

**SPECIAL BOARD OF SELECTMEN'S MEETING  
July 3, 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. Dunkelberger, seconded by Mr. Beckert, to approve the minutes of June 13, 2013, as amended.

**VOTE  
4-0  
Chair concurs**

Motion by Mr. Dunkelberger, seconded by Mr. Beckert, to approve the minutes of June 20, 2013, as amended.

**VOTE  
4-0  
Chair concurs**

**Department Head/Committee Reports**

There were no reports tonight.

**New Business (Correspondence List):**

**5:33 PM**

**#1**

TO : Board of Selectmen  
FROM : Barbara Thain  
REF : Reappointment Requests to Boards, Committees, and Commissions

Mr. Murphy moved, second by Mr. Hirst, that Jeff Cutting be reappointed for a three-year term to the Board of Appeals, term to end in 2016.

**VOTE  
4-0  
Chair concurs**

Mr. Murphy moved, second by Mr. Hirst, that Greg Whalen be reappointed to another five-year term to the Planning Board, term to end in 2018.

**VOTE  
4-0  
Chair concurs**

Mr. Murphy moved, second by Mr. Hirst, that Jeffrey Duncan be reappointed to another three-year term to the Conservation Commission, term to end in 2016, and, that Connie Weeks be reappointed to another three-year term to the Conservation Commission, term to end in 2016.

**VOTE  
4-0  
Chair concurs**

Mr. Murphy moved, second by Mr. Hirst, that Ted Place be reappointed to another three-year term to the Business Development Committee, term to end in 2016.

**VOTE  
4-0  
Chair concurs**

Mr. Murphy moved, second by Mr. Hirst, that Lori Howell be reappointed for another three-year term to the Shellfish Management Committee, term to end in 2016, and, that Thomas Phillips, III be reappointed for another three-year term to the Shellfish Management Committee, term to end in 2016.

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

Mr. Murphy moved, second by Mr. Hirst, that Mike Dupuis be reappointed to another three-year term to the Sewer Committee, term to end in 2016, and, that Stephen Beckert be reappointed for another three-year term to the Sewer Committee, term to end in 2016, and, that Richard Dione be reappointed to another three-year term to the Sewer Committee, term to end in 2016.

**VOTE**  
**3-1 (Mr. Beckert) abstained**  
**Chair concurs**

Mr. Murphy moved, second by Mr. Hirst, that Edward Henningsen be reappointed to another three-year term to the Energy Committee, term to end in 2016.

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

**#2**           TO     : Board of Selectmen  
FROM : Wendy Rawski  
REF   : Charter Commission Petition

Mr. Moynahan said that the Municipal Clerk has qualified the petition for enough valid signatures; that the Board had to "submit the question for the establishment of a Charter Commission to the voters at the next regular or special municipal election to be held at least 90 days after this order." The question for submission: "Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?" Mr. Moynahan said that the Board had to act on this this evening.

Mr. Hirst moved, second by Mr. Murphy, that the Board of Selectmen put on the November ballot for consideration by the people the question: "Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?"

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

**5:37 PM**  
**#3**           TO     : Board of Selectmen  
FROM : Public Works  
REF   : MS4 Permit, Storm Water Management - Budget

Mr. Moynahan said that this was not included in the DPW's budget due to some oversight and that Mr. Moulton had some ideas on how to fund the required MS4 permit; that the Board has had this material and hoped everyone had reviewed it. He added that the question before the Board was whether to utilize Mr. Moulton's suggestion to use 2012/2013 funding left over from Transfer Station and Highway budgets to fund the 2013/2014 MS4.

Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen fund the MS4 Permit out of the Department of Public Works 2012/2013 budget to the maximum extent possible and any remaining funds will be absorbed by the Department of Public Works in their 2013/2014 budget.

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

**5:41 PM**

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**#4** TO : Board of Selectmen  
FROM : No correspondence  
REF : Police Chief Contract between Eliot and Kittery

Mr. Moynahan said that he had forwarded revised and clean copies to all Board members; that they had been talking about this for quite some time and that he had a clean copy with him. He asked if this was a direction that the Board wanted to move forward with.

Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen have the Chairman of the Board of Selectmen sign the contract on behalf of the Town of Eliot for the Eliot Chief of Police to serve in both towns.

**VOTE**

**4-0**

**Chair concurs**

At this time, Mr. Moynahan signed the contract.

**5:43 PM**  
**#5**

TO : Board of Selectmen  
FROM : No correspondence  
REF : Finalize budget for Referendum

Mr. Moynahan said that the department heads got together this week and provided the Board two suggested formats for proposed reductions in budgets – Proposal A and Proposal B. He said that the ECSD move would be eliminated in both proposals; the Library would be reduced by \$60,000 in A and \$45,000 in B; Paving would be reduced by \$50,000 in both proposals; Transfer Station would be reduced by \$25,000 in both proposals; the Historical Society would be reduced by \$3,000 in both proposals; General Assistance would be reduced by \$23,500 in A and \$0 in B; Fire training would be reduced by \$3,000 in B; Administration would be reduced by \$25,450 in B; that Animal Control would be reduced by \$10,000 in B. He added that both totaled \$221,500. Mr. Moynahan said that he has revised and distributed the spreadsheet that showed percentages with the updated information; that that was more for review. He added that the Board was tasked to reduce the budget by \$221,500 this evening and noted that all the department heads were present for any questions the Board might have; that the Budget Committee Chair was present, as well.

Mr. Dunkelberger said that he also took a second look based on the revised estimates; that he made some adjustments to his suggestions from last week. He asked department heads to include (in proposals) an explanation that broke things out other than just numbers, as to specifically what they were looking to reduce. Mr. Dunkelberger discussed his proposals: one would be to reduce the Assessor's hours to  $\frac{3}{4}$  time, 30 hours a week, which would lead to a savings of just over \$17,000; in Administration, he would reduce Training & Safety expenses to \$2,000; Service Fees (05-15) by \$3,500; Consultation Fees (05-35) by \$5,000; under Contract Services reduce legal expenses by \$4,200; in Transfer Station, cut operations by 30% by reducing one day a week, with potential savings from combined salary and operations of \$111,914; defer the ECSD move; cut \$10,000 from the Cruiser Account; cut \$30,000 from the Library; that if his math was right that would bring them in about \$2,000 under the Cap, without calculating any changes to fringe benefits.

**5:48 PM**

Mr. Murphy discussed his concern regarding the ECSD move suggestion. He said that they have had a committee work on that over some time; that they had worked out all the details of how it might be done; got permission from the school and got them involved; that the Town had agreed at Town Meeting to let that go forward; that he thought that they could reduce the cost of the move by judicious sub-contracting. He added that he thought this was a problem facing the Town that the Town had to solve, as it involved public safety and the safety of children; that they should go forward with this move as frugally as possible. He said that they had planned to do that and the Town agreed in the approved budget. He added that he would rather take it out of Paving than that.

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Mr. Hirst said that he and Mr. Dunkelberger have been working with the Town of Kittery on collaboration, coordination, ways to cut costs; that one thing they intended to talk about was some sort of consolidation of the rec departments in both towns. He added that, if that were to happen, then they might be foolish to move the ECSD to the school if, at this time next year, they might be doing some consolidation, adding that he would support a \$60,000 reduction in that line, as he thought it was unwise at this time given what he just said.

Mr. Murphy asked if this was just an idea or something that has been developed.

Mr. Hirst said that it was an idea that they had talked about with Kittery and have ask for a prompt meeting with them to discuss that and other things. He added that it was purely speculation at this time.

Mr. Murphy asked if the ECSD department head had been involved.

Mr. Hirst said not yet, but would certainly happen.

Ms. Muzeroll-Roy said that, considering this was the first time she had heard of this, that should probably have happened already, instead of finding out at a Board meeting.

Mr. Murphy said that he agreed with Ms. Muzeroll-Roy.

Mr. Moynahan agreed, as well. He asked if Mr. Dunkelberger had something to add.

