

**BOARD OF SELECTMEN'S MEETING**  
**November 10, 2011 6:30PM**

**Quorum noted**

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

**Roll Call:** Mr. Fernald, Mr. Moynahan, and Ms. Place.

Mr. Murphy and Mr. Dunkelberger were absent.

**Pledge of Allegiance recited**

**Moment of Silence observed**

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

**6:32 PM** Motion by Mr. Moynahan, seconded by Ms. Place, to approve the minutes of October 13, 2011, as written.

**VOTE**  
**2-0**  
**Chair concurs**

Motion by Ms. Place, seconded by Mr. Moynahan, to approve the minutes of October 20, 2011, as written.

**VOTE**  
**2-0**  
**Chair concurs**

**Public Comment:**

There was no public comment tonight.

**Department Head/Committee Reports**

**6:33 PM** Mr. Blanchette said that the Board has a note before them from Mr. Thomas requesting to tie in to the sewer line and they had a note in conjunction with that from Mr. Cullens saying that he was authorizing Mr. Thomas to tie in to the private sewer line.

Mr. Moynahan asked if they had a gallonage amount for this sewer request.

Mr. Blanchette said that it was a single-family home so thinks it is 220. He added that, although it was a private line, the Town would still collect betterment fees.

Mr. Fernald clarified to Mr. Thomas that it is a private line and the Town does not maintain that, that there would be betterment fees attached to this.

Mr. Thomas understood.

Mr. Moynahan moved, second by Ms. Place, to approve the sewer allocation as long as betterment fees are paid to the Town.

**VOTE**  
**2-0**  
**Chair concurs**

**6:35 PM** Mr. Emery, IT Committee, discussed the beta testing they had been doing with the Selectmen meetings and asked the Board to visit the web site to see the upgrade to the video.

Mr. Moynahan said that he had looked at it the other day and that it looked it was sufficient for what the people were after.

Ms. Muzeroll-Roy said that she wanted to make sure everyone got their Welcome Night invitation.

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The Board members said that they did.

Ms. Muzeroll-Roy said that she would have an agenda for them tomorrow. She also discussed holiday decorations. She said that she presented a request during the last budget cycle regarding the skyline garland, snowflakes, etc., as those things have completely fallen apart. At the time, they said they wouldn't take it out of the budget but take it out of the Facilities Account when the time came. She added that the time had come and she needed to order the decorations to get them by December 2<sup>nd</sup>. She added that she had met with the rep that had dealt with those decorations before and he had given them an okay deal for skyline, new flags and two side pieces for those poles for just under \$2,500, which was what the quote was this past January. She asked the Board if she was okay to proceed with that purchase.

The Board agreed by consensus to go ahead with the purchase.

Mr. Fernald asked about the cost for the Pasadena.

Ms. Muzeroll-Roy said that the Police Department was willing to donate some funds, the Fire Department was donating some funds, her Friends group was donating and she spoke to Mr. Blanchette and he (Town Hall) was willing to donate so they were covered. She asked if the Board wanted her to put in an official request for what everyone was giving – how did the Board want her to proceed.

Mr. Fernald said that, if she needed funds from the Town for this event, that it would come out of the Ceremonies Account, which has \$1,000, then she needed to request those funds.

Ms. Muzeroll-Roy asked if they wanted her to put that in writing - that she did not believe they would be invoiced until next Wednesday.

Mr. Fernald said yes.

**New Business (Correspondence List):**

**6:40 PM**

**#1**

TO : Board of Selectmen  
FROM : Dan Blanchette  
REF : Public Input meeting on Fireworks

Mr. Fernald said that the Board has asked for input about the fireworks ordinance that the Selectmen are looking to put together. He added that they were hoping to get some emails or letters from folks and he understood that they had not received any. He asked if anyone in the audience would like to speak on this. He explained that the State has enacted a new law that allows everyone to sell and use fireworks in the State of Maine and have given the municipalities the option of creating their own ordinance governing whether fireworks would be used and/or sold or not. He again asked if anyone present wanted to comment.

Ms. Shapleigh said that she has heard several people say that they would like to be able to use fireworks.

Mr. Moynahan said that he shared his opinions at their last workshop and would stay firm with those thoughts.

