

BOARD OF SELECTMEN'S MEETING
June 28, 2012 6:30PM

Quorum noted

6:30 PM: Meeting called to order by Vice Chairman Moynahan.

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

Pledge of Allegiance recited

Moment of Silence observed

Election of Officers

6:32 PM Mr. Moynahan opened nominations for Chair, Vice Chair and Secretary for the Board of Selectmen.

Mr. Murphy moved, second by Mr. Beckert, to nominate Mr. Moynahan as Chairman.

Mr. Hirst moved, second by Mr. Dunkelberger, to nominate Mr. Beckert as Chairman.

Both nominees were willing to serve.

Nominations were closed. As a result, Mr. Murphy requested a secret ballot be taken and the Board agreed. A secret ballot was taken by the Town Clerk and counted by the Recording Secretary. The result was that Mr. Moynahan received three votes, Mr. Beckert received two votes, and Mr. Moynahan was elected as Chairman.

Mr. Murphy moved, second by Mr. Hirst, to nominate Mr. Beckert as Vice Chair.

Mr. Beckert was willing to serve.

Nominations were closed and a vote was taken. The vote was 3-1 (Mr. Beckert abstained.) and Mr. Beckert was elected as Vice Chair.

Mr. Beckert moved, second by Mr. Hirst, to nominate Mr. Murphy as Secretary.

Mr. Murphy was willing to serve.

Nominations were closed and a vote was taken. The vote was 3-1 (Mr. Murphy abstained.) and Mr. Murphy was elected as Secretary.

Approval of Minutes of Previous Meeting(s)

6:36 PM Motion by Mr. Dunkelberger, seconded by Mr. Murphy, to approve the minutes of May 24, 2012, as amended.

VOTE
2-0
Chair concurs

Motion by Mr. Dunkelberger, seconded by Mr. Murphy, to approve the minutes of June 14, 2012, as amended.

VOTE
2-0
Chair concurs

6:40 PM
Public Comment

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Mr. Fisher presented a draft petition regarding use of fireworks and said that he was trying to get this in as an article on the November ballot. He explained that he was looking for input on the legal language of the petition from the Board.

Mr. Dunkelberger, referring to the last line that said that "fireworks would not be used when the Forest Service Fire Index is at Class Four or Class Five", asked how he would expect citizens of Eliot to know that.

Mr. Fisher clarified that there would be a petition going around so they would be able to read it, but that was what the law was and no more than what the Board would do if they said people couldn't use fireworks – how would the Board tell everyone in Town that they weren't supposed to use fireworks.

Mr. Dunkelberger said that that was the law and not knowing the law was not an excuse. He said that his question was how would he know, if he were going to use fireworks, what the Forest Service Fire Index was at.

Mr. Fisher said by the Fire Station.

Mr. Dunkelberger clarified that he would have to come down to the Fire Station to find out.

Mr. Fisher agreed, adding that he hadn't worked out how else someone might be able to know. He said that he could have left that blank so that people could use them at any time but, as a safety precaution, he thought he would add that in.

Mr. Murphy clarified that this was a citizen petition.

Mr. Blanchette agreed.

Mr. Moynahan said that his question was whether it was being properly presented as a citizen petition.

There was discussion on the proper legal process for citizen petitions presented to the Board.

Mr. Blanchette clarified that what he thought Mr. Fisher was requesting of the Board was to review it and have Board input as to whether they felt that the petition was properly drawn and not what their position on the petition, itself, was.

Mr. Murphy said that it was his understanding that a citizen petition on a ballot could not be altered by anyone but the petition writer(s).

Mr. Blanchette agreed.

Mr. Beckert said that that was the same line of thinking that he had – that just tonight he thought Mr. Fisher was putting the Board on notice that he was going to be circulating this petition. He added that there was no action, this evening, required by the Board.

Mr. Fisher agreed, adding that he would get 300 names on the petition before October 6 to give him a month.

Mr. Beckert said that it would be 10% of the vote in the last gubernatorial election was what was required.

Ms. Rawski asked Mr. Fisher to speak with her about the timing because it was definitely more than thirty days. She added that there needed to be time to prep legally and to put it on the ballot, as well as absentee ballots.

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Mr. Fisher said that that was the kind of information he was looking for. He added that he would have the signatures before September. He added that, if someone finds errors in the language that it wouldn't work, then the intent of the 300 signers was that they wanted to utilize that particular law to get permission to use fireworks. He said that if they had some legal person who could look this over and found errors then he would have no objection to someone else writing it, adding that that would appear on the same ballot next to the one the people signed and the people could take the better of the two.

6:46 PM Mr. Moynahan said that he thought that the first thing the Board would need to see was the petition with the required signatures and then they could have discussions about whether the Board would have a counter-plan or not. He said that, until the Board had the petition, he thought they would just stay status quo with this – wait to see the signatures, then move forward at that point in time.

Mr. Murphy said that he didn't think that having a counter proposal at the last minute on the referendum would be legal – they would have to go with the circulated petition.

Mr. Fisher discussed a previous time in the past when two had appeared on the ballot and voted on and that one had been approved by the Town. He said that the Board did have the right to put one up that was equal and that the citizen petition would appear on the ballot as well.

Mr. Moynahan suggested to the Board that they wait until they had a fully-signed petition and then have discussion at one of their workshops on how to proceed properly with this.

The Board agreed by consensus.

Department Head/Committee Reports

6:48 PM Mr. Blanchette said that they had a foreclosed property that they could sell back to the owner, which was a trailer in the trailer park, and the outstanding taxes, interest, etc. were \$1,459.15 on Map 79, Lot 26-73.

Mr. Murphy moved, second by Mr. Hirst, to sell the property at Tax Map 79, Lot 26-73 for the sum of \$1,459.15 to Mark Phillips.

VOTE

4-0

Chair concurs

6:50 pm Mr. Blanchette discussed another tax issue that had come up over \$28.08. He explained that a supplemental tax in December and, for whatever reason, the owner said that she did not receive a copy of the tax bill. He said that under Maine statute there was no requirement for the Town to send out tax bills, however, traditionally people expected to see a tax bill. He said that he thought she thought her bank had it, the bank didn't follow through and resulted in \$28.08 in fees and interest and he asked the Board to grant a waiver on that amount. He added that the property was located at Tax Map 18, Lot 3.

Mr. Dunkelberger asked why the Board would grant a waiver for this.

Mr. Blanchette said that it was because she didn't receive a tax bill and did not follow through in paying it before getting the taxing notice that went out two or three weeks ago.

Mr. Murphy asked how this was different from an abatement.

Mr. Blanchette said that an abatement was on the actual taxes and this was fees and interest only.

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Mr. Hirst commented that he took it that she was unwilling to pay.

Mr. Blanchette said yes.

Mr. Dunkelberger asked if the Town sent one out and she didn't get it.

Mr. Blanchette explained that there was an override in the computer system for...

Mr. Dunkelberger clarified by asking if it was the Town's fault.

Mr. Blanchette said yes, it appears so.

Mr. Moynahan asked what the Board would like to do.

Mr. Murphy moved, second by Mr. Hirst, to waive the amount of \$28.08.

DISCUSSION:

Mr. Beckert clarified that she was disgruntled about the fees and asked if she had been paying her taxes.

Mr. Blanchette said that they had been paid through November.

Mr. Beckert asked if she was current at this point.

Mr. Blanchette said that the May installment had not been paid.

Mr. Beckert said that he asked the question because he did not want to waive fees and find out that they would incur more fees.

Mr. Moynahan clarified that this particular time it was the Town's fault for not getting a tax bill to them.

