

BOARD OF SELECTMEN'S MEETING
June 13, 2013 5:30PM

Quorum noted

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

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

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of May 23, 2013, as amended.

VOTE
3-0
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of May 31 2013, as written.

VOTE
4-0
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Dunkelberger, to approve the minutes of June 7, 2013, as amended.

VOTE
4-0
Chair concurs

Public Comment:

5:38 PM Ms. Richards discussed an editorial article in the Portsmouth Herald complimenting Eliot's vote on the (EPA) 126 Petition. She also discussed that Attorney Fabish (Sierra Club) would help the Town write the draft.

Mr. Blanchette said that he had left a message with Ms. Corkery to give the Town more than a draft and was waiting to hear back from her.

Ms. Richards said that the work from Attorney Fabish was at no cost to the Town.

Department Head/Committee Reports

Mr. Moulton discussed two sewer allocation applications; that it had been reviewed by the Sewer Committee (SC) and betterment fees would be paid.

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5:40 PM Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen allow the sewer connections for Tax Map 10, Lots 41 and 43, as having already been reviewed and recommended by the Sewer Committee.

VOTE

4-0

Chair concurs

Mr. Moulton discussed proposed next steps for the sewer system regarding rates, pumping stations, and odors on Bolt Hill Road.

Mr. Moynahan suggested putting this on next week's agenda.

Mr. Dunkelberger suggested numbers be run, if they were not to bond for repairs, that would be required from sewer users.

Mr. Moulton agreed to run numbers for next week's meeting.

5:45 PM (G1) Mr. Moynahan discussed the Board's vote to eliminate overtime for the balance of the fiscal year and the emails he received from department heads requesting clarification. He said that Mr. Moulton was asking how to deal with emergency events.

Mr. Moulton discussed the challenges of managing overtime for unanticipated events, such as alarm calls, debris in the road, flooding, etc.; that he would better manage anticipated events. He added that his budget would support the hours but thought the administration budget did not support the fringe portion.

Mr. Dunkelberger suggested that, if it involved public safety, then the department head could okay the overtime and, if it was anything other than public safety, then the department head would call and get approval through the Chair.

The Board **agreed by consensus** with Mr. Dunkelberger's suggestion.

5:48 PM (G2) Mr. Moynahan discussed the Police Department email regarding overtime. He said that the Police Chief wrote that he would continue to staff his department as he felt it was adequate for public safety. He added that that would affect the fringe benefit line. He said that 120 hours of overtime had been utilized since the Board sent the email directing the departments that overtime was not going to be allowed and he was looking for some direction from the Board on how they wanted to handle this.

Mr. Murphy discussed the impact of real world issues that happen regularly in departments and cutting department budgets.

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Mr. Hirst questioned whether they should pull money from the Contingency Fund to run the Town.

Mr. Murphy said that they might if it was necessary; explaining the fund was created so that the Selectmen could solve problems that arise that were not foreseen, which was, generally, scattered departments, and the police and fire were primary users of these, with the Department of Public Works in the past. He added that Eliot has chosen to solve it in this way in the past for the last quarter of a century; that it wasn't for ambulance calls but regarding the inability to plan for what the world was actually going to be for the next year.

Mr. Beckert clarified that this article was reduced at Town Meeting last year by recommendation of the Budget Committee for \$19,000 and so was not totally the department heads' fault that they were in this situation. He added that, whether there were unforeseen circumstances, they still needed to run the Town; that he agreed with Mr. Murphy to a degree in that, if there was a public safety issue, then he thought they needed to use the Contingency to address the issue; that he thought that they needed to be more mindful, rather than make blanket cuts to articles, as to what those cuts would do, or not do.

Mr. Dunkelberger agreed, as far as the constraints; however, when the budget was critical, then they needed to limit the overtime. He added that, in the Police Chief's email, the Chief mentioned training and vacations; that Mr. Dunkelberger's thought was to cancel the vacations and training or defer it until the new year. He added that, if that was driving the overtime, then they needed to adjust for that.

Mr. Moynahan said that one big thing the Board was trying not to allow was any department overspending their specific article; that the fringe benefit was the biggest concern; that at this time in the budget cycle, the Board needed to review to make sure departments were living within their means.