Mr. Dunkelberger said that the vote at Town Meeting, with regard to the ECSD and reducing their budget, the Town was slowly strangling the ECSD in their ability to provide the services the Town was used to, adding that the discussion was a potential way to find ways to provide programs that, at least, some of the folks in Town were looking for, so this was in very early stages. He said that, from his perspective, the move from the Fire Department to the school building was low-hanging fruit in what he considered a critical budget year.

Mr. Moynahan said that he had indicated in his spreadsheet what made up \$566,000 of their original budget were the \$100,000 cost of insurance, the \$60,000 ECSD one-time move, Capital Improvements of \$50,000, and investment in roads at \$350,000; that they were tasked to reduce the budget by over \$500,000 from the original and those line items actually made up that difference. He added that the other budgets were in-line with last year and there were no increases in costs relative to operations provided; that they made a commitment to better the roads and buildings in Town and try to solidify the ECSD but the budgets were reduced. He discussed that putting that move off, even for one year, would be one way to reduce or discussion about relocating, which he thought would be a ways out, as that would take some time. He asked if the department could still operate within the confines, if that were to be reduced; that to not move would not impact the services provided to the community.

**5:55 PM**

Ms. Muzeroll-Roy said no, not necessarily; that they were still operating now as-is/status quo in the Fire Department. She added that it would be great to move into the school and have their own identity at some point, so, two-fold on that.

Mr. Blanchette commented on employees that were now covered by union, saying that they could not cut the hours without first negotiating that with the union. He added that not having a contract didn't mean they didn't have a union; that once they had a union, to the point of the contract, they were supposed to keep status quo.

Mr. Moynahan said that the Board, as management of the Town, could still reduce the financial burden on the community and direct that department to manage that department with whatever that reduction was, adding that, if that was a reduction that was accepted and the department head had to find it somewhere else, then it would still be a \$17,000 reduction in that department, whether it was not specific to that or negotiated with the union.

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Mr. Beckert agreed with Mr. Dunkelberger that he would like hear from department heads on the figures they came up with, such as the \$25,000 cut at the Transfer Station and what, exactly, that cut would do.

**5:57 PM**

Mr. Moulton said that it allowed the existing Transfer Station Manager to work until the end of December until it was time for his retirement. He added that it allowed him to take that position's salary and benefits, take the six-month reduction but, then, allowed him to hire an attendant to replace that position; that that was the balance of his salary and benefits that could be removed.

Mr. Beckert said that that reduction, by itself, would not reduce operation of the Transfer Station hours.

Mr. Moulton said that that was correct. He added that he looked at cutting hours but did not come up with a third, as Mr. Dunkelberger did, because he felt that, even if they reduced, the increased activity would be on two days versus three; that he didn't touch hauling or any of those because he wasn't sure how those would be impacted; that people might go private; that between \$30,000 and \$35,000 was the number he came up with, adding that reducing the Transfer Station hours by one day was also reducing hours of current employees.

Mr. Beckert asked Mr. Blanchette for clarification of the Administrative cut of \$25,450.

Mr. Blanchette said it was a number of things and thought that Mr. Dunkelberger had most of them.

Mr. Beckert asked the Police Chief if the \$10,000 cut for the Animal Control Officer cut that out completely.

Mr. Short said no, that that was cutting it from a budgeted 20 hours to a budgeted 10 hours.

Mr. Murphy asked Mr. Short if 10 hours would satisfy the needs for that office.

Mr. Short said that she has currently been working 10 hours, give-or-take; that the 20 hours budgeted allowed for any overages for potential likely investigations. He added that there was the potential for combining the responsibilities of the position between Kittery and Eliot. He said that there have been times when they had animal cruelty investigations that have taken her beyond the 10-hour work week and he wanted to make sure they had money budgeted if she went beyond the 10 hours.

Mr. Murphy asked if that could still be done in some way or another.

Mr. Short explained that, if they cut that to \$10,000, then that would limit her and any additional, such as investigations, would fall to the officers covering the road.