Mr. Blanchette said that it appeared that way but they could not specifically say that they didn't and, legally, they do not have to send out a tax bill. He added that they didn't have an obligation to send them out; adding that he thought most people thought they did. He did say that it was a cumbersome thing, that she went through a divorce, it changed ownership to just her name, the tax bill had to be abated and supplemented because it was a change of ownership, which was done in December. He added that she said that she did not receive a tax bill and he could not say she did receive the tax bill.

Mr. Moynahan said that there was a motion and a second on the floor and asked if there was any further discussion.

There was no more discussion.

VOTE

2-2 (Dunkelberger and Beckert)
Chair affirms in the negative

6:55 PM

Mr. Blanchette said that Harold Place's name was not on the list for appointments and did not know if the Board wanted to take that up separately or take it up when the Board did the other appointments.

Ms. Rawski clarified that the Harbor Master position was not included in the document in Correspondence #4 and she apologized.

Mr. Moynahan suggested they take that up with the other appointments.

The Board agreed by consensus.

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Mr. Dupuis (SC) said that at last night's meeting they were put on notice that Mr. Hankin would renew his position on the board. He said that they were asking the Board to increase their alternates from two to four so that they could always make sure that they had a legal quorum for the meetings. He added that Mr. MacDonough was going to step up from an alternate position to a voting position, Mr. Hirst was going to step down from a voting position to an alternate position, Mr. Donhauser was going to apply for an alternate position, and Mr. Bradstreet would also be applying for an alternate position.

Mr. Moynahan asked for thoughts from the Board on increasing the alternates on the SC from two to four.

Mr. Murphy said that he thought it was a good idea and it seemed to be what they wanted at the meetings he attended as liaison Selectman to that committee.

6:58 PM Mr. Murphy moved, second by Mr. Hirst, that they increase the alternates on the Sewer Committee from two to four, with the full membership being seven regular members.

VOTE

4-0

Chair concurs

Mr. Dupuis thanked the Board and let them know that they would not hold their next regularly scheduled meeting on July 4 but on July 18 and they were scheduled to have a workshop with Ms. Pelletier to coordinate ordinances that now exist on the books. He added that the meetings were at 4:15 PM and everyone was invited to attend.

6:59 PM Mr. Moulton said that he had a couple of things that came up at the last minute. Discussing the Salt Dome Repair, he said that the opposite side of the wall (70 linear feet) has damage and was in need of repair. He added that M. E. K. Foundation agreed to do the work for the same previously quoted price, which was for \$5,378, concrete for \$1,032, and miscellaneous materials for \$1,150, for a total of \$7,560. He said that he was asking that the cost of the repair be held over from the balance of his 2011/2012 budget, clarifying that all billings for the fiscal year were complete so the budget supported these expenses. He added that this was an unforeseen expense.

Mr. Moynahan asked what line item this would come out of from his budget.

Mr. Moulton said it would be the Building Repair Line Item.

Mr. Beckert moved, second by Mr. Murphy, to allow Mr. Moulton to move forward with this repair and the funds be carried over from the 2011/2012 budget line item, as requested.

VOTE

4-0

Chair concurs

Mr. Moulton discussed a Sewer Expansion Engineering Services request. He said that this had to do with a potential vote in November, explaining that this was to provide Eliot residents more information and to attempt to get approval of the Sewer Expansion Project. He added that they would require the assistance of Underwood Engineering for some additional engineering services to include the IMA with Kittery; SRF loan applications, funding, and economic development (what ifs); more public information material; continuation of easement negotiations (primarily Sea Dog Realty); and anticipated meetings and coordination with public interest groups. He said that this ESR #6 would be an

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amendment to the prior engineering services agreement and that the anticipated cost would be \$27,000.

Mr. Moynahan said that this would be TIF funds and he didn't know what, if any, TIF funds they could spend, currently, because they were given approval to expend up to a certain dollar figure. He asked for input from Mr. Blanchette.

Mr. Blanchette said that he had not checked to see how much they had expended and he would need some time to review that.

Mr. Moynahan suggested they bring this up for discussion at the next meeting.

Mr. Moulton was agreeable.

Mr. Moulton said that the Bolt Hill Road Manhole Rehabilitation would commence on July 16th and could be completed on or about September 15th.

Mr. Dunkelberger said that, since they were on the subject of the TIF, he had a question with regard to how they might expend funds. He said that his thought was that the measures didn't pass because they didn't have enough time to do an adequate marketing sale and answer those tough questions. He asked if they could employ a marketing firm, much like the Johnsons did with the sale of their property rights, to help them gather the information that the Town of Eliot was asking for.

Mr. Moynahan said that the engineers were part of what was requested to get more intimate details.

Mr. Dunkelberger said that a lot of this was in the area of what businesses could be attracted, putting it out there in the proper venue...they had two citizen workshops and they weren't that well-attended, so, could they expend TIF funds in getting a marketing firm to do a little more professional and complete job in answering the questions that they (Board) could not answer.

Mr. Blanchette said that they could expend TIF funds if they had the appropriation to do so.

Mr. Moynahan said that they were given a certain allocation of funds that they could expend at the last vote, which was for engineering and design and that sort of thing up to this point. He added that he did not know what the balance would be, now, and there may not be any funds in that account but Mr. Blanchette would look into that and, perhaps at the next meeting, the Board could spend some time to think of ways that they could better inform the public in terms of marketing and have a better discussion on how to move that forward if they so chose to.

Mr. Beckert, addressing Mr. Blanchette, said that something else to look at was the possibility of the Business Development Committee (BDC), adding that he didn't know what they might have for available funds, but he thought they should play an integral role in moving forward and promoting economic development in that TIF District. He added that that was one of the reasons they were formed.

Mr. Murphy said that the TIF theory, in practice, allows this kind of expense, but the way it is operated in Eliot, they need to get permission to go in this direction. He added that it has not been appropriated so they would probably have to have a special Town meeting in order to approve the funds to expend in this manner. He said that he kind of smiled a little because who would they trust to be able to do a future build-out in Eliot under world circumstances and Wall Street circumstances at the present time. Mr. Murphy said that he thought that their own understanding of the nature of the Town and the kind of businesses they want – they probably already know that and he thought using their own BDC to go out and do their (Town) own advertising in the Wall Street Journal or something like that, once

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Eliot knew what they were really going to do, could be enough. He questioned what would such companies say and how could they believe if they were to predict a certain number of companies by a certain length of time in these times where no one was really doing anything. He added that he had questions about spending money in that way but he could be convinced.

Mr. Moynahan said that he thought they could talk about all those sorts of avenues at another meeting when they were a little bit better prepared. He added that as of right now they could not expend funds with engineering because they did not know what was the balance in the TIF fund.

Mr. Dunkelberger said that the Johnson's hired a local public relations firm and it seemed to be very effective because Eliot certainly bought into it.

Mr. Murphy commented that that was for a very, very different thing.

Mr. Dunkelberger said that there were public relation firms that were local that understood the issues.

Mr. Moynahan suggested they bring up some of these conversations at the next meeting when it was a little bit more on the agenda and they could be better prepared.