Mr. Hirst suggested they could defer discretionary spending in the last several weeks.

Mr. Moynahan discussed the rolling over of comp time from year to year and the impact that had on future budgets; that they should consider paying that out at the end of every year. He said that he would follow up with department heads to let them know that if department heads had things that were not life safety-related, then they needed to contact the Board Chair for approval.

5:56 PM (G3) Mr. Moynahan said that the next item would be taken up in executive session.

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5:57 PM Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen enter into executive session as allowed by 1 M.R.S.A. § 405.6.A Discussion or consideration of the employment, appointment, assignment...Personnel issue.

VOTE

4-0

Chair concurs

6:42 PM Out of executive session.

There was no action taken.

(G4) Mr. Hirst said that Mr. Blanchette had an overtime issue to discuss.

6:43 PM Mr. Blanchette said that he had sent an email that said the election was going to create overtime, which it did; that the election and Town Meeting creates overtime for his department.

Mr. Moynahan said that on June 6 his department had six hours of overtime after that note had gone out and asked for clarification.

Mr. Blanchette said that he couldn't remember, off the top of his head, but would find out and let the Board know.

(G5) Mr. Moynahan said that in their packets was the ECSD's department report. He added that he would let department heads know the Board wanted monthly reports, again, now that budget season was done and that they should have them in by the second Selectmen's meeting of every month.

6:44 PM **(G6)** Mr. Moynahan said that Mr. Tessier from Solid Waste/Recycling Committee was present and had provided some dates for "Pay-to-Throw" public informational meetings. The three tentative dates are July 16th, August 13th, and September 3rd.

After some discussion, it was agreed that Mr. Tessier would check with the Grange about holding the meetings there, with a 6:30 PM start time, and would let Mr. Blanchette know of his results.

Mr. Tessier discussed Eliot's membership in the Northeast Resource Recovery Association (NRRRA) and that he has been on the Board of Directors for ten years; that he was the only Maine representative and he would not be staying on the board after November. He added that he had the opportunity to nominate someone for the board and would like to see someone from Eliot, or southern Maine, volunteer. He discussed the board makeup and meeting frequency and asked the Board if they would make suggestions of people who might be interested.

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Mr. Moulton said that he would participate.

New Business (Correspondence List):

6:48 PM

#1 TO : Board of Selectmen
FROM : Code Enforcement Officer
REF : Great Hill Update

This was an update on the restoration project.

#2 TO : Board of Selectmen
FROM : Code Enforcement Officer
REF : Marshwood Estates Update

This was an update on the actions being taken to assure proper drinking water there.

#3 TO : Board of Selectmen
FROM : Code Enforcement Officer
REF : Daniel Bogannam Issue

Mr. Moynahan said that they had had an issue with a structure at that property in the past and it was starting again; that the CEO has gotten a response from the MDEP regarding Shoreland zoning issues this might present. He added that this looked like something that would require follow-up and that the CEO was looking for direction from the BOS.

Mr. Dunkelberger suggested the CEO find out if the structure met codes and ordinances and, if it did not, then let the owner know with the caveat that if he did not comply there would be legal action taken.

After further discussion, the BOS asked Mr. Blanchette to follow up with the CEO to determine if the structure complied with the required standards and, if not, then the Board would start the Notice of Violation procedure.

6:55 PM

#4 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Ambulance Contract, final draft

Mr. Hirst said that this was the original contract and the most recent addition was signed by Kittery; that Kittery was asking that the BOS sign it tonight. He added

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that, if they did, then he would take it to Kittery tomorrow for signature by American Ambulance.

Ms. Adams asked what the cost was to the Town for each call.

Mr. Hirst explained that there were two ambulances promised; that the first was an ALS (Advanced Life Support) ambulance 24/7 – 365 and the cost to the Town was zero; there was a second ALS ambulance available to the Town for 1,250 hours of the Town's choosing and they were leaving that up to the Police and Fire Chiefs. He added that there was no cost to the Town, except if they went over the 1,250 hours on the second ambulance, and that would be at the rate of \$80/hour for a minimum of four hours; that the likelihood the Town would exceed the 1,250 hours was very low, according to Chief O'Brien.

There was further discussion and clarification regarding the benefits of this contract.