Mr. Fernald said that he would like to put out something to consider. Regarding the sale of fireworks, he thought that as a Board they needed to put out an ordinance banning the sale of fireworks, which was the only way people could actually vote if they want it or not. He added that, if they did nothing, then it would be what the State that would tell them what it was going to be. He

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suggested that their next workshop meeting on Thursday consist of looking at the fireworks ordinance and make a decision about what they were going to do to present to the people.

Mr. Moynahan and Ms. Place agreed with his suggestion.

**6:42 PM**

Mr. Short said that, as they talked about last week from an enforcement standpoint, the way the law was written only the 4<sup>th</sup> of July and the 31<sup>st</sup> of December that would be regulated by State law on when people could use fireworks. He added that it was not seven days a week, 365 days a year but that there is some regulation built into it. He said that the Town basically has several choices: one was whether to allow the sale and another was whether to allow the use but the Board could allow the use and not the sale of fireworks, allow the sale and not the use, that it would really depend on what the Town decided to enact. Agreeing with Mr. Fernald, he said that they should make an effort to at least do something and he thinks the Town needs to decide whether they actually want to have sales of fireworks in this community.

Ms. Shapleigh suggested advertising next week's meeting so that people could come and give their input.

Mr. Fernald said that that was what they did for tonight's meeting.

**6:43 PM**

**#2**

TO : Board of Selectmen  
FROM : Post Road Surveying, Inc.  
REF : Survey of the Town Forest

Mr. (Jim) Wright, land surveyor with Post Road Surveying in Wells, brought a map of his survey work results and discussed his findings. He clarified that they were hired by the Town to do some surveying work off of Johnson Lane in the area that is known as the Town Forest. He said that, in the mid-90's, Mr. Rogers had done a survey in this neck of the woods and recorded a plan at the Registry of Deeds (RoD) and used that as a basis to start their own work. He said that their records research spanned time from the early 1700's through to the most current deeds into the Town of Eliot. He explained that Mr. Rogers had 11 parcels of property on his plan belonging to the Town of Eliot and he did not find that many parcels belonging to the Town. He said that he suspects there are some unrecorded deeds. Mr. Wright said that they could clearly document 6 parcels into the Town and 9 parcels indicated on the Rogers plan as the Town having ownership in, which they were simply not able to document. He added that the total area out there encompassed about 120 acres of property and they have a lot of information on the plan that should help in terms of any future planning. Mr. Wright said that they tied their work into the State Planning Coordinate System and he would, after this presentation, give a digital file to the Town's GIS person. He reiterated that the title on some of the property was a little difficult to follow and suggested, as the Town progresses with this, to consult with Town legal counsel or whoever they might need to consult with once they have had the time to thoroughly look at the survey map and notes. He discussed the several unrecorded deeds that they had been able to sift through and kind of know what had to have happened for certain things to have happened to be the way they were today. He said that one of his suggestions to the Board would be to have either the Tax Collector or the Tax Assessor check through their tax records to see if they were still holding any deeds and he wouldn't be surprised if there were some deeds in here from tax liens. He added that they did find some late recordings on some tax deeds, that most of the tax lien stuff happened during the late 1920's and early 1930's during the Great Depression and a lot of this property was foreclosed on.

Mr. Fernald clarified that the plots in green were owned by the Town.

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Mr. Wright agreed that the plots in green they could clearly track to the Town.

Mr. Fernald said that, looking at the map, the lots are scattered (not contiguous), which doesn't make a lot of sense that that's the way they were...

Mr. Wright said that that was just the way they were acquired through different sources over a long period of time. He added that he thought this plan would provide a good basis to build upon in the future.

Mr. Moynahan asked if Mr. Wright had identified on the map the areas that Mr. Rogers said that the Town owned.

Mr. Wright said that he actually brought a copy of his plan and discussed the differences, including differing parcel shapes, different parcel locations and broken deed trails.

Ms. Shapleigh asked Mr. Wright if he had talked with Russell Caldwell at all.

Mr. Wright said that he tried calling him several times and could not get a hold of him.

Ms. Shapleigh said that he had all of Mr. Rogers' records.

**6:55 PM** Mr. Wright agreed, saying that he knew Mr. Caldwell.

Mr. Fernald asked what their next steps should be.