Mr. Pomerlau said that he had spent many, many hours researching successful TIF's and what were common characteristics of communities that put them forward, with certain factors that would definitely be there. He added that one of them was that one had to put it in a truly blighted area and he didn't know whether Route 236 really constituted a blighted area but it was definitely an area without sewer and water. He added that the other thing that was there was that they employed consulting firms, they did cost analysis and cost projections and they gave citizens number not rhetoric. He added that when they said this was going to be successful and would pay back they had projected figures – they did a cost analysis, they did quantitative analysis, they hired professional people to crunch numbers. He commented that this was not a marketing problem, it was an absence of facts problem and they needed someone to develop that. He explained that when those factors were present what they had was substantial community buy-in – everyone went forward because they had the facts they needed to be confident that this was going to be a successful project. He implored the Board, in that vein, and offered to give them the name of a couple of them that had been done here in Maine, if they needed them.

Mr. Moynahan said that they were going to be bringing that up, in detail, at the next meeting...

Mr. Pomerlau said that he just wanted to make the point that...

Mr. Moynahan said absolutely, alright...

Mr. Pomerlau continued that it wasn't just the lack of information, it was the lack of facts – it wasn't how to market bad information, if they didn't have good information...

Mr. Moynahan reiterated that they would discuss how to move that forward at their next meeting.

Ms. Brandon said that she felt like the language was blurry because marketing companies were different than market research companies different than public relations companies different than...and she thought they were mushing all that together.

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Mr. Moynahan said that he thought they would better define how they would move forward. He asked if there were any more department head reports.

There were none.

New Business (Correspondence List):

7:12 PM

#1 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Article 30

Mr. Moynahan said that this was a memo from Mr. Blanchette saying that the Board needed to vote on an interest rate to be paid for abated taxes.

Mr. Dunkelberger moved, second by Mr. Hirst, to set the interest rate at 3%.

VOTE

4-0

Chair concurs

#2 TO : Board of Selectmen
FROM : Grant Hirst
REF : Various subjects

Mr. Hirst said that the first three paragraphs had to do with the committee assignment. He said that he withdrew his resignation once he found out he didn't have to resign from committees. He discussed items he wanted to go over. He asked if he could inquire where the school lease stood, as the building was defeated, and where should they go with it.

Mr. Moynahan said that he thought on their Action Item List (AIL), which he marked up for tonight, they had Community Service Building and suggested, at that point in the meeting, they could change that to Community Service Space Needs and discuss how the Board would go forward.

Mr. Hirst clarified that Mr. Moynahan wanted to delay that until they got to the Action Item List.

Mr. Moynahan said that that was his thought.

Mr. Hirst agreed. He said that he was thinking that the Board had so much work to do and issues to address that they might want to go to three formal meetings a month.

Mr. Moynahan said that what they had been doing was to have two formal meetings and a workshop that addressed specific things from the AIL that seemed effective in his opinion because they could determine two items that they could spend their time on – spend three hours on specific items as opposed to having an agenda and that sort of thing.

Mr. Beckert asked Mr. Blanchette if they were really workshops or were they regular Selectmen meetings or special Selectmen meetings, as it was his understanding that, at a workshop, the Selectmen could not make any decisions.

Mr. Blanchette said that they have been special Selectmen meetings and a workshop within the meeting.

Mr. Beckert said that he would not be opposed to special Selectmen meetings or increasing the frequency of their meetings as long as they could do and accomplish work at those meetings rather than making decisions at later dates. He added that it was not beneficial to have workshops and not be able to make decisions when needed.

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Mr. Hirst said that that was why he asked for real meetings instead of workshops.

Mr. Moynahan commented that the way they had been doing it did not allow them to complete what they were working on.

Mr. Dunkelberger said that if the workload justified and, especially as they got into budget season, being able to concentrate on just a couple of select issues would make it a lot easier. He added that he found the workshops/special meetings particularly effective in that respect but thought they would lose a little bit of that effectiveness if they went to regular meetings. He added that he would just as soon be able to concentrate on one, whether it be the TIF or budget timeline.

Mr. Moynahan said that they could also have a regular meeting with the only agenda item the TIF as long as they prepared the meeting properly then they could have just those workshops but still have actual actions and decisions. He added that he thought that that would go hand-in-hand with what they had been doing but be a little more formal in nature.

7:18 PM

Mr. Murphy agreed with Mr. Moynahan. He said that during the special meetings they quite often had "other business, as needed" and it has been useful in the past to be able to do something that was sort of not on the agenda like waiting to know a cost or a bill came up or some issue that was best served immediately rather than wait two weeks to solve a problem that was very simple. He added that the Town would be notified and done in a regular meeting then the sudden, last-minute business made sense. He clarified that it may not be on the agenda, specifically, but they would be allowed to do other business.

Mr. Moynahan clarified that any additional meetings that they had as a Board would be regular Selectmen meetings and they would determine the frequency, collectively. He asked if they should just go to three meetings a month or should they have discussions.

Mr. Murphy recommended that the Board play it by ear, at first, and see if they have enough business for another meeting and, if so, then schedule another meeting and let it be known at the first or second meeting, or however they set it up, that they would be having a third meeting.

It was the consensus of the Board to follow Mr. Murphy's recommendation.

Mr. Hirst discussed the Town audit for the year ending 6/30/2011. He asked if Mr. Blanchette if he had any information on that or where they stood on that.

Mr. Blanchette said that he would have it done by today and he didn't. He added that he did not have it in hand.

Mr. Murphy asked Mr. Blanchette how often he had contact with Mr. Donhauser.

Mr. Blanchette said that Ms. Spinney was in contact with him probably 2-3 times a week.

Mr. Murphy clarified that it was through her that Mr. Blanchette learned the status of the report.

Mr. Blanchette said yes.

Mr. Moynahan asked how they proceeded to get this information to the Town – should they have a letter from the Board that indicated a deadline with this as it seems like this has been dragging on for quite some time. He added that they had not formally requested anything as a Board and asked for thoughts from the Board.

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Mr. Dunkelberger said that he was wondering if Mr. Moynahan or Mr. Blanchette could contact Mr. Donhauser directly to find out what the story was.

Mr. Hirst said that the reason for it was that the BC and the Selectmen and the people needed to know what the audit said at the earliest possible time.

Mr. Moynahan said that he thought that everyone agreed with that sentiment.

Mr. Murphy said that he thought a question that may be asked of him was if there was something the Town was derelict in that was causing the delay – does he think he has asked for something and no one was doing anything about it so he was waiting for that or was it entirely his problem finishing up.

Ms. Murphy asked when the 2011 audit was due to the Board.

Mr. Blanchette said that he thought it was in either November or December.

Mr. Hirst said that the engagement letter said it would be in by November 1, 2011.

Mr. Moynahan asked if it was the consensus of the Board to have him follow up with Mr. Donhauser to see where they were with that and to see if they could accomplish it.

It was the consensus of the Board for Mr. Moynahan to follow up with Mr. Donhauser..

Mr. Hirst said that the next item was the Town audit for the year ending 6/30/2012, the day after tomorrow. He said that he understood that they were going to put it out to bid and they would probably need some assistance from Mr. Donhauser to qualify firms and setting up the engagement letter with a time certain for delivery of the audit. He added that, in connection with that, they needed to decide who was going to do the financial statement for the Town so that he had something to audit. He said that he thought that had been discussed and he thought they had talked to Randy Stewart at one time and he didn't think anything had been decided.

Mr. Moynahan said that there was a new status quo that was being put into effect but has not been required of the Town, as of yet, so they could continue with the same format they had been doing. He added that they had engaged with Randy Stewart about preparing for when that day came. He said that they could certainly engage in conversation with Mr. Stewart again to see if he could be of assistance to the Board, as well.

Mr. Hirst added that it could be Mr. Donhauser, as well.

Mr. Moynahan said that he could bring that up in conversation with Mr. Donhauser, as well.

Mr. Hirst said that he thought that time should be of the essence on this.

