

BOARD OF SELECTMEN'S MEETING
April 11, 2013 5:30PM

Quorum noted

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

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

Absent: Mr. Dunkelberger.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

Because the Board had to adjourn by 6:15 PM to attend a public informational session, they agreed to bypass approval of minutes and department head/committee reports until the next meeting.

Public Comment:

5:31 PM Ms. Richards asked if the Board had received her email and the accompanying letter from the Attorney General's office.

Mr. Moynahan said that he had received that and that it would be on next week's agenda.

Ms. Shapleigh asked the Board to reconsider the \$10,000 they took off the warrant for the senior citizens; that they were quite upset over losing the person who had worked with them. She added that she didn't think the Town did enough for seniors and asked them to let the Town vote on whether to spend that money, or not.

Mr. Moynahan said that the Board was guaranteed by the department head that the Senior Programs would not be affected and that was the rationale for not having that separate warrant article. He asked the Board to think about whether they wanted to reconsider and discuss that at next week's meeting, when they signed the warrant.

Mr. Paul Murphy said that he had some follow-up information from Tuesday's meeting and gave the Board copies.

Mr. Moynahan said that this was very good information and that the Board would follow up on this based on the conversation they had Tuesday.

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5:34 PM Mr. Reed, BC, urged the Board to change the wording back to the original having to do with the Contingency Reserve Account. His concern was with the words "...to allow the Selectmen to manage unexpected or unbudgeted or emergency expenses." He said that that was a significant change of scope and application of the Contingency Reserve Account and believed the change did not serve the tax payers or the government of this Town. He added that, traditionally, this has been to meet emergencies only to include the wording "...unappropriated emergency expenses that occur during the fiscal year." He said that he had no problem with the dollar amount but was concerned that the wording changed the way the account would be used.

Mr. Moynahan said that the intent was to use that for emergencies only.

Mr. Reed said that the wording should reflect that. He said that he understood that the Board had lots of occasions where they needed cash to meet requirements of the Town government; that it was the Board's responsibility to make the case that something was an emergency, whatever it was; that, otherwise, there was no reasonable expectation that tax payers would willingly fund this, and if they didn't, then that was not good for the Town.

5:38 PM Mr. Murphy said that these words were his words in an attempt to explain more completely and explicitly how these funds had been spent over the years; that it had been spent to make sure the managerial problems the Board has faced at unexpected times could be met.

Mr. Reed discussed his concern that this account was used for budget overruns, lately; that he didn't think it was a good idea and not a good habit to get into; that this appeared to be unraveling a major reserve account that helped make the Town run. He discussed that the recent March Town Warrant used "emergencies only" wording regarding this account and he would like them to keep with that attitude.

Mr. Beckert said that he had no problem with it being worded "for emergencies"; that it was up to the Board to decide what the emergency was and defend it to the citizens of the Town.

Mr. Hirst asked if they had any problems going back to the original wording.

The Board discussed the variations in the wording over the years; that shortfalls in an account was an unappropriated emergency.

The Board agreed, by consensus, to make the wording change.

5:42 PM Mr. Dupuis, Sewer Committee, said that the next SC meeting was next Wednesday, the 17th, at 4:15 PM and the first thing done would be a presentation

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by Underwood Engineering in preparation for the next public hearing. He also reminded the Board about the submission the SC made to get approval to publish.

Mr. Moynahan said that that would be on the Board's next agenda.

Mr. Faulkner requested, regarding the 126 Petition and before finalizing, the Board review the letter from Attorney General Janet Mills to Senator Dawn Hill and Representative Bobbie Beavers.

Mr. Moynahan said that they would do that.

New Business (Correspondence List):

5:43 PM Mr. Moynahan said that the first four items were all letters of interest for the Business Development Committee (BDC) from Richard Donhauser, Dutch Dunkelberger, Ted Place, and John J. Murphy; that they also received two additional requests from Mark Dodge and Richard Bates. Both Mr. Dodge and Mr. Bates were present.

Mr. Dodge said that he has always had a passion for community service; that he had 20 years of business experience and some experience with State business programs; that he wanted to marry his experience and community service passion and this seemed the right place to do that.

Mr. Bates said that he has lived in Eliot for 20 year; had 29 years at the shipyard; that his kids were grown and he had more time to get involved in the community.

Mr. Place said that he has been in business about all his life out on Route 236 and heard the BDC needed the help so he wanted to volunteer.

Mr. Donhauser said that he was a business person in the Town of Eliot; that he has been in Eliot for over 32 years, operating two businesses; that he thought it very important to have a positive business climate in Eliot; that the committee needed a quorum and he was more than happy to step up and participate.

Mr. Moynahan said that they had four members of the community that were not Selectmen and asked for the pleasure of the Board.

Ms. Shapleigh suggested appointing alternates to avoid this problem in the future.

Mr. Moynahan said that the BDC Chair could request that but, right now, filling that membership was vital.