Mr. Wright suggested the tax records be checked by the tax collector, as they are usually the ones involved, not the tax assessor.

Mr. Tessier said that he had been on the Conservation Commission (CC) quite a few years ago when Mr. Rogers was doing a lot of that work and he indicated that the big chunk in the lower section of the survey map Mr. Wright had discussed was mostly owned by the Town and almost a contiguous piece so, according to his plans, it looked like a lot more of that was owned by the Town. He said that he couldn't imagine Mr. Rogers would have pulled it out of thin air and must have had something that he was using. Mr. Tessier said that he lived on the south side of Johnson Lane, with Dave Emery's land on the other side and that little square block in the lower corner they thought the Town owned because the Town had the right-of-way (ROW).

Mr. Wright agreed that the Town owned that parcel. He explained that the large section in pink all went in to Chester Frost and actual encompasses five pieces of property, that it was all a devise to Chester Frost from another family member, and that Mr. Schultz has acquired most of the Frost property.

Mr. Tessier said that Dave Leavitt was on the CC back then and he spent a lot of time with Mr. Rogers helping him mark the boundaries and he might have some records. He added that what Mr. Wright presented is a lot different from what they thought.

Mr. Wright said that that was why he was presenting tonight because he knew it was going to be a lot different than what the perception was based on that other plan.

Ms. Weeks asked the Board if they had an idea of what direction the CC might go in from here. Additionally, after the tax records were checked, did the Town want the CC to proceed in a particular direction.

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A CC member said it was their original intent to make as much contiguous land up there as possible so that the residents of Eliot could conceivably visit the area up there and have another "town forest", so-to-speak. He clarified that before they could approach the property owners they would need to know where the land was and who owned the particular land.

Mr. Wright said that it would behoove the Town to check his work, although they think that based on the pure record that there were no deeds for this stuff but there very well could be some background information that would help, in particular in identifying current owners and that sort of thing.

Mr. Fernald asked Mr. Blanchette if he and the Town Hall staff had an approach to find any records that might pertain to this.

**7:05 PM** Mr. Blanchette said that he thought that all the records they had he believed Mr. Rogers had a copy of or at least had seen. He added that he doesn't believe they found any tax deeds that were unrecorded, adding that everything they had was recorded. He said that he did not think they would find anything new regarding tax deeds as they went over that rather carefully at the time.

Mr. Wright said that, while not commonplace, this sort of thing was not unique and did happen. He reiterated that the Town should do some research into unrecorded deeds, as evidence pointed to this having happened.

**7:10 PM** There was discussion around not knowing ownership of properties and how to discover and/or acquire those properties.

Mr. Blanchette discussed that there was a specific state law regarding ownership of property and the steps involved to clarify ownership.

Mr. Wright agreed, adding that there might be family members around for specific parcels that the Town could talk with about this. He reiterated that he knew there were some unrecorded deeds and iron pipes he could not explain, which was a bit befuddling for him. He used "Rawlies? Swamp" as an example of missing information that he had not been able to resolve and asked if anyone had any knowledge of this (not Johnson's Swamp – Johnson Pond).

No one in the audience had any knowledge of this "swamp".

There were suggestions made to contact of who might know.

Mr. Crilley said that the intent of the CC was twofold: first, he wanted to thank the Town, saying that they absolutely got their money's worth from this survey as these gentlemen came in at half the price of everyone else and CC appreciated the generosity of this organization. He added that they wanted to keep running with this information/survey and he was pleased to hear the Board talking in that manner. He said that the CC would work with the Board to get to the next step and keep them up-to-date on where the CC is in this process. Mr. Crilley said that, even if they don't make something out of this, it would be really nice to have it established so that there was no question about where the property lines were.

Ms. Weeks asked where these maps would be stored as she was sure the CC would want to look at them again.

Mr. Blanchette said that they provided several copies and that he would give a copy to the CEO and the assessor and there would be one in the file, as well, he had a pdf of this.

Mr. Crilley asked if the copies held by the Town were highlighted in the same way as the one being used tonight.

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Mr. Wright no, but that he would leave his highlighted copy for the Town's use.

