discussions that result in purchases and exchanges and that sort of thing. He added that they had a negotiation team in the past when they looked at this system and thought they should probably run that avenue again. He said that the Board should isolate who those people would be so that they weren't getting tentative phone calls from different people, Mr. Moulton wasn't getting seven phone calls from seven different people, the Board knew who was involved and would report directly back to this Board.

After some discussion, the Board agreed by consensus to send a letter to Seadog Realty to include the first paragraph only.

Mr. Blanchette said that he would have the letter ready for the Board to sign next week. Mr. Moynahan suggested they form the discussion committee tonight.

The Board agreed that Mr. Moulton, Mr. Murphy, Mr. Moynahan, Mr. Marchese and Mr. Dupree would make up the discussion committee and Underwood would be available as support staff.

**8:07 PM**

**#7**

TO : Board of Selectmen  
FROM : The Variable Annuity Life Insurance Company  
REF : Updated Specimen Document for Governmental Employers

**BOARD OF SELECTMEN'S MEETING**  
**December 8, 2011 6:30PM (continued)**

Mr. Blanchette explained that this was a savings plan that the Town initiated in 2005 and it needs to be updated in order to comply with recently passed laws. He added that it needs to be amended and the Board would need to authorize Mr. Fernald, as the Chair, to sign the necessary documents, clarifying that it doesn't change anything from the Town's perspective. He added that they had only one employee that has made use of the plan.

After brief discussion, the Board agreed by consensus to have the Chair sign the necessary documents.

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

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Proposed letter regarding Eliot Heating Program

Mr. Blanchette said that this was a letter he would like to send out on behalf of the Town requesting donations for their heating fuel assistance program with the Board's authorization. He added that they do get donations, they have already gotten some, and he would like to send it out to some of the social groups in Town, such as churches.

Mr. Murphy said that this seemed like a reasonable thing to do because it reminded people of this possibility both as a worthy endeavor they could donate to and for those in need. He said that he didn't know what plans were in place for advertising its' availability, to keep that in mind, and also suggested the word "principle" be corrected to "principal". He asked Mr. Blanchette if they had run out of funds in previous years.

Mr. Blanchette said no but that they didn't have much left, that last year they had around \$300 left.

It was the consensus of the Board to have Mr. Blanchette send out this letter.

**8:13 PM**  
**#9**

TO : Board of Selectmen  
FROM : Maine Municipal Association  
REF : Annual Membership Report  
This was informational.

Mr. Grant commented that, every time this happens, it is a credit to the Town and Board of Selectmen for supporting the safety operations in the Town and on loss control. He said that people were watching, people were not getting hurt and, together with the safety program and their attention to recommendations when they come is a direct result of what they were getting in this report.

The Chairman thanked Mr. Hirst.

**8:15 PM**  
**#10**

TO : Board of Selectmen  
FROM : American Medical Response  
REF : Increase to rates  
This was informational.

Mr. Murphy commented that he wished they had included the current rates when they showed the new ones.

Mr. Fernald agreed that would give the Board something to compare.

Mr. Blanchette said that he would get copies of the current rate list for the Board.

**8:17 PM**  
**#11**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Recording BOS Minutes January - April

**BOARD OF SELECTMEN'S MEETING**  
**December 8, 2011 6:30PM (continued)**

The Board agreed to allow Mr. Blanchette to record the meetings and have Ms. Lemire do the minutes from home through April.

Mr. Moynahan said that the minutes have been fantastic since Ms. Lemire started doing them and he didn't think they wanted to go backwards.

On another note, Mr. Murphy asked if they had decided to continue with the live streaming, as he thought it would only be for one month.

Mr. Blanchette explained that, because of the difficulties they had with it, they were still in testing mode and he believed that Mr. Emery would be in at the Board's next regular meeting to bring the Board up-to-date.

**Old Business (Action List):**

**8:19 PM**

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

Mr. Blanchette said that Kittery wanted to amend the existing contract before dealing with any change in the expansion and the new IMA. He added that the Town of Eliot was reviewing their proposed contract. He added that they have given the Town a set of billings that would have occurred with that contract, if they had been under that contract in the last year.

Mr. Murphy said that they were finding things wrong. He said that, regarding the bills Kittery actually submitted, he has begun looking at the stuff Mr. Blanchette put together and the bill got for October they were overcharged by 8 ½ % and the July quarter they were overcharged by 10 % because someone used the wrong basis for computing the Town's share.

Mr. Blanchette explained that Kittery changed their format starting in July and it appears, in changing their format, that they carried the formula for the fixed costs on to total costs rather than fixed costs and that needed to be corrected.

Mr. Murphy added that the proposed change looks to be completely changed from the Town's current contract, namely, that they seem to be trying to have Eliot pay a percentage of the entire Kittery system and not just the part of the system that Eliot uses - all of the 25 pump stations rather than Pump Station #7. He added that it was a very peculiar thing and they were trying to make sense of these pages that Councilman DeBeers has put together.