Mr. Murphy said that he thought that Mr. Stewart said, when the Board talked with him earlier this year, that he would not be available for something like this for probably another year or two; that he was looking into it and studying and learning more of the ropes in order to qualify himself.

Mr. Moynahan added that it was in preparation for the school's end of things.

7:23 PM

Mr. Dunkelberger clarified that it was frowned upon but it was not required nor demanded that these duties be separate.

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Mr. Moynahan said that it seemed that it was moving in that direction so the Board has been preparing for two separate duties and responsibilities.

Mr. Hirst said that Mr. Donhauser said the last time he was present that the American Institute of C.P.A.'s frowned on this practice and Professional Liability for Accountants also frowned on the practice so, for those two reasons, he did not want to do it again. He added that maybe a new auditor would also frown on it and expect the Town to provide a financial statement.

Mr. Moynahan said that, at that point, they would have to move in that direction. He added that the Board had known it was coming, it was on the AIL, conversations had occurred and they have been kind of waiting for that day. Mr. Moynahan said that he would call Mr. Donhauser tomorrow to speak with him.

Mr. Hirst said that there was one other item he wanted to discuss. He suggested that they might want to consider having some sort of succession plan for the Town Treasurer in the event she became ill or decided to call it a career. He added that he did not know if there was anyone in Town who could do her job and he wondered what provisions the Board thought ought to be made for that.

Mr. Moynahan said that she would stay employed as long as she wanted so to guess that she might leave tomorrow kind of put a little pressure on Ms. Spinney. He added that, when she was out, however, they had Ms. Hatch, Mr. Blanchette and Mr. Donhauser all performing tasks that were critical for the Town's operation so that seemed to go okay. He added that that was not to say that they should not be planning for the future but he thought a conversation with Ms. Spinney about when that would be would be a little better.

Mr. Hirst said that she brought it up to him so he felt okay speaking.

Mr. Dunkelberger asked if she had brought up a date.

Mr. Hirst said no and added that she said that she wanted to continue until she was content that they were fully staffed and capable of doing the work.

Mr. Moynahan suggested that they could have conversations with Ms. Spinney and, with enough lead-time if she had a date certain, then they could start advertising and interviewing for successors and finding the right replacement and having enough time for training that person and that sort of thing.

Mr. Beckert said that a thought may be to look internally with the existing staff they had here at the Town Hall to see if there was a possibility of cross-training. He added that he thought it was wise in any business situation to cross-train individuals so that they could step in when people were out – illnesses happened at a snap of a finger and there were a lot of things they could not plan on.

Mr. Moynahan agreed and said that they did discuss that when they had all the injuries and illnesses and how to better prepare themselves.

Mr. Beckert suggested that, at one of their regular workshop meetings, they should sit down with the Town Treasurer, the Town Clerk, and staff to discuss this. He added that the staff may have ideas on how to make this work with cross-training.

Mr. Hirst agreed.
The Board agreed.

Mr. Hirst said that Mr. Moynahan and Ms. Place served on a subcommittee to study sharing of assets with other towns and, since she was now gone, did they wish to appoint a replacement.

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Mr. Moynahan said that he had that on the AIL to replace Ms. Place on two of the committees.

7:28 PM Mr. Dunkelberger asked if Mr. Hirst got an answer on his SC question regarding Mr. Murphy being the BOS liaison to the SC and Mr. Beckert and Mr. Dunkelberger being members and the three of them going to SC meetings.

Mr. Hirst said that Mr. Blanchette said that, since it was a public meeting, then it was not an issue.

7:29 PM
#3

TO : Board of Selectmen
FROM : Dan Blanchette
REF : Results of Town Meeting

Mr. Moynahan said that of particular concern was Article 45, Fringe Benefits and the 5% co-pay vote.

Mr. Blanchette said that this was the result of appropriations from Town Meeting and, in particular, the Board just needed to verify that there would be 0% COLA this year and that, as of July 1st, they would start taking out the 5% co-pay on the single aspect of the insurance package. He added that he was concerned about the article Fringe Benefits for a couple of reasons – one was that there wasn't any leeway in that article at all and, yet, they did not have a new police union contract so, therefore, they would not be deducting the 5% co-pay on the insurance for the police union starting July 1st. He added that he was just giving the Board a head's up that that article was going to be extremely tight this year and he suspected it could go in the red.

Mr. Moynahan clarified that in Town Meeting that line item was reduced but there were no specific reductions – it was just reduced in a lump sum.

Mr. Blanchette said that at Town Meeting it was reduced in lump sum no matter if details were mentioned because they were only voting a lump sum. He added that he has been provided with a breakdown of what the BC recommended and what was passed.

Mr. Dunkelberger asked Mr. Blanchette if he had a plan.

Mr. Blanchette said that he thought they needed to wait to see what would happen because there were a couple of things: #1, they didn't know what the percent increase, if any, would be starting January 1st for the insurance package – if it was less than what was anticipated it could cover it and, if it wasn't, then they would know January 1st.

Mr. Dunkelberger suggested developing some potential courses of action in case they did go into a deficit or it looked like they would go into a deficit.

Mr. Beckert asked, through the Chair, that the ancillary comments in the back of the room stop so that he could hear everything that was going on up front.

Mr. Moynahan agreed. He clarified that they were looking for a course of action to be better prepared in the event that article would be limited in its funds towards the end of the year as opposed to being caught at the end of the year and not having funds left in there.

The Board agreed by consensus.

Mr. Moynahan asked Mr. Blanchette to come up with some type of plan for that. Mr. Blanchette agreed.

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Mr. Blanchette said that, along with the 0% COLA, he asked the Board to consider a proposal. He said that he was proposing to give the 10 employees at the Town Hall a 1% increase COLA, which would be approximately \$4,600, and take it out of his pay.

Mr. Moynahan said that he had certainly not run into that kind of situation before and would certainly warrant some conversation.

Mr. Murphy asked if the figures added up – that the amount of reduction in Mr. Blanchette's salary would equal...

Mr. Blanchette agreed that it would be the amount that would be increased in the other 10 people.

Mr. Murphy clarified that what the Town left in the article as amount of salary wouldn't be altered.

Mr. Blanchette said that was correct and added that neither would the fringe benefits because the fringe benefits would be the same. He added that he realized this was sudden, that he didn't expect the Board to make a decision tonight, and it could be effective August 1st, if they wished.

Mr. Murphy clarified that Mr. Blanchette was the department head of this warrant article governing Town Hall.

Mr. Blanchette said yes.

Mr. Dunkelberger said that this was a very grand gesture.

Mr. Blanchette said that it was not meant to be a grand gesture; it was meant to compensate the people in the office for extremely good work that they did and for not receiving COLA for a number of years. He added that he felt they deserved it.

Mr. Hirst asked how they got around the appearance of discrimination, and maybe that wasn't the right word, but there were other employees of the Town that would not get this. He added that he thought this might trouble them some.

Mr. Moynahan said that that was why they were having some discussions.

Mr. Blanchette asked to speak to that. He said that that already occurred – the Police have it in their budget for a 1½ % increase COLA if they could settle their contract.

Mr. Moulton said that he may consider doing the same for his guys.

Mr. Beckert said that he thought that, like any individual in Town or resident or benefactor, if Mr. Blanchette or Mr. Moulton or anyone else wanted to donate a sum of money and specify the specific use of that money, then they, as Selectmen, could accept that on behalf of the Town; and use it for the intended purpose as directed by those that were giving it.

Mr. Murphy said that he agreed with Mr. Beckert.