**7:22 PM  
#3**

TO : Board of Selectmen  
FROM : Kevin Daglieri  
REF : Interest to become member of IT Committee

Mr. Marchese said he looked like a good fit.

The Board agreed.

Mr. Marchese moved, second by Ms. Place, to appoint Kevin Daglieri to the Information Technology Committee.

**VOTE  
2-0  
Chair concurs**

**7:25 PM  
#4**

TO : Board of Selectmen  
FROM : Friends of South Berwick Library  
REF : Poker Tournament

Ms. Quarter said that they did one last year and it went well. She added that it was a little under-attended last year because of the snow that weekend. She said that they hoped for a better year this year, that they were doing it at night, which was their intent last year but had to do it during the day. Ms. Quarter said that they were excited to take another stab at it and see what happens. She said that everything went smoothly last year, with no issues.

Mr. Moynahan said that everything looked in order, that they have done this in the past, and he didn't see any reason they couldn't allow this.

Mr. Moynahan moved, second by Ms. Place, to allow Cari Quarter to move forward with the application license for a poker tournament to be held at the Regatta.

**VOTE  
2-0  
Chair concurs**

**7:26 PM  
#5**

TO : Board of Selectmen  
FROM : Joel Moulton, Public Works Director  
REF : Miscellaneous Items

Mr. Moulton said that, as the Board knew, they have an issue with hydrogen sulfides as it relates to The Commons and they have some rehabilitation they knew they needed to look at and do on Bolt Hill Road, receiving many phone calls regarding issues around odor. He said that he would like to indulge in this a little more because, if they don't resolve the problem, then anything they do to fix it would only have it reoccurring. He said that he asked Underwood Engineers to put together a proposal for the Board to review and get some comments back at, possibly, the next meeting. He explained that the biggest thing was the deterioration of the manholes, which was pretty significant, and has a lot to do with the lack of flow.

Mr. Moynahan, quickly reviewing the proposal, said that the bid was just for engineering and no work done, so just engineering, alone, for this remediation would be \$18,000.

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Mr. Moulton said that their work was more to identify the situation – the problem – so that the Town could look at a resolution to the problem.

Mr. Moynahan said that Underwood mentions several times about having The Commons involved, discussing that prior involvement had seemed to rectify the odor issues for a period of time.

Mr. Moulton agreed and said that was why the proposal recommends that the Town take an active approach to discuss this with The Commons.

Mr. Moynahan recommended moving forward with that now before they even talk about budgetary items. He added that they could talk about moving forward with the sewer system – asking why they didn't have ownership with that if it was such a problem with the Town. He suggested getting a conversation going as to how this would be rectified now.

Mr. Moulton agreed and that was the recommendation in the proposal, as well.

Discussing the transfer station power service upgrade, Mr. Moulton said that, last year, it was noted that the Recycling Center had a significant power overload. He added that this was originally in his budget for this year but was removed and was intended to be funded by the Buildings Facilities Account, which was briefly discussed last year. He said that he brought this to the Board for their consideration and discussion at the next meeting.

Mr. Moynahan asked if Mr. Blanchette knew how much was in the Building Facilities Account.

Mr. Blanchette said that he did not know off-hand.

Mr. Moynahan said that they had been expending a lot of money out of that account, year-to-date, and he knew they had talked about several things that could be funded from that account and he believed they needed to define better what's going to come out of that account for immediate needs, making sure they were not left with zero to fund the rest of the year.

Mr. Fernald and Ms. Place agreed.

Mr. Moynahan suggested that each department compile a list of needs and then the Board could start formulating a better game plan.

The Board agreed.

**7:32 PM**

Discussing emergency power needs at the transfer station, Mr. Moulton said this raised a similar issue, saying that the Town Garage was underutilized and was one of the primary response locations for the Town.

Mr. Moynahan said that he wasn't disagreeing that there was a need but a concern that they would run out of bill money.

Mr. Moulton said that he totally understood.

After some discussion, Mr. Moulton said that he would get several more estimates from other companies for the Board's consideration and that this was just to bring it to the Board's attention and give them an indication of the cost.

**7:34 PM**

Mr. Moulton discussed a letter he wrote to the Maine DOT. He read the letter and a copy is available at the Town Hall.