Mr. Hirst said that he wanted to expand on the cooperation part, which was not directly attributed to this discussion, but it was their intention to look at collaboration with other towns on anything that would seem to make sense for both towns. He added that they couldn't all have the luxury of having redundancy in capabilities and, necessarily, people; that they had to look at ways to cut costs and, if they could do it and it made sense for both parties, then he thought it was something they should look at.

Mr. Murphy asked Mr. Blanchette if his plan included adjusting the schedule for the front office.

Mr. Blanchette said no; that the schedule for the front office already had to be done from what was approved at Town Meeting; that that dictated that they have fewer hours open to the public in order to eliminate any possible overtime. He said that, probably as

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of September 1<sup>st</sup>, they would change the office hours for which they were open; that the biggest change would be on Wednesdays in that they would close at 2PM since their week ended on Wednesday and would give them the flexibility to do the reports due on Thursday morning and, if there was any overage of time, like on Friday or Monday, then that overage could be absorbed on the Wednesday. He added that they would be closing to the public a little earlier each day.

**6:05 PM**

Mr. Moynahan said that he reduced the ECSD move by \$20,000; reduced Administration by \$33,000; that in the past they have looked at privatizing Assessing and have SMRPC offer professional planning, which would be savings to the Town; that in the Police Department he suggested \$21,000 in reductions to have overtime be filled by officers or reserve officers not eligible for overtime; reduced the Fire Department by \$3,000; reduced Public Works \$10,000 for drainage projects and summer maintenance staff; reduced the Transfer Station by \$85,000 – they were looking to do pay-per-bag, so either explore consolidation with Kittery's services a day a week or make pay-per-bag work in that dollar figure; reduced the Library by \$5,500; that, as much as he didn't like reducing reserve funds, he reduced the Petroleum Reserve by \$5,000; reduced Paving by \$40,000. He said that this ended up being a 10% reduction from the Board's original budget. Mr. Moynahan said that the other thing they had not talked about, knowing it was late in the game, was how to increase revenue versus reducing budgets and services; that they did have decreased revenue sharing, the one-time expenditures of the increase in the investment into the Town's roads and buildings that have caused a lot of their increases, and that LD1 was showing a declining history. He said that, of the overall increases to taxes, what percent was made up by uncontrollable effects of the school and county budgets; that the Board was tasked to fix a small portion of this and were held to a standard that he thought the others should be, also.

Mr. Dunkelberger discussed the options with the Transfer Station: to cut it by one day; to have the pay-per-bag help improve that budget; people could contract out if they could not make it to the Transfer Station. He added that they had other options and did not feel it was an essential service. He added that he agreed with the philosophy of looking at how they could make these cuts work for the long-term; that he was also not in favor of "peanut butter spread" or just spreading the wealth in cuts just because and used the Fire Department as an example. He said that, if they were proposing to cut that department by \$3,000 in training costs for part-time employees, then missing an opportunity to train was much more important than if they were full-time employees because this was their secondary job. He added that he would have some issues with decreasing training with a volunteer fire department.

Mr. Muzeroll said that he didn't have a problem with the \$3,000 because, with the new ambulance contract, he budgeted \$3,000 for first responder training and that will be free of charge through the ambulance. He added that he did agree that training was something he didn't want to cut but, if they were spreading the wealth, then that was a place he could.

**6:12 PM**

Mr. Murphy discussed Mr. Dunkelberger's statement that the Transfer Station was not an essential service and asked for clarification.

Mr. Dunkelberger said that they had other options, in which one could either contract with Waste Management, some local pick-ups, or just shift it to another day.

Mr. Moynahan said that the Board has worked with the DPW Director with the goal to get that as a self-funded entity so this was not new but were just being rushed in the process; that these were things that they had talked about and considered with Mr. Moulton on how to make that more self-funded.

Mr. Dunkelberger said that, if they could have some discussion about regionalizing it, then there may be another way to make another day available if they were to work with

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Kittery on something like that; that they could close one of their days and Eliot could close one of their days and the citizens could swap.