Mr. Fisher said that he agreed with Mr. Beckert and was going to make the same suggestion but he was going to add a suggestion that the money be given directly to the employees from the department head.

Mr. Pomerlau said that he would caution the Board, if Mr. Blanchette made this gesture and wanted to give this money to the employees, that it not become a formal part of their base pay because the Town had clearly voted on it. He added

BOARD OF SELECTMEN'S MEETING
June 28, 2012 6:30PM (continued)

that this was a gift from him to them and did not go into their base pay forever on onto the future and call it a bonus, if the Board wished. He said that it may be a violation of labor laws, as well. Mr. Pomerlau commented that a Board member was shaking his head and asked him if he had the authority on it.

Mr. Beckert, through the Chair, asked Mr. Pomerlau to restrain himself – if he had comments that were just, then that was fine and, if he had to be sarcastic, then Mr. Beckert asked that he would quit it because he was not going to tolerate it.

Mr. Moynahan suggested that they be productive in their discussions.

Ms. Rawski said that, as a staff member, she had no idea that that gesture was going to come from Mr. Blanchette, and Mr. Moulton was chiming in on that, and suggested that maybe it was something that needed to be discussed as a group. She added that there would obviously be comments from the public on this happening and, in fairness all the way around, she didn't want it looked on in any negative manner. She added that she thought the Town employees needed time to soak it in and decide how they felt about that gesture for their department heads to take. Ms. Rawski said that her feeling was why should they reduce their pay that they had earned to give more to their employees even though they felt that the employees had done a good job. She said that the Town had spoken and they knew what the Town had spoken and reiterated that she thought this was something that needed to be looked at as a group. Ms. Rawski told Mr. Blanchette that she truly appreciated and knew the guys would appreciate Mr. Moulton's gesture, as well, but felt, as a group, they needed to sit and talk about it now that it was out in the air and how best to move forward. She requested that the Board not make a decision tonight.

Mr. Moynahan said that they would not make a decision about this tonight, as it was too last-minute.

A member of the public suggested that, before they decided that, they inquire of counsel as to whether or not it was appropriate to do that under law. He added that he thought there were some significant issues with respect to this.

7:40 PM

Mr. Moynahan said that he thought they all had concerns, especially with salaried employees, percentages, and that sort of thing. He suggested this be put on the AIL and rolled into one of their Thursday meetings to have specific conversations and, perhaps, to even include some of the staff members in that meeting.

Mr. (Frank) Murphy asked if the Board could just make this a private issue and stay out of it.

Mr. Moynahan said that that may be exactly what they do but they were going to spend a bit of time discussing it. He added that this was not on the agenda tonight and none of the Board members were prepared to talk about it.

Mr. Blanchette said that the Board needed to formally adopt the 5% co-pay on the insurance, as of July 1st.

Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen have the Town non-union employees pay 5% of their individual ~~health~~ insurance package for this current fiscal year.

VOTE

4-0

Chair concurs

7:42 PM

#4

TO : Board of Selectmen
FROM : Town Clerk, Wendy Rawski
REF : Yearly staff appointments

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These were annual appointments of Town staff in various departments.

Municipal office staff:

Daniel J. Blanchette, General Assistance Administrator
Norma Jean Spinney, Town Treasurer
Wendy J. Rawski, Town Clerk
Patricia A. Levesque, Tax Collector
Martine Painchaud, Single Assessor
James Marchese, Code Enforcement Officer & Local Plumbing Inspector
Joseph Rousselle, Alternate Plumbing Inspector

Mr. Dunkelberger moved, second by Mr. Hirst, to appoint the Municipal Office Staff, as listed, for one year.

VOTE

4-0

Chair concurs

Emergency Management:

Jay Muzeroll, Director
Roger Cullen
William Reichert

Mr. Dunkelberger moved, second by Mr. Hirst, to appoint the Emergency Management staff, as listed, for one year.

VOTE

4-0

Chair concurs

Mr. Fisher said that he would strongly urge the Board to pick up a police contract, adding that they had management rights in that contract that they might be able to find a way that they wouldn't have to go with that 1½ % COLA. He added that the Board had the right to manage, fire, hire, discharge.

Mr. Moynahan said that he didn't think they had authority over the yearly increases but, as far as schedule changes, reducing staff, etc., Mr. Fisher was correct that the Board had a management right in the contract. He added that, to reduce a negotiated benefit was not something the Board had the ability to do in this contract and their contract stayed the way it was the day it expired and moved forward.

Mr. Fisher agreed that, while they were under contract, they could not deviate while they were in negotiations, as they had to maintain what they had last year. He added that there were ways that they could reduce that overhead budget for the Police Department by other means, which could recoup the COLA.

Mr. Moynahan said that the Board would be setting up another person on that negotiation team, as well.

7:46 PM

Police Department:

Theodor G. Short, Chief
Robert Brown, Lieutenant
Elliott Moya, Detective
Michael Grogan, Patrolman
Brian Delaney, Patrolman
Candice Simeoni, Patrolman
Ryan Sanford, Patrolman
Jeffrey Limbert, Patrolman
David Arseneault, Patrolman
Kevin Curran
Ronald Cooper, Reserve Patrolman
Kristina Buckley, Animal Control Officer
Harold Place, Reserve Officer for Harbor Master Duties

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Mr. Dunkelberger moved, second by Mr. Hirst, to appoint the Police Department staff, as listed, for one year, and Harold Place as Harbor Master for two years.

VOTE

4-0

Chair concurs

#5 TO : Board of Selectmen
FROM : CEO
REF : Memo re: Great Hill Landfill

Mr. Moynahan said that Mr. Blanchette sent out an email from Mr. Marchese as it related to Great Hill and he suggested they have this as an agenda item to have discussions, if warranted, or informational – whatever the Board chose.

Mr. Murphy said that he thought this should just be informational for the Board tonight because this was a subject that was being investigated by agencies. He added that he was sure Mr. Schoppmeyer was aware of this.

The Board agreed by consensus to treat this as informational.

7:53 PM

#6 TO : Board of Selectmen
FROM : MMA
REF : Elections

This was in regard to elections to the MMA's Legislative Policy Committee (LPC). A ballot to elect Perry Ellsworth to this committee for a term from July 1, 2012 to June 30, 2014 was included.

The Board agreed by consensus to support Perry Ellsworth and signed the ballot.

#7 TO : Board of Selectmen
FROM : Dan Blanchette
REF : Update on Police Payroll (no correspondence)

Mr. Moynahan said that, last week, it was brought to the Board that the payroll line was going to be over-expended at the Police Department. He added that he believed it was estimated to be \$20,000 – \$30,000 to administer payroll for that department for the balance of the fiscal year. He asked Mr. Blanchette for an update.

Mr. Blanchette said that, as of last week, it was \$5,000+ in the hole. He added that he didn't remember what the payroll was for this week, but he believed it was around \$15,000, so it would be a total of approximately \$20,000.

Mr. Murphy clarified that that had already been approved from the Contingency Fund.

Mr. Moynahan agreed that it was for that particular incident. He added that his question would then be how they prevented that from occurring again. He said that, when a department head was close to over-expending an article and it seemed the department head didn't know that there was no money left in the account, how did they prevent that from coming to the Board with two weeks left in the fiscal year.

Mr. Murphy said that he thought the Board needed to take a closer look at the monthly reports they got from the Treasurer. He added that, every month, they could see the percentage of use in each of the articles for the whole year and it was up to them to look that over closely and, if necessary, instruct Mr. Blanchette. He added that he believed the Chair of the Board of Selectmen was the official oversight person for all department heads and he could talk with him at any time

BOARD OF SELECTMEN'S MEETING
June 28, 2012 6:30PM (continued)

or call him and ask the department head what he was going to do or cut when he saw that the percentage of use was exceeding what was covered for the whole year.