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Mr. Moynahan asked if Mr. Moulton had dollar figures that go along with the work that he has done.

Mr. Moulton said that he could put a dollar figure with it.

Mr. Moynahan suggested that might be helpful for them to see the impact because, at some point, weren't they eligible to submit for reimbursement.

Mr. Moulton said that that was where he was going with this letter. He said that it was a continued thing that they don't do it, then the Highway Department was called, he calls them (MDOT), they don't respond and, because it was a matter of safety, then he does it. He added that they had discussed this many times and, to be honest, Mr. Cannell has told him that the more he (Mr. Moulton) writes, the better he would be. He added that Mr. Cannell is for this kind of documentation because that gives him the power to go back to the State to say they have issues.

Mr. Moynahan asked if Mr. Moulton currently documented the hours and materials that are required to perform the State roads or State issues.

Mr. Moulton said yes.

Mr. Moynahan said that, if they had a log of that, then that was very important information – that documentation was key.

Mr. Moulton agreed and said that he drafted this letter for the Board's review. He added that, if they wanted him to put a dollar figure with it, then he could and, if the Board was in agreement, then he would like to send the letter and keep that ball rolling for the next fiscal year.

Mr. Fernald agreed and added that, with the rest of the Selectmen, he thought that a dollar figure would have some impact on this, also.

Mr. Moulton said that he would bring another draft before the Board for the next meeting that included the dollar figure.

The Board agreed he could put it in their file for them to sign and, if they agreed with it, then they would just go with his letter, as amended.

Mr. Moulton discussed Wildbrook Lane Test Boring Contractor, clarifying that a \$750 release had been requested from the Wildbrook Lane Reserve Account to pay a contractor, that it had not been released, and that he was asking for clarification on how the money was to be released to pay that bill because they haven't been paid since June.

The Board agreed that they released that money directly to the Association.

Mr. Fernald asked Mr. Blanchette about this.

Mr. Blanchette said that he would check on this as he thought they had paid the bill directly to a contractor but he would verify that.

**7:40 PM**

**#6**

TO : Board of Selectmen  
FROM : Jim Marchese, CEO  
REF : Cole Brown Estates

Mr. Marchese said that, after a long period of time, he took it upon himself to find out how much it would be to make this intersection appropriate to make it fit the code. He added that Moriarty Electric happened to be the first to come into his office so he asked him to give him an estimate and it turned out to be a very

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simple fix. He said that, with the Board's permission, he would like to contact Mr. Moriarty and give him the go-ahead with correcting the light. Mr. Marchese said that, earlier in the day, he had the opportunity to speak with the owner of the park (Mr. Sylvester), explaining to him the situation, and his response was that, as long as it was a good thing for the neighborhood and his residents could see and it worked with the roadway, then he had no problem with it. He said that he told the owner the cost and hinted that the owner might take it upon himself to fix it himself to no avail in that direction. He urged the Board to allow him to just have the situation fixed and put it to rest.

Mr. Moynahan said that this was a long-standing problem and, with the cost of this, then it makes that problem go away. He added that he would like to see something in writing from the owner that allows the Town to do that work to his poles, clarifying that the Town had an interest in that area but not to those poles.

The Board agreed.

Mr. Moynahan said that, moving forward, Mr. Sylvester could not change those bulbs but would have to maintain them in the same illumination, etc., per code. He suggested that, as a part of Mr. Marchese's final advisory notice to Mr. Sylvester, that the Town has rectified this and he is required to keep it at this level from here and going forward.

The Board agreed.

**7:42 PM  
#7**

TO : Board of Selectmen  
FROM : Jim Marchese, CEO  
REF : Budget Request

Mr. Marchese commented that one didn't get something unless one asked for it and acknowledged that this office had been run by one person for a long period of time, the economy was down and things were slow, but he did not have time to blink because his day went by in a snap and, a lot of times, he did not have the opportunity to work on the big items. He clarified that he was always involved with phone calls and walk-ins and the day was gone, not having time to work on the big projects that affect the Town, as he was very often focused on individual things that could be handled with very little training. He suggested that this could be handled by a part-time person.

Mr. Moynahan commented that he had thoughts on the inner workings of that whole area but this should go to the supervisor and the supervisor was directly responsible for providing the budget request for the year, adding that he saw some voids out there, as well. He added that he couldn't agree more with some re-working in that area.