Mr. Moynahan added that both would be open two days but would be open to all residents of both towns; that everyone from Kittery could come to Eliot on Tuesdays and Thursdays and everyone from Eliot could go to Kittery on Mondays and Wednesdays.

Mr. Dunkelberger said that in effect, if they were to follow that model, then they would be expanding services.

**6:15 PM** Mr. Dunkelberger said that one of the Administrative cuts was to General Assistance and asked Mr. Blanchette to explain.

Mr. Blanchette said that this was from the group; that since General Assistance was one of the few items that could be, by State law, over-expended if they did over-expend it, then it was not a catastrophe.

**6:17 PM** Mr. (Bob) Fisher said that, regarding unions, he was present at a place where they were negotiating a contract and they didn't have enough work so they laid off 100 people while they were still negotiating the contract; that the Board had the right to manage the business regardless what the union said.

Mr. Moynahan said that what was being indicated is that they couldn't reduce someone's current work scheduled hours; that, if they gave a department a reduced budget, then lay-offs could happen and it was done by seniority at that point.

Ms. (Donna) Murphy said that, if they were looking to close the Transfer Station one day per week, then that would be reducing people's hours.

Mr. Moynahan asked how many Transfer Station employees might be impacted.  
Mr. Moulton said four.

Mr. Moynahan said that they may not be impacted as it was early discussions.

Mr. Moulton agreed, saying that there could be some shifts in responsibility; that it wouldn't be an easy thing to do but there were things that could be done.

Ms. Murphy asked if the union would allow shifting of responsibilities because some contracts do not allow that.

Mr. Moynahan said that management still did retain the right to manage itself so these things would work themselves out on that level.

**6:19 PM** Ms. (Roseanne) Adams said that they were talking about reducing General Assistance and asked if there was any correlation between the General Assistance and abatements given to people as a hardship; that if there was, then she wouldn't want to take money away from General Assistance because that may help people to pay their taxes.

Mr. Blanchette said that there was no correlation between General Assistance and abatement of taxes for poverty; that he didn't think they had that many in one year.

Ms. Adams clarified that, if someone couldn't pay their electric bill, then they may not be able to pay their taxes.

Ms. Murphy asked the Board, regarding the contract with unions, if that allowed them to not fill an open position but freeze open positions.

Mr. Moynahan explained that the Transfer Station Manager's position was ending with Mr. Lytle's retirement and would be changed to an attendant's position.

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Mr. DePaul asked how shifting responsibilities lowered the overall cost of operation; that if there were four people employed on a specific day, that service was cut, and the responsibility for that was shifted to another job, then how would that lower the cost of the operation.

Mr. Moulton said that that was part of the discussion; that they could utilize fewer people on certain days and increase on one; that it varied depending on what it was.

Mr. Beckert asked if Mr. Moulton could shift duties to part-time people who were not getting paid the full benefit package.

Mr. Moulton said yes, that that was all part of the discussion.

Mr. DePaul asked where the \$111,000 in closing the Transfer Station one day a week come from if there were so many uncertainties about it.

Mr. Dunkelberger said that he took Mr. Moulton's basic operations budget and his salaries in the Transfer Station and cut them by 30%. He added that he didn't know what the DPW Director had planned in how to meet that cut but one option would be to not hire summer workers and shift those duties to others.

Mr. DePaul discussed his experience over 17 years that Saturdays seemed to be the busiest with the most personnel and asked, if that was the case, why they would close it on a Saturday rather than another day.

Mr. Moulton said that, as of late, everything has shifted to Tuesday and Thursday.

Mr. DePaul said that he believed that would cause the biggest impact on the residents of this Town because a lot of them worked out of town, just as he did until a few years ago, and there was no way he could have gotten to the Transfer Station on a Tuesday or Thursday, so, that would force him to get a private company, which would cause a hardship because that was just an added expense.

Mr. Moynahan said that there were other proposals that did not impact the Transfer Station to that dollar figure and had not decided on anything.

Discussion and preliminary agreement on Proposal A and Proposal B:

**Proposal A:**

ECSD – cut to \$40,000.