7:58 PM

Mr. Hirst said that he thought a part of this required a reformation of the budget process starting in September, perhaps. He added that they couldn't solve it all with the budget process but they could at least give it a shot. He said that he didn't like to see overspending but, at the same time, they had to deliver services.

Mr. Dunkelberger said that they had five departments in Town and suggested each one of the Selectmen become a sponsor of a particular department, then they could not only keep a better eye on how things were running and help the department head advocate for different issues, but explain to the rest of the Board what an issue might be coming up and for clarification.

Mr. Moynahan said that he thought that might lend itself to questions from the public thinking there might be special interests at stake and that sort of thing. He added that would be his only concern with that. He said that, collectively as a Board, he thought the department head reports and meetings with them were the way to get all five people involved. He said that Mr. Murphy mentioned that the Chair was responsible for the oversight and he thought it was the entire Board that was the whole voice, not just one person. He said that he thought that left too much of a gray area out there, in his opinion.

Mr. Dunkelberger clarified that he was not suggesting that one person be the voice – one person would be the advocate as each one of the Selectmen would come to have a little more expertise in a particular department.

Mr. Beckert said that that was definitely food for thought. He added that, just coming into this situation, he would like to get a little more information on how they got to this point.

Mr. Moynahan said that the payroll total for this week that included regular time and overtime was 410 hours but, if they over-expended an article, then that was with 72 hours of earned time, vacation time, etc. He asked if there was a way to better manage that as opposed to averaging two man-hours per hour 24 hours a day, 7 days a week. He added that he thought that would be bettered answered by the Chief but believed they could have reduced the burden right there if the Board were more [proactive] (you said approval, Mike), especially when an article was being overspent.

8:03 PM

Mr. Brandon suggested that Mr. Dunkelberger might be thinking of a liaison. He added that he was surprised that they didn't have a system in place that all department heads had the budget information and keep a running account of exactly where they were relative to their budget, being made available on a timely basis – once a week or once every two weeks. He said that it was a concern to him that they overspent but it was more of a concern that they didn't know that.

Mr. Murphy asked Mr. Blanchette if the department heads got the monthly report of article expenditures.

Mr. Blanchette said that they did.

Mr. Murphy said that they, then, knew as much as the Board did on where they stood on budgets.

Mr. Blanchette said yes.

Ms. Adams asked if the Board sat down with its department heads at all and talk about overtime and what and where the overtime was being spent and how to

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mitigate that. She added that, if someone was even a little bit in overtime, then someone came down and talked with the postmaster to work out what could be done to eliminate overtime, whether it was the shuffling of people or whatever was happening; adding that she didn't know what the circumstances were for this department but it seemed, as was stated, that was really the issue of really knowing what was going on and directing that so that didn't happen. She commented that that was a lot of overtime for a department that had how many officers and how many were on the street at any given time she didn't know as she wasn't an expert on that but that was her suggestion.

Mr. Reed said that he had one comment and a couple of suggestions. His comment was that the monthly status wasn't timely enough. He asked if the expended amount - \$20,000 - \$30,000 – include fringe benefits or was it in addition to this.

Mr. Moynahan said that this would be in addition to the actual payroll.

Mr. Blanchette agreed that it was only payroll.

Mr. Reed clarified that it did not include fringe benefits.

Mr. Moynahan said that that was correct.

Mr. Reed said that his second question was asking if something similar happened last year.

Mr. Moynahan said that it was close but that they were able to just fall under the need for additional funding. He explained that two departments, last year, were very close to overspending their articles.

Mr. Reed asked if they had included the fringe benefits then maybe they would have.

Mr. Moynahan said that, with just the labor, they were not over and, with the fringe benefits, he was not sure whether they over-expended them last year or not.

Mr. Reed asked the Board to explain the mechanism for the specific contingency fund that was used.

Mr. Blanchette clarified that there was a contingency fund, which throughout the years, was floated. He added that he didn't think that, in the past few years, any monies had been appropriated for it but, prior to that, it had been. He said that the BOS authorized the drawn-down from that contingency fund for the over-expenditure of the police payroll.

Mr. Reed asked how much money was in that account.

Mr. Blanchette said that after this week there might be \$20,000 to \$30,000.

Mr. Dunkelberger said that it might behoove them to sit down with the Chief and maybe do a forensics on how they got to this and figure out how to prevent it from happening again.

Mr. Moynahan agreed and commented that they stop going backward and start going forward.

Mr. Fisher asked if they paid people in the Police or Fire or other department to go to bereavement situations or was that all volunteer.

Mr. Moynahan said that they were not sure.

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Mr. Fisher suggested that, while they were in negotiations, they set up a limited radius and, if they wanted to go further, then they could use their private vehicles.

8:09 PM

Mr. Pomerlau requested they follow up on Mr. Dunkelberger's suggestion to talk to the Chief, specifically. He added that he heard it said tonight that the departments were kept up-to-date with, and informed of, their budget balances. He said that, if they recalled, the Board was asking the Chief that night if he had anything he wanted to bring up and he was absolutely at a loss as to what the Board was talking about and had no clue he was running out of money. He added that the Chief so much as confirmed that to him in a conversation later that night. Mr. Pomerlau said there was a disconnect here between Mr. Blanchette telling them that they knew what the balances were on their budget balances, and they certainly should – especially when they were getting towards the end of the year, but he clearly didn't know his budget was running out of money.

Mr. Moynahan said that they could start with their AIL and, with the monthly reports that the Board received, they could have department heads come in for specific conversations.

Mr. (Frank) Murphy asked if there was going to be any disciplinary action on this – a letter of reprimand or anything like that for the Police Chief for overspending \$30,000.

Mr. Moynahan clarified that any employee dealings would not be discussed in open meeting but would be dealt with in executive session.

Old Business (Action List):

8:11 PM

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

This was ongoing.

2. Monthly Reports from Department Heads

Mr. Moynahan said that these monthly reports were for situations just like the one discussed tonight and that it was in the personnel policy that these be provided by department heads.

Mr. Hirst asked if the Board got monthly reports from department heads, as requested.

Mr. Moynahan said that they did get them the majority of the time – that there was one department head that was a little lacking. He said that Mr. Blanchette was sending weekly reports via email (with copies in the box many times); Mr. Moulton was typically up-to-date; Chief was; Ms. Muzeroll was a little lacking, typically a month behind.

Mr. Dunkelberger said that Mr. Hirst was heading in the direction that they should probably push them for monthly reports and, maybe if nothing else, a stop flag on what their budgets look like so at least the Board knew they were looking at them.

Mr. Hirst said that he thought they needed to make clear to the department heads what it was the Board was looking for and then make it happen.

Mr. Moynahan said that in the personnel policy that they have it was posted schedules, upcoming events, major expenditures that might be coming, etc., adding that it was pretty specific in the policy of what was required. He asked Mr. Blanchette to forward that on to department heads and review it themselves to make sure it was all-encompassing.

BOARD OF SELECTMEN'S MEETING
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Mr. Hirst suggested a definition of expectations as the Board could not expect department heads to do what the Board had not adequately conveyed to them.

Mr. Moynahan reiterated that there was a policy in place so he thought the Board should review it to see if there was anything more they needed in there. He added that, if the Board altered the policy they could forward that on to the department heads.