2. Monthly Reports from Department Heads  
This is ongoing.

3. TIFD reports and updates  
This is ongoing.

4. Health Insurance Costs  
This is ongoing.

5. Review existing Sewer User Rates and update – Sewer Committee  
This is ongoing.

6. Regionalization of Town Services  
This is ongoing.

Mr. Dunkelberger said that they were entering into discussions with MSAD #35 (regarding the community services building).

7. Sewer allotments – fee for reserving such  
This is ongoing.

8. Auditor – Management Letter  
This was agreed to be removed at the last meeting.

Mr. Hirst said that one part was not mentioned and that was the debit slips for Ms. Spinney – Part 4 of the Management Letter and that was not discussed at the last meeting.

**BOARD OF SELECTMEN'S MEETING**  
**December 8, 2011 6:30PM (continued)**

Mr. Dunkelberger said that they had talked about different courses of action and he did not know if the Board wanted to keep this on the list until the Board closed that out what they were going to do in answer to that Management Letter.

Mr. Murphy asked if any decision was made about that, as he thought they were going to go ahead with a possible part-time comptroller.

Mr. Blanchette said that Mr. Randy Stewart will be at the Board's January Workshop Meeting.

9. Waste management – charges

Mr. Moulton said that he and Mr. Blanchette have talked back and forth about where they were at and that Waste Management has not really pursued the Town anymore and the Town has considerable savings going on on the Transfer Station side. He added that he had not heard anything regarding the review by the lawyer and they weren't sure it was worth spending money on an attorney.

Mr. Blanchette said that the attorney was doubtful that the contract was clear enough to go back and try to recapture some of the cost that the Town thought that they may have been overcharged. He added that the attorney didn't see them as very clearly as overcharged.

Mr. Fernald said that they certainly didn't want to spend more money than what they were owed.

Mr. Blanchette said that, as Mr. Moulton said, since they've left the Town alone and they were now doing things differently and saving more money, maybe it would be best to let it go.

Mr. Moynahan commented that it took months and months to find out that this was the answer – couldn't a phone call have done this the first time it was brought on the Action List that it wasn't going to be financially feasible to pursue, that they had been waiting to hear back from the attorney on something this simple. He asked why this was even on here, that he was just baffled at how things got done.

10. Consistent Format – Budget, Time Sheets, etc. – Mr. Moynahan and Mr. Dunkelberger  
Mr. Dunkelberger said that they were making progress.

Mr. Moynahan agreed that they had a good chunk of things done but that they needed to get together to make things to present nice and fresh during budget season, which is what they were asked to do.

11. Monthly Workshops – 3<sup>rd</sup> Thursday of the month  
This is ongoing.

12. Employee Reviews in monthly Department Head Reports  
This is ongoing.

13. Carry in – Carry out Policy for Town parks - Ms. Muzeroll-Roy

Mr. Moynahan said that Ms. Muzeroll-Roy had three copies from other towns and they were going to get together to formulate a draft for Eliot.

14. Legal issues – pending and Consent Agreements

Mr. Fernald said that Mr. Blanchette had indicated that there was some sort of meeting that would take place on December 15<sup>th</sup>.

Mr. Blanchette said that that was for depositions on the Denunzio case.

Mr. Murphy asked if Eliot would be represented at that.  
Mr. Blanchette said that the Town attorney would be there.

15. Community Services Building  
This is ongoing.

16. Fireworks Ordinance for October 20<sup>th</sup> workshop  
This is ongoing.

17. Police Union Contract  
This is ongoing.

**BOARD OF SELECTMEN'S MEETING  
December 8, 2011 6:30PM (continued)**

18. Finance Director/Comptroller  
This is ongoing.

19. Personal property tax  
Mr. Fernald said that Mr. Blanchette had given that list to the Board.

20. Security at Town Hall  
Mr. Blanchette said that this was pretty much finished but that there were a few things they were still looking at to see if they are feasible to do, one of which was to decide whether they wanted lights on the back of the building.

21. Sewer allotment – Rates for reserving such  
This was repeating #7.

**8:30 PM**

**Selectmen's Report:**

Ms. Place discussed the reception they had for the crew of the USS Pasadena at the Regatta Room, saying that she spoke to the Captain's wife to let her know if they had any servicemen that had no place to go on Thanksgiving that she and a couple other people would like to have them. She added that they had two young men come for Thanksgiving and that it was an enjoyable day.

Mr. Fernald said that they couldn't come to the Town Tree Lighting because that was when they were having their Christmas party.

Mr. Dunkelberger said that he just found out that he will be going to D.C. next Thursday and that he would try to get back for the meeting but he sincerely doubted that would happen.

**Other Business as Needed**

There was no other business tonight.

**8:35 PM**

**Executive Session**

Mr. Moynahan moved, second by Ms. Place, to enter into executive session as allowed by 1 M.R.S.A. § 405 (6)(a) discussions for consideration of employment of appointees...

**8:52 PM**

Out of executive session.  
There was no action as a result of the executive session.

**Adjourn**

There was a motion and second to adjourn the meeting at 8:53 PM.

**VOTE  
4-0  
Chair concurs**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**Roberta Place, Secretary**