Library – Board members were uncomfortable making any cuts to this unless they knew how this would impact the Library's endowment funds. Mr. Dunkelberger discussed his suggested \$30,000 cut to this, saying that the stock market had done well recently and he expected that the unrestricted Library funds did well, also. He added that this was an unusual circumstance and said that he thought the Library would feel some of the pain, as well. After further discussion, the Board agreed to consider a \$23,000 (10%) cut.

Paving – cut by \$25,000.

Transfer Station – cut by \$85,000.

**6:39 PM** Historical Society – after some discussion with the Historical Society, the Board agreed to consider a \$3,000 cut.

General Assistance – there was no support to make any cuts to this.

**6:45 PM** Mr. Dunkelberger said that a \$3,000 reduction in the Fire Department was still on the table.

**Proposal B:**

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Administration – Suggested \$46,500 reduction to include a 25% reduction in staffing. The Board agreed to consider that reduction.

Animal Control – cut by \$5,000.  
ECSD reduction revised to \$31,000.

**6:55 PM** Mr. Moynahan listed the reductions the Board had just discussed and said that it totaled \$221,500. He asked the Board for their thoughts on these reductions.

Mr. Hirst discussed his concern for police overtime with the reduction in the Animal Control line item.

Mr. Moynahan said that all the departments were being tasked to live within the budgets approved and given to them; that Unreserved Fund Balance was not an option for any of the departments. He said that they had \$221,500 in reductions and asked the Board if they wanted to relook at any of them further.

**6:58 PM** Mr. Dunkelberger said that he could live with the numbers; that in generalizing the cuts it allowed the department heads some flexibility in how they could achieve those cuts; that the Board had certainly made known to them the purpose behind the cuts, or at least the philosophy behind them, so he could live with the numbers as they currently sat.

Mr. Beckert said that he could live with the numbers.

Mr. Hirst said that, with great reluctance, yes.

Mr. Murphy said yes.

**7:00 PM** Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen make the following cuts to the budget, as voted on at the Town Meeting:

Eliot Community Service Department move a \$31,000 cut;  
Library funding a \$23,000 cut;  
Paving a \$25,000 cut;  
Transfer Station Operations an \$85,000 cut;  
Historical Society a \$3,000;  
Fire Training a \$3,000;  
Administration budget a \$46,500 cut; and  
Police/Animal Control Officer a \$5,000 cut.

Mr. Moynahan said that there was a motion on the floor for the reduction to be presented by referendum to the voters of the Town.

**VOTE**

**4-0**

**Chair concurs**

Mr. Moynahan said that this would be how they presented it to the voters of the Town and Mr. Blanchette and Ms. Rawski could start the language that was necessary.

**Old Business (Action List):**

This was not discussed tonight.

1. Route 236 Sewer Expansion Project reports, updates, and schedules – Questions from Route 236 Ad-Hoc Committee - Mr. Blanchette
2. Sewer Contract/IMA – Schedule IMA/Kittery Meeting for presentation - Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette
3. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short
4. Community Service Space: Relocation to Elementary School – explore school space – fit up costs, service impacts, insurance, MSAD #35 contract, CSD Director – Mr. Dunkelberger, Mr. Hirst, & Mr. Blanchette

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5. Town Manager – schedule workshop; include Comp Plan Implementation Committee
6. Dispatch Service– Contract with Kittery, request from same, costs – BOS, Mr. Muzeroll, Mr. Short
7. Policy creation/review – debit card, video-streaming, website management
8. Employees – cross-training, charting earned times, job descriptions - BOS
9. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review - BOS
10. Budget Preparation - BOS
11. Auditor – financial statement, management letter, finance director, personal property tax, fixed asset management - BOS
12. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
13. Legal issues – pending and Consent Agreements – Eliot Shores, PSNH/Sierra Club, Mr. Bogannam - BOS
14. Sewer User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
15. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews - BOS
16. Research grant opportunities – AED's for Town buildings
17. Comp Plan follow-up
18. Pending new unions

**Selectmen's Report:**

There were no Selectmen's reports tonight.