3. TIFD reports and updates

Mr. Moynahan said that they had had some discussion about this tonight and it would be nice to see how many public outreaches and public meetings they have had in the last three years. He added that he knew everyone kept saying that they needed to sell this but he believed they had had several meetings and maybe it was how to do the meetings better as opposed to selling it.. He reiterated that it would be interesting to see how many public meetings they have had with engineers, attorneys, SC, EBD and BOS, adding that he thought they had reached out to the public quite a bit.

4. Health Insurance Costs

Mr. Moynahan said that the Board had been looking at what other plans might be out there, less expensive plans, as that was one of the biggest rising costs for the Town. He added that they had discussions about 5% year one, 10% year two and 15% year three for employee contributions towards health insurance. He added that the Board has been discussing this over the past year and would continue to determine how they wanted to proceed.

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

This was ongoing.

6. Regionalization of Town Services

Mr. Moynahan said that he and Ms. Place have been involved with this and, as Ms. Place was no longer here, he asked if someone would like to do this.

Mr. Hirst volunteered to be part of this group.

Mr. Moynahan said that he and Mr. Hirst would continue to move forward with this.

7. Sewer Allotments – fee for reserving such

Mr. Moynahan said that he thought that Mr. Murphy had brought this up, as far as larger projects, perhaps paying for an allotment that was set aside.

Mr. Murphy said that Kittery had changed the way they did this as far as it affected Eliot's quarterly bills so they might want to look at this in a slightly different way. He added that they now seemed to be going to pay in cash up front for any additional allotment and, at that time, if any users in Eliot want to reserve a share in that, Eliot could have a build-in for that one-time cost. He added that the fixed costs were no longer going to appear in the quarterly bill or affect the quarterly bill; the size of the contract would not affect the quarterly bills. He clarified that it would be done in a little different way and would be more like an after-the-fact buy-in. He explained that, if the TIF was approved for an additional 200,000 gallons and the lots out there wanted allotments reserved beyond their normal capacity, then they should ask them to buy in to that 200,000 gallons, if and when they got it. He said that they had never, in the past, made a specific charge for a reserved allotment out of the Town's reserved allotment but perhaps they should.

BOARD OF SELECTMEN'S MEETING
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8. Auditor – Management Letter

Mr. Hirst said that, presumably, the audit ending for the year 2011 should be here anytime and the management letter may or may not accompany it. He added that, as far as the audit for the year just ending, they needed to – maybe the Board has already figured out the process for doing a RFP for an audit and asked when did that start.

Mr. Blanchette said that they needed last year's audit in order to prepare to go out to get an auditor. He added that any auditor would want to see this past year's audit in order to put in a bid. He said that as soon as they received the audit they could prepare the RFP's and send out notices to auditors who were doing surrounding towns and that sort of thing.

Mr. Moynahan discussed that he had been asked to contact Mr. Donhauser but said that Mr. Hirst was much more knowledgeable in this aspect and asked if it would be smarter for the Board to allow Mr. Hirst to follow up with Mr. Donhauser to see if he could produce this in a timely fashion. He added that he would be happy to call but thought Mr. Hirst was a little bit more on top of this.

Mr. Hirst said that he would.

Mr. Murphy said that he thought it was more up to the Chair and suggested they both go.

Mr. Moynahan suggested they both go for the first visit and then let Mr. Hirst take it from there.

The Board agreed by consensus.

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

Mr. Moynahan said that he and Mr. Dunkelberger worked on consistent budgets and time sheets, adding that he thought they did a good job with the budget format. He said that, now that the budget was over, they could get back into some time sheets and that sort of thing.

Mr. Hirst asked if they had any news on the computer-generated tracking for when people come and go, adding that that was going to be looked at in conjunction with software.

Mr. Dunkelberger said that he had been trying to push this for a while and, for lack of a better term, he was meeting some passive resistance and he could understand, as they were already committed to a budget for this year. He added that he wanted to attack this anew, probably as they got into the new budget cycle so that they could properly take a look at costs and include those in the next budget round. He said that, by then, some other things may change in regard to how they were doing the audit and everything else that would allow him time to tackle this.

10. Monthly Workshops – 3rd Thursday of the month

Mr. Moynahan said that they discussed tonight that these would be regular meetings but would have specific agenda items and limited.

Mr. Hirst clarified that they would be the second, third, and fourth Thursdays.

Mr. Moynahan said that he thought they would discuss how often they would meet on those additional weeks. He added that they could talk about next week tonight if the Board wished.

Ms. Lemire asked the Board if this additional week was something the Board wanted her to record. She explained that she was a member of the Board of Appeals.

BOARD OF SELECTMEN'S MEETING
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The Board agreed that they wanted this official meeting recorded.

Mr. Murphy said that he didn't think they should meet with another committee until they had expanded facilities in the Town Hall so that they could record it in two places. He suggested the first Thursday of the month. He added that he did not think anyone was meeting on that Thursday.

Mr. Moynahan said that he thought it would be week-by-week, depending on the business this Board has, and added that they could talk about the next Thursday now.

There was discussion but no date was set.

11. Employee Reviews in monthly Department Head Reports

Mr. Moynahan said that this was something else they asked the department heads to include. He added that he thought they allowed the department heads to do all their reviews at one specific time a year.

Mr. Hirst asked about the Board interviewing and reviewing department heads.

Mr. Moynahan said that they have had that on the list and they could add it again. He explained that they did not go far with it – they had different formats they were going to use for each department head and they went from reviewing the department head to reviewing the review form for each department head or not looking at the review form to being right back where they were. He reiterated that they could put that on the AIL.

Mr. Hirst said that it was required by the personnel manual.

Mr. Moynahan asked Mr. Blanchette to put this on the AIL.

8:25 PM

12. Budget Preparation for next year – time line, etc.

Mr. Moynahan said that this year it seemed to drag on a bit longer than a lot of people hoped it would. He added that they were hoping to come up with a good schedule and some deadlines for each department head to have their information to the Board for the Board to be done with things and enough advance notice that would be manageable for everybody.

Mr. Dunkelberger suggested they set up a workshop with the BC in August to specifically set up a timeline and what the Board's expectations would be for the budget cycle.

Mr. Moulton asked if department heads could be involved with that, too, because in some aspects that affected how the department heads looked at things. He added that having a picture of half a year gave him a better indication of where his budget stood versus three months into an existing budget when it was fat and happy and he was still plugging away with work and the snow started to fly.

Mr. Moynahan said that they would not start the budget in August, that it was just discussions with the BC, and he thought they would keep all the department heads abreast of what they would be looking at.

13. Legal issues – pending and Consent Agreements

Mr. Moynahan said that Mr. Blanchette usually, in his weekly reports, indicated what those were and if there was anything they needed to discuss.

14. Community Services Building

Mr. Moynahan said that his thought on this was that they should change it to Community Service Space.

BOARD OF SELECTMEN'S MEETING
June 28, 2012 6:30PM (continued)

Mr. Hirst discussed two items. He said that the first was that, since the building had failed at Town Meeting, he would like to suggest that they clean up the area and remove the snow fence, seed it in and make it look nice.

Mr. Beckert moved, second by Mr. Hirst, that the Department of Public Works be empowered to clean that site up and make it look decent.

VOTE

4-0

Chair concurs

Mr. Hirst said that the second item was the lease with the Eliot Elementary School (EES). He said that they should find out where that was and what was going on with it. He added that he thought the school was kind of wondering what was going on.

Mr. Dunkelberger said that MSAD #35 was waiting the outcome of the Town Meeting and decided they wanted to hold off on any further discussion until after the issue was decided by the voters.