7:07 PM Mr. Dunkelberger discussed the committee continuing to pursue other avenues of potential regionalization between Kittery and Eliot.

After some discussion, the Board agreed they would like the Eliot committee to continue to pursue other potential regionalization.

7:08 PM Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen approve the ambulance service agreement between the towns of Eliot and Kittery and AA, Inc. and authorize the Chairman of the Board of Selectmen to sign the agreement on behalf of the Town of Eliot.

VOTE
4-0
Chair concurs

At this time, the contract was signed and witnessed.

7:10 PM
#5

TO : Board of Selectmen
FROM : Grant Hirst
REF : MMA & MDOL - Inspections

Mr. Hirst suggested one person be appointed by the BOS to make sure MMA and MDOL inspection recommendations/requirements were completed.

After some discussion the BOS agreed to appoint Mr. Muzeroll as liaison and point man regarding completion of these items and to communicate back to Mr. Hirst

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7:15 PM

#6

TO : Board of Selectmen
FROM : MDEP
REF : Public Notice – Granite State Gas Transmission

This was informational.

Mr. Murphy said that there was a map in the CEO's office available to view and a bound book describing the project.

#7

TO : Board of Selectmen
FROM : Treasurer, Norma Jean Spinney
REF : Letter of Retirement Plans

Mr. Moynahan said that this was a letter of retirement from the Town Treasurer, which he read. He added that, in discussions with Ms. Spinney, she said that she wanted a more relaxed work schedule in July and August, utilizing her earned time. He added that, at this time, the Board needed to set up a hiring committee, update a job description, and start getting that whole posting going.

The BOS agreed to have Mr. Murphy and Mr. Hirst work with Mr. Blanchette and Ms. Rawski as the hiring committee and to update the job description.

The Town Manager issue was discussed and it was agreed that that would be on the next agenda.

7:18 PM

#8

TO : Board of Selectmen
FROM : Mike Moynahan
REF : Re-assignment of treasurer's duties

Mr. Moynahan discussed a list of Treasurer's duties that they had developed that could potentially be done in-house. He also discussed giving department heads responsibility for some of these with more accountability to make sure duties were completed in a timely manner. He added that the next question was who did some of this and how did they do it.

Mr. Dunkelberger suggested the four people looking at the job description might be the best-equipped to answer that question, as to who would cover those responsibilities.

Mr. Moynahan said that, in the short term with a relaxed schedule, the Board might want to identify a temporary person to assume some of this.

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There was some discussion regarding who might fill these duties temporarily and having someone to come in when the treasurer was out, and reviewing how the duties were done with stream-lining as a goal.

The Board agreed that Mr. Murphy, Mr. Hirst, Mr. Blanchette and Ms. Rawski, with input from Ms. Spinney, would address the interim issue.

7:30 PM
#9

TO : Board of Selectmen
FROM : Attar Engineering, Inc.
REF : Eliot Commons Elderly Housing Development

This item was not heard tonight. It will be on a future meeting.

7:32 PM
#10

TO : Board of Selectmen
FROM : Greg Zinser, County Manager
REF : County Tax payment options

This was to let Eliot know the option to pay the transitional County tax over a 5-year period was still available; that this had already been voted on by the Town to pay as a lump sum.

7:34 PM
#11

TO : Board of Selectmen
FROM : Treasurer
REF : Article v. Expense Report as of May 31, 2013

Mr. Moynahan said that they had an updated report dated June 7th and showed that most departments were doing okay living within their means. He added that the fringe benefit line would be close; that they would have an updated report for the next meeting.

Mr. (Bob) Fisher asked why the Snow Line was over by \$94,698.

Mr. Moulton said that they had a number of storms, salt overtime, and necessary repairs to some of the equipment.

Mr. Fisher asked what the process was for departments to roll over their funds.

7:37 PM

Mr. Blanchette clarified that with any article, if there was anything left over, it could be requested of the BOS to roll it over but it was not automatic; that there had to be justification

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#12 TO : Board of Selectmen
FROM : Bernstein Shur – Shana Cook Mueller
REF : Municipal Bond Post – issuance compliance

This was informational.

#13 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Assignment of Warrant Articles

After some discussion, the Board agreed to have Mr. Blanchette move all articles.