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- #1** TO : Board of Selectmen
FROM : Richard Donhauser
REF : Interest to become member of Business Development Committee
- #2** TO : Board of Selectmen
FROM : Dutch Dunkelberger
REF : Interest to become member of Business Development Committee
- #3** TO : Board of Selectmen
FROM : Ted Place
REF : Interest to become member of Business Development Committee
- #4** TO : Board of Selectmen
FROM : John J. Murphy
REF : Interest to become member of Business Development Committee

5:45 PM Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen appoint Ted Place and Richard Donhauser to fill the vacancies of 2013 and that Mr. Bates and Mr. Dodge be appointed to fill the vacancies of 2015, respectively.

VOTE

3-0

Chair concurs

- #5** TO : Board of Selectmen
FROM : Shipyard Brew Pub 1, LLC
REF : Request for Liquor License Renewal

Mr. Blanchette said that the Police Chief had no issues with this.

5:47 PM Mr. Hirst moved, second by Mr. Beckert, that the Board of Selectmen renew the present liquor license for the Shipyard Brew Pub 1, LLC.

VOTE

3-0

Chair concurs

At this time the Board signed the document.

5:39 PM

- #6** TO : Board of Selectmen
FROM : McEachern & Thornhill, Attorneys at Law
REF : Eliot Town Ordinance Governing Boards, Commissions, & Committees

Mr. Moynahan said that this was a response from the attorney regarding questions about members of boards and committees using Skype to attend meetings. He read the summary on the back page, "*As drafted, the ordinance through its express language requires a board member to be physically present at the meeting to be considered as part of the quorum requirements and cannot cast his*

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or her vote on matters before the Committee by being "Skyped" into the meeting."

Mr. Beckert recommended that a full copy of this memo be provided to every board, committee, and commission in the Town.

Mr. Blanchette will do this.

Mr. Murphy said that this didn't say a member couldn't Skype into a meeting, that they could; that they could not be counted for a quorum or vote.

Mr. Fisher suggested language be drafted to allow Skyping into meetings.

Mr. Moynahan said that the last time this was discussed the Board encouraged the BC, he thought, to come up with draft language because the Board was currently reviewing that ordinance.

#7

TO : Board of Selectmen
FROM : Catalina Celentano, Community Relations & Economic Development, PSNH
REF : Warrant

Ms. Celentano said that that was a question/answer document she had given to Mr. Blanchette just to give him more information on the Petition 126 and Schiller Station; that they were sharing this with residents, as well. She said that they had provided a secondary letter that the Board should have, as well.

Mr. Blanchette said that the Board had it but it was not in Correspondence because it came in too late.

The Board agreed this would be on next week's agenda.

5:55 PM

#8

TO : Board of Selectmen
FROM : Dept. of Health & Human Services
REF : General Assistance Audit

This was informational.

5:56 PM

#9

TO : Board of Selectmen
FROM : Selectman Hirst
REF : SMRPC General Assembly

Mr. Moynahan said that he was no longer interested in being on this.

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Mr. Blanchette said that Mr. Bicknell said that he would prefer not to be reappointed, as well.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen appoint Mr. Hirst to membership on the General Assembly of Southern Maine Regional Planning Commission.

VOTE
2-1 (Mr. Hirst abstained)
Chair concurs

5:56 PM
#10

TO : Board of Selectmen
FROM : Public Works Director
REF : Roof trusses

Mr. Moynahan said, with contracts like this with the dollar figures, to make sure they got RFP's to ensure they were comparing apples to apples and that there were no conflicts of interest with family members, and that sort of thing, in bidding on this work.

Mr. Hirst said they did have engineering assistance to design the trusses by a certified professional engineer.

Mr. Moulton said yes.

Mr. Murphy asked if these bids were properly insured.

Mr. Moulton said yes.

5:58 PM

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen enter into a contract with P&P Construction of Dover, NH for a lump sum to include all labor and materials for \$7,385.00 for the reinforcement of the Town Garage Roof Trusses.

DISCUSSION

Mr. Hirst said that they had proof of liability insurance in place for the two separate entities that were doing this and neither was required to carry Worker's Compensation on themselves.

VOTE
3-0
Chair concurs

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#11 TO : Board of Selectmen
 FROM : Public Works Director
 REF : Drainage issues

Mr. Moulton discussed the ongoing drainage issues at Riverview Estates that he would like to resolve within the budget he had and he provided quotes for the material cost of the drainage pipe.

Mr. Moynahan said that the total of \$5,952 would be the lowest combined cost and everything else was taken care of by Town equipment and staffing. He added that this was a budgeted item.

6:02 PM Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen authorize the Public Works Director to purchase the 1,000 linear feet of 10-inch HDPE drainage pipe from Eliminator Systems, Inc. of Durham, NH at a cost of \$3,900.

DISCUSSION

Mr. Moynahan asked if they should include the \$2,052 for the concrete catch basins that was included in his full package or would they like to do that separately.

Mr. Beckert amended his motion that the Board add the \$2,052 for the pre-cast concrete catch-basins from Richard Genest, Inc. of Sanford, Maine. Second by Mr. Hirst.