Mr. Moynahan said that the Board would be moving forward with Community Service Space discussions, which would be fire department discussions, school department discussions, and all that kind of stuff.

Mr. Hirst clarified that Mr. Dunkelberger was doing that.

Mr. Moynahan said that Mr. Dunkelberger has had contact with these folks and he thought the school board would be present to talk with the whole Board about any contract.

Mr. Beckert said, regarding the lease with MSAD #35, that it seemed they were in the summer months when the school was empty at this point and, if they were going to move ECSD into the space in the school, then he thought it was a no-brainer at this point, in his opinion. He added that this would be the time to do it and get any modifications in that space done before school started again at the end of August.

Mr. Moynahan said that this could be Agenda Item #1 at the next meeting.

8:30 PM

Ms. Davis said that she heard a rumor that there was kind of a timeline on getting the ECSD into the school and she was wondering if the Board was keeping track of that and if that would potentially be a problem.

Mr. Dunkelberger said that he had not heard there was a timeline.

Mr. Moynahan said that what he thought Mr. Beckert was referring to was that, as far as summer vacation, it would be less disruptive in those areas and that may be the timeline that was discussed, but not by this Board.

Ms. Davis clarified that there was no contractual problem as far as getting them in there before school started.

Mr. Dunkelberger clarified that the Town did not have a contract. He reiterated that the school district did not even want to discuss the issue until after the Town voting, and that only occurred two weeks ago.

Mr. Fisher said that it seemed like a no-brainer to him in saving the Town \$4,000 or \$5,000 a year by going to the school and not to the fire station. He added that he wondered why the Board would even take the fire station into consideration. He said that, as a taxpayer, he wanted to choose the option that would save the Town the most.

Mr. Moynahan said that, when the discussions first happened, the Board decided to get a pros and cons list from all the members involved in the current housing of the operation and the Director of the operation. He added that it seemed warranted to get a little more input from those folks as it may or may not impact their services that they provided. He said that that was what they had tasked the

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people involved, that was where it was before and now they were going to start again but in a different direction because they knew the direction they were going a little bit better.

15. Police Union Contract

Mr. Moynahan said that this was another place where Ms. Place was a member with himself.

Mr. Dunkelberger said that he would be happy to work on this.

Mr. Moynahan said that they had not heard much from the bargaining group, they got emails on occasion, but there was no real substantive information shared.

Mr. (Frank) Murphy asked if, in the negotiations with the Police Department, could they negotiate back in that the Chief could actually fill in for a police officer – that that would eliminate the overtime budget. He added that that was negotiated out only a few years ago that the Police Chief could not substitute for an officer.

Mr. Moynahan said that the original contract, where it was and what was being presented, were vastly different. He added that there have been a lot of things that have been looked at. He agreed that it was certainly not the contract that was in place a few years ago.

16. Finance Director/Comptroller

Mr. Murphy said that this was Mr. Donhauser's suggestion and would be the person who would develop the audit trail and package presented to the Board.

The Board agreed to combine #16 with #8 to clarify.

17. Personal property tax policy

Mr. Murphy said this was to look into ways in which they might improve and ease the ability of the Town Tax Collector to identify and collect personal property taxes. He added that it is quite a big complicated law and made it difficult to try to nail down anyone who truly didn't want to be caught. He added that they could set up their company a month after their taxes were due on a date certain, with a whole year before next time, and a month before the end of the year to go somewhere else. He said that he wasn't sure how to get around that and that this was a very long set of laws that have had changes made over a period of time.

Mr. Hirst said that, if they didn't already have it, he thought they needed to set protocols on how this was done – when the letters went out, what the timeframe was for following up on the letters.

Mr. Murphy said that those are already covered by State law and she already followed that, but, it was not effective in terms of catching people who wanted to disobey. He added that he had thought of getting a revision to State law but they had to look at exactly what was wrong and then try to get the State Legislature to alter it so that towns like Eliot could have a bigger stake.

Mr. Hirst said that they had a State statute that set forth how this should be done and he thought they should evaluate how well the Town was following the statute.

Mr. Moynahan suggested they could certainly follow up with Mr. Blanchette, the Town Assessor, the Tax Collector, see how that process worked and how effective it was.

Mr. Hirst said that it was a source of revenue that, to his knowledge, they hadn't capitalized on as much as they could.

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Mr. Moynahan said that they had had the Assessor in a couple of years ago with a whole report on personal property taxes, revenue that had been brought in, the number of people involved, etc., and they could do that again.

18. Software to segregate fringe benefits by Department

Mr. Moynahan said that they were trying to find something that would have all this integral.

The Board agreed to combine this with #9.

19. Taping of meetings – policy

Mr. Moynahan said that this was two-fold – a who to tape and a how to tape. He added that Mr. Emery has been involved in the how to so maybe they didn't need a policy on that. He added that the BOA, PB, and several other groups got back to the Board on whether or not they wanted to be taped and now it was up to the Board to decide how to move forward. He added that, with the PB and BOA, there has been some concern about the quasi-legal nature of those boards and that sort of thing. He asked how the Board wanted to move forward on who utilized the video-taping.

Mr. Beckert said that the PB did not have a problem with their meetings being taped – that it was just a question of who was going to do it, who was going to be responsible for keeping the copies that had to be kept as hard copies here at Town Hall. He said that right now they were on a server and, if a lawyer or individual or a board came in to ask for a copy, then they needed to have the means to make those copies, and that would be an expense. He added that the Town Clerk would have to keep records in the vault in perpetuity. In summary, it was who would be responsible for housing, budgeting, and maintaining the records.

Mr. Moynahan said that, since the video-streaming had been approved, this would be easier to move forward with and get something done.

Mr. Beckert said that Mr. Emery might be able to answer those questions on what they needed to maintain those copies.

Mr. Dunkelberger said that, since they were not the minutes of record, maybe they should look at how long they needed to keep them.

Mr. Beckert commented that he thought that, if there was more than one method to formulate written minutes, then all the methods of recording meetings had to be maintained.

Ms. Rawski said that notes and notations did not have to be maintained as long as the official signed minutes but she would have to look at the archival law regarding video.

Mr. Moynahan asked Ms. Rawski to do that and report back to the Board.

Ms. Rawski agreed.

Mr. Hirst said that, if he was not mistaken, the enhancement to the video system did pass as well as continuation of video-streaming. He asked what the timeframe was for getting those enhancements purchased and installed.

Mr. Moynahan said ?

20. Amend Ordinance Governing Boards – time limit for agendas & meeting minutes

Mr. Moynahan said there has been very slow response time from some of the boards and committees getting their minutes in to Ms. Rawski so that they could be published to the public.

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Mr. Murphy said this might govern the video-streaming, as well.

Mr. Moynahan said that this was something the Board might want to jump on right away.

8:43 PM Mr. Beckert said that he thought that ordinance would have to go to the Town for a vote.

The Board agreed

Selectmen's Reports

8:44 PM Mr. Moynahan said that, in Ms. Spinney's office there was a notebook that they started back a while ago, as it related to questions in each warrant. He explained that, if they had questions on specific things then every member of the Board have a response to those and he thought they needed to work better on how that got communicated to department heads when the Board had questions. He added that all five of them don't always get the responses and it would be helpful if that were better utilized.

Other Business as Needed

There was no other business tonight.

Executive Session

There was no executive session tonight.

Adjourn

There was a motion and second to adjourn the meeting at 8:45 PM.

VOTE

4-0

Chair concurs

DATE

John J. Murphy, Secretary