7:40 PM

#14 TO : Board of Selectmen
FROM : erics@shareinmyday.com
REF : Town Hall streaming report

This was informational.

The Board discussed efforts being made to improve the streaming.

7:43 PM

#15 TO : Board of Selectmen
FROM : Robert Pomerleau/George Kathios, Superintendent of Waste Water Services
REF : Nitrogen projected costs

This was informational.

#16 TO : Board of Selectmen
FROM : Police Chief
REF : Proposed contract between Eliot, Kittery, and the current Eliot Police Chief

Mr. Moynahan said that he would electronically forward the proposed contract to members of the Board and bring it up for discussion on the next agenda.

7:44 PM

Old Business (Action List):

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

This will be removed.

2. Sewer Contract/IMA – Schedule IMA/Kittery Meeting for presentation - Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette

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This will be retained until finalized.

3. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short

There is a meeting the 26th.

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

RFP's will be developed for this work.

5. Town Manager – schedule workshop; include Comp Plan Implementation Committee

The committee will be reformed to tweak the job description.

6. Dispatch Service/Ambulance Contract – Contract with Kittery, request from same, costs – BOS, Mr. Muzeroll, Mr. Short

The ambulance contract will be removed. The dispatch service is being negotiated between American Ambulance and Kittery Public Safety people.

7. Policy creation/review – debit card, video-streaming, website management, park ban ordinance

This will be on the next meeting's agenda.

8. Employees – cross-training, charting earned times, job descriptions - BOS

This is ongoing.

9. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review - BOS

The update to the Ordinance for Boards and Committees and Selectmen's Policy will be added to the AIL.

10. Budget Preparation – Fiscal year 2015 – goals, formats, etc. - BOS

This is ongoing.

11. Auditor – financial statement, management letter, finance director, personal property tax, fixed asset management - BOS

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This is ongoing. Questions by Board members should be forwarded to RHR Smith through Mr. Blanchette. The Board expressed their desire to have RHR Smith in to discuss findings.

12. Pay per Bag Recycling – 6-month trial, public informational sessions

This is ongoing.

13. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst

This is ongoing.

14. Legal issues – pending and Consent Agreements –Mr. Bogannam - BOS

There are no pending legal issues.

15. Sewer User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton

This is ongoing. The Board asked Mr. Moulton to see if Underwood Engineers could come in on the 27th.

16. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews - BOS

Mr. Moynahan will follow up with department heads on their monthly reports.

17. Research grant opportunities – AED's for Town buildings

This is ongoing.

18. Comp Plan follow-up

This is ongoing.

19. Pending new unions

This is ongoing.

Selectmen's Report:

7:53 PM Mr. Hirst said that he went to a SMRPC planning conference last night; that they have changed their name and were now getting into economic development, which would be helpful to Eliot.

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Mr. Hirst said that he asked Ms. Muzeroll about the arrangement the Town had with Marshwood Youth Cal Ripken regarding the maintenance of the field at Murray Rowe; that there were no fees involved to the Town; that the arrangement, as he understood, was that they would reimburse the Town for the cost of electric if it exceeded the cost value of their landscaping work they did for the league. He added that they had not looked at the electric bill for several years to see if there was any adjustment that needed to be made and thought that might need to be looked at.

Mr. Murphy said that the IMA was almost done; that Mr. Beers has requested a meeting on Monday at 4 PM of just the IMA committees to make sure that all the T's were crossed and the I's were dotted, then present a clean copy to Kittery and Eliot to sign.

Mr. Moynahan said that Elizabeth Libbey has been the Boston Cane recipient since 2007 and they were going to make a mention at the Town Meeting; that he and Ms. Rawski were going to go visit her, bring her flowers, and have some type of press statement made.

Other Business as Needed

There was no other business tonight.

Executive Session

7:58 PM Mr. Beckert moved, second by Mr. Dunkelberger, that the Board of Selectmen move into executive session as allowed by 1 M.R.S.A. § 405.6.A Discussion or consideration of the employment, appointment, assignment...Personnel issue.

VOTE

4-0

Chair concurs

8:11 PM Out of executive session

Adjourn

There was a motion and second to adjourn the meeting at 8:12 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John J. Murphy, Secretary