**7:44 PM**

Mr. Fernald said that this would be part of the budget process. In thinking about this sort of issue, he asked Mr. Moulton if he had trouble with some correspondence not coming to his department.

Mr. Moulton suggested it would be better to discuss that in another venue. He added that it was not a major issue but one he was looking to keep under control. He said that it was not pressing but was put forward as a note to the Board for more direct discussion.

Mr. Fernald, discussing the issue, suggested Mr. Moulton sit down and talk with Mr. Blanchette to determine the best way to handle the issue and go into executive session at the next meeting.

Mr. Moulton agreed.

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

TO : Board of Selectmen  
FROM : Grant Hirst  
REF : Sewer Rate Subcommittee (SC)

Mr. Fernald clarified that this was a report indicating a request the Board gave the SC to determine if they needed to increase the sewer rates or not. He added that they had come up with an analysis, which suggests that, "to simply remain even, that they needed a new quarterly rate of \$2.94 per hundred cubic feet of water consumption (that quarterly rate is now \$0.95 per 100 cubic feet of water consumption.) It was also determined that no change appeared necessary on the \$42.50 service charge." He clarified that this was to basically maintain what they have now.

Mr. Moynahan asked if the SC knew what the dollar figure impact would be for the average user.

Mr. Marchese said that one example was that of an average four-member family with a current bill of \$65 a quarter that would go to \$90 to \$95 a quarter.

Mr. Moynahan asked if there was no talk about the sewer reserve maintenance account.

Mr. Moulton said that he thought that was reviewed by the subcommittee based on documentation he presented and took that into consideration.

Mr. Marchese clarified that the rate increase only covered the costs of operating the sewer.

Mr. Moynahan clarified that they would also have to look at that for a rate increase.

Mr. Blanchette said no, that the committee looked at it and decided that, at this time, they would not recommend an increase in that particular rate.

Mr. Moynahan asked what the reasoning was behind that – where they concerned that the increase would be too much on the residents since it hasn't been raised since 1992.

Mr. Blanchette agreed that was one reason and said the other was that the committee had said to the effect that the Town was sitting with \$200,000 in that reserve account and, yes, Mr. Moulton has some major work that needs to be done, but until that account gets down to around \$100,000 the committee did not want to recommend to increase it at this point. He added that that didn't mean that they might not revisit it next spring or summer but, at this time, they felt there was enough money in the reserve.

Mr. Moynahan asked how much closer that got them to being able to pay Kittery more with this rate structure where they were looking at increased revenues from Eliot. He clarified that Kittery wants to negotiate a new rate? with Eliot and asked how this put Eliot in line with something similar that they would be looking for.

Mr. Blanchette said that Eliot would have to get some bills from Kittery before Eliot could make that determination.

Mr. Moynahan said that he wanted to be cautious, that Eliot did need to make a change and it was long overdue, but Eliot needs to make sure it is doing it right and that it should encompass whatever Eliot would be paying Kittery for capital improvements, etc. He reiterated that it was long overdue, but let's not be

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shortsighted and do something quick that would not be adequate, that would not take care of the problems Eliot has.

Mr. Fernald said he was concerned with the way they handle this increase to the people – that's a terrible spike. He added that he knew they needed to maintain but was there a way for Eliot to do this with a gradual increase.

**7:50 PM**

Ms. Shapleigh said that the SC voted to have her speak. She said that they carefully considered all those things and this one change at this time was their recommendation to the Board.

Ms. Place asked what the error was in the formula.

Mr. Blanchette that it was in the formula for figuring out the variable rate. He explained that it uses, as the denominator, the quantity of sewage (flow) Eliot sends to Kittery, however, when Eliot bills, they bill on the quantity of water usage so, the I&I is included in the gallonage to Kittery but it is not included in what Eliot bills out to the users. He added that that results in the I&I not being paid by the users and the ordinance specifically states that the users shall pay the I&I. He said that the only way Eliot could do that was to change the formula to divide by the total flow volume used by Eliot residents and sent to Kittery instead of the quantity delivered to Eliot.

Ms. Place asked, when that formula was corrected, would that require another rate increase.