VOTE

3-0

Chair concurs with amended.

#12 TO : Board of Selectmen
 FROM : Public Works Director
 REF : Pavement Markings on Route 236

This became an issue with a complaint to the DOT; that the DPW Director was unaware of the Town's responsibility, as was the Police Chief. There was discussion regarding documentation of who was responsible for maintaining the markings at the intersections along State-owned Route 236 within Eliot and how to minimize the cost to the Town; that the DPW Director ask DOT to provide the Town documentation to make sure the Town was properly spending money for this; that everything done in Town was done per DOT specs.

The Board decided to hold off on this until they got more information from State DOT as to the requirements, in writing.

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There was discussion about time limits with complaints and the impact to the Town at the 11th hour.

Mr. Beckert said that he would ask Mr. Olson (DOT) to provide that by next Thursday's meeting.

Old Business (Action List):

This was not discussed.

1. Route 236 Sewer Expansion Project reports, updates, and schedules – Questions from Route 236 Ad-Hoc Committee - Mr. Blanchette
2. Sewer Contract/IMA – Schedule IMA/Kittery Meeting for presentation - Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette
3. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short
4. Community Service Space: Relocation to Elementary School – explore school space – fit up costs, service impacts, insurance, MSAD #35 contract, CSD Director – Mr. Dunkelberger, Mr. Hirst, & Mr. Blanchette
5. Town Manager – schedule workshop; include Comp Plan Implementation Committee
6. Dispatch Service/Ambulance Contract – Contract with Kittery, request from same, costs – BOS, Mr. Muzeroll, Mr. Short
7. Policy creation/review – debit card, video-streaming, website management
8. Employees – cross-training, charting earned times, job descriptions - BOS
9. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review - BOS
10. Budget Preparation - BOS
11. Auditor – financial statement, management letter, finance director, personal property tax, fixed asset management - BOS
12. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
13. Legal issues – pending and Consent Agreements – Eliot Shores, PSNH/Sierra Club, Mr. Bogannam - BOS

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14. Sewer User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
15. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews - BOS
16. Research grant opportunities – AED's for Town buildings
17. Comp Plan follow-up
18. Pending new unions
19. Special Town Meeting: February – IMA, TIF Funds (ERS #7)
20. York County Transitional Budget – Funding source
21. June Town Meeting preparation – Municipal Fee Schedule

6:08 PM

Selectmen's Report:

Mr. Moynahan said that he followed up with the Town of Kittery and provided Board members with a copy of what he had discussed about the Chief of Police, the cost-sharing considerations between Eliot and Kittery, and discussions regarding a fair cost-sharing split. He discussed the implications of a 55/45 split, with Eliot paying \$63,673 for salary and benefits for the Police Chief, which was a \$59,923 reduction or a 48.5% reduction from what they currently paid. He added that they had budgeted for sharing this position and that Eliot would be the administrator of all financial matters, invoicing Kittery for their percentage. He added that this could be revisited every year at budget time if it was found not to be fair and equitable by either or both towns.

There was discussion around vehicle operation and maintenance costs and that the sharing for this would be part of the 55/45 split, as well. There was also discussion around who would be responsible for drafting contract language and having a draft to review before signing anything.

Mr. Moynahan said that it would be a Memorandum of Understanding (MOU) between the two towns; that the Chief would have a contract that guaranteed the salary didn't change for three years; that the only thing that could potentially change was the cost-sharing between the two towns.

Mr. Beckert agreed with Mr. Hirst that he would like to see the contract and the MOU drawn up so that they could review.

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There was discussion around the timeline for Kittery's ability to nail down their budgets, also, the contract with the Chief of Police, and the flexibility of the MOU.

Mr. Fisher said that he was quite sure the Chief would do a good job with both towns but he was disappointed with the 45/55; that it seemed to him that Eliot would be better off with 40/60 after going through the paperwork. He added that his question was whether they could sign a contract arbitrarily with the Chief without going through the Town, as he was the Town's employee and some may not want this.

Mr. Moynahan said that this was actually a \$60,000 reduction from what the Townspeople were paying.

Mr. Reed said that this was potentially a bigger issue than just personnel; that it had to do with whether the people of Eliot had their own Police Chief and the Board could manage him and he could be responsible for the safety of the people of Eliot; that this wasn't just dollars. He added that the Police Chief just bought a Dodge Charger out of the Police Reserve and asked if Kittery was going to reimburse Eliot for that.

Mr. Moynahan said discussed operation and maintenance and vehicle reserves would be any vehicle purchases that would happen with this, and that would be the same split between the two towns; that those conversations had happened with Kittery.

Ms. Shapleigh said that she thought this should go to the voters; that they had been three years trying to get an IMA agreement with Kittery; that they had certainly taken the short-end-of-the-stick on the school budget, reiterating that this should go back to the voters.

Adjourn

There was a motion and second to adjourn the meeting at 6:16 PM.

VOTE

3-0

Chair concurs

DATE

Mr. John J. Murphy, Secretary