Mr. Blanchette said no and explained that the committee and subcommittee recognized the error because the paragraph in the ordinance requires users to pay for the I&I, then they had to change that in order to correct it.

Mr. Moynahan said this has been a long-standing issue with the sewer rates and the Board did task the SC to come up with recommendations. He added that he knew increases were tough for everyone, but going backwards for the Town was also tough. He said that he thought they should listen to the recommendation from the SC and increase the rate as they suggested. Mr. Moynahan said that he also thought the Board should let them move forward with rewriting the language that is lacking in the existing ordinance.

**7:53 PM**

Mr. Fernald reiterated his concern, saying he knew that many of the residents on the sewer were elderly and this rate spike was not going to help their situation, particularly with today's economic problems.

Mr. Marchese discussed that another example was for a two-person home and asked if Ms. Shapleigh could remember what those prices looked like.

Ms. Shapleigh said that she had the same concern as Mr. Fernald about the elderly but many of them live alone so their water usage would be minimal and most likely would not have as big a spike as a family of four. She added that, in some ways, they have kind of taken care of them as best as the committee could. She also said that they would make sure this was reviewed every year to avoid this kind of spike in the future. She added that there would be more people coming on to the system that would help pay for the increases to Kittery.

Mr. Moulton asked if they knew the difference between the normal usage and the over usage so that that information could be used as a tool to explain the impact to residents and gain better compliance.

**7:56 PM**

Mr. Blanchette said that they did have those dollar figures. He explained that, if they use the quantity that is delivered to Kittery, then the rate would have been

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about \$1.90 versus the approximate \$2.90, so there was about a \$1.00 difference in rate for the I&I.

Mr. Marchese said that all these pieces of the puzzle seem to be dovetailing and he wanted to make sure the Board was aware that he was working on an update for the total system capacity in relation to a request from the SC and the 6,000-gallon allocation to the Eliot Commons for their proposed hotel. He added that that would be information that the Board could look at and, through that, they should easily be able to see how this infiltration problem is affected.

Ms. Shapleigh said that the SC has talked about sending a letter to all of the users explaining what it was costing them for the inflow/infiltration and the sooner the Town gets a handle on that and repairs it the sooner the bills would be less. She added that they wanted residents to understand that those who have still not cooperated or not fixed what they need to fix are costing everybody.

Ms. Place said that she believed they needed to go ahead with the rate increase now because, if they don't do it now, then it would only be worse.

Mr. Moynahan moved, second by Ms. Place, to increase the existing sewer users' rates per the recommendation of the Sewer Committee to a variable rate of \$2.94 per 100 cubic feet of water consumption, effective with the 4<sup>th</sup> quarter 2011 billing.

**VOTE**

**2-0**

**Chair does not concur**

Mr. Marchese let the Board now that, with the last quarterly billing, there was a note attached to the bottom of the bill that indicated to the users that the billing was being reviewed and would most likely be increased, so they have been forewarned.

Mr. Fernald said that he saw that. He added that they needed to give as much information out to prepare the people for the increase.

**8:02 PM  
#9**

TO : Board of Selectmen  
FROM : Mary Lizzie Spinney Fund  
REF : Winter Fuel Project

Mr. Blanchette said that, in the past, they have collected donations and taken money from the Mary Lizzie, Marilla, Herbert, Wilbur and Everett Spinney Fund for Eliot's Winter Fuel Project. He explained that the fund stood at approximately \$38,000 and he and Ms. Spinney both recommend the use of up to \$2,500 from the fund for the project. He added that the original monies in that fund were about \$35,000, which is what they could not go under, and they feel they are tapping that fund as close as is comfortably possible. He explained that the fund was set up by Mary Lizzie expressly for the support of the poor.

Mr. Fernald asked if the Town would be getting anything from the State.

Mr. Blanchette said that they did not get anything from the State when they used those funds – they are strictly local funds. He said that, last year, they did not get too many donations – the year before they did – and hopefully they would get some donations this year once the word got out.

Mr. Fernald hoped they would get donations because \$2,500 would not go very far with today's prices.

Ms. Place asked if that was what they had last year.

**Draft BOARD OF SELECTMEN'S MEETING  
November 10, 2011 6:30PM (continued)**

Mr. Blanchette said that they put in \$5,000 last year and \$5,000 the year before.

Ms. Place moved, second by Mr. Moynahan, to take \$2,500 from the Mary Lizzie, Marilla, Herbert, Wilbur and Everett Spinney Fund for oil.

**VOTE**

**2-0**

**Chair concurs**

**Old Business (Action List):**

**8:04 PM**

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

Mr. Blanchette said that the IMA Committee has a tentative meeting set up with Kittery.

Mr. Moynahan was attending that meeting.

2. Monthly Reports from Department Heads

Those reports are being received.

3. TIFD reports and updates

There is nothing new to report or update.

4. Health Insurance Costs

This is ongoing through the police union negotiation.

5. Review existing Sewer User Rates and update – Sewer Committee

This has been done. This will be kept on the list as a reminder to review yearly.

6. Regionalization of Town Services

There was nothing new to report.

7. Sawgrass Lane Association

Mr. Moulton said that the association has been formed and he and Mr. Dupree were invited to their first meeting to answer some questions the residents had about the sewer. He added that the association was going to come to a future meeting to ask the Town to take over the sewer and he and Mr. Dupree gave them some things to consider doing before they make that request to the Town. He said that the association is active and he recommended they forward a letter to the Board letting the Board know about their association.

8. Auditor – Management Letter

This letter has been received and would be taken up at next week's meeting.

9. Waste management – charges

There will be a meeting with the attorney.

10. Consistent Format – Budget, Time Sheets, etc. – Mr. Moynahan and Mr. Dunkelberger

Mr. Moynahan said that the budget piece was taken care of and the time sheet proposals will be brought forward during budget season.

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

This is ongoing.

12. Employee Reviews in monthly Department Head Reports

**Draft BOARD OF SELECTMEN'S MEETING**  
**November 10, 2011 6:30PM (continued)**

This is ongoing.

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

This is ongoing.

14. Legal issues – pending and Consent Agreements

Mr. Blanchette said that, in the Denunzio case, they continue to file paperwork with the court.

Mr. Moynahan asked where they were with the legal fund balance.

Mr. Blanchette said that they had expended over 50% so far and he was not sure they would have enough to finish the year.

Mr. Moynahan asked if any monies expended might be reimbursed back to the Town in time.

Mr. Blanchette said yes, that the one with the CA would call for Eliot to be reimbursed almost \$20,000.

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.

18. Finance Director/Comptroller

This is ongoing.

19. Personal property tax

This was a policy the Auditor suggested the Board develop.

20. Security at Town Hall

Mr. Blanchette said that they did a number of things that the Police Chief had recommended and there were some things that the staff felt were not warranted at this time.

Mr. Moynahan suggested putting the development of a policy addressing private sewers so that they did not become owned by the Town without more of the Town's involvement and oversight. He added that he believed the Town should not be in the business of allowing private sewer systems within the Town (public) sewer system.

It was agreed that the SC would look at this.

Mr. Moynahan asked how they would follow up with the Commons.

Mr. Moulton suggested that he could touch base with Underwood to see if they would be willing to do a quick sit down meeting with the Commons to open the conversation and see where it goes, initially.

Mr. Moynahan said that he thought a letter requesting a meeting should come from the Board and have an agenda and representative from the Board attending, as well.

Ms. Shapleigh suggested including someone from the SC, too.

**Draft BOARD OF SELECTMEN'S MEETING  
November 10, 2011 6:30PM (continued)**

The Board agreed and asked Mr. Blanchette to draft a letter for the Board to review.

**Selectmen's Report:**

Mr. Fernald reminded the Board that there would be a meet and greet ceremony on November 16 at 6 PM at the Regatta for the USS Pasadena crew and their families and he would like to have as many as could from the Town attend.

Mr. Fernald said that next Friday was the flag presentation to Eliot Elementary School to honor them as a Blue Ribbon School and it would take place at 6 PM.

**Other Business as Needed**

There was no other business.

**Executive Session**

There was no executive session.

**Adjourn**

There was a motion and second to adjourn the meeting at 8:19 PM.

**VOTE**

**2-0**

**Chair concurs**

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**DATE**

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**Roberta Place, Secretary**