**7:02 PM**

**Other Business as Needed**

Mr. Moulton discussed his memo regarding summer maintenance and asked the Board for direction in lieu of the budget cuts.

Mr. Moynahan said that this was the budget the Board would put forth to voters; that reductions to Public Works was \$20,150 at Town Meeting and that did not come into play any further this evening. He added that if something were affected differently at that point in time, then he would have to manage accordingly; that that would be the direction he would give.

**7:03 PM**

Mr. Dunkelberger said that, once the department heads have had a chance to absorb what they were proposing, he would like to have them come back to the Board at the next meeting on exactly what the impacts were.

Mr. Beckert agreed that that had to be done because the Board had to have a Public Hearing before this went to referendum.

Mr. Moynahan asked the department heads to provide something to the Board with the impacts that each department would see for reductions that have been made since Town Meeting through the present, and to include the Town Meeting.

**7:04 PM**

Mr. Murphy asked if there wasn't one more warrant article they needed to approve and vote on tonight.

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Mr. Blanchette said that he didn't know in what format the Board wanted to do it going into Town Meeting; that he had talked about having a format of either 'A' or 'B', with one of those being the cuts and the other one being the vote on exceeding the property tax levy limit. He asked what the Board wanted.

Mr. Dunkelberger said, just to clarify, Mr. Blanchette's proposed 'B' would take the Town back to what was decided at Town Meeting with regard to specific items.

Mr. Blanchette said yes.

Mr. Moynahan said that LD1 was voted on at Town Meeting and asked if that was something that could be re-voted on.

Mr. Blanchette said yes, absolutely.

Mr. Moynahan suggested that the crux should be much like it was at Town Meeting – Here are the proposed reductions. Do you support the budget reductions in this line item? Yes or no. If you vote no, an override of LD1 would occur. He said that they would work on language but were trying to achieve the LD1 override that was voted by the voters at Town Meeting – here are the reductions and, if they do not vote to support the reductions, the override would occur by whatever dollar figure now supported; that if they miss it by \$3,000 for Historical Society, then they would override LD1 by \$3,000.

Mr. Blanchette said that the Board basically had to give the voters a question, or a series of questions. He added that one of the questions he would think would be – here are the cuts, yes or no on all of them, but, if the Board wanted the option of the override, then they could say one of – 'A' or 'B', either the override or the cuts.

Mr. Moynahan said that these wouldn't be individually voted on.

Mr. Blanchette said no, but that they could list them individually, although they were not individually voted on.

Mr. Moynahan said that he would rather see them voted on individually but that wouldn't get them to the LD1 reductions.

The Board agreed.

Mr. Dunkelberger said that that presented its own issues – then what would they do; that they would be stuck again for 45 days. He added that he thought that Mr. Blanchette presented a good idea with presenting it all as the cuts and, hopefully, they would have some ideas on what the impact would be, suggesting they might include that in the language, or, the other option being that they voted to exceed the LD1 cap, implementing the line items as voted on at Town Meeting. He added that they would have to go that way; otherwise, they could end up with a potential catastrophe; that they would be back to square one if they didn't have any individual item that was not voted for.

Mr. Moynahan said that there were not many other options with this referendum, was what Mr. Blanchette was indicating.

Mr. Blanchette said that, as Mr. Dunkelberger pointed out, the Board could list all of them and have a vote on each one but, then, if one of them didn't pass and the LD1 didn't pass then they still had the same problem – they were over the limit.

**7:08 PM**

Ms. Adams said that she took exception with the Board trying to steer the community to go back on the vote that they gave. She added that she would understand it if there was a petition before the Selectmen from the people saying that, please, they wanted to consider this, they didn't understand it, whatever the reasoning was, but there wasn't.

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She added that the Board was speaking of it as if it went along with this vote to cut the budget and she didn't think it necessarily did. She said that the Selectmen had a right to put it on the agenda without a petition of the people, however, the people voted on the Town Floor of the Town Meeting and she thought that they had a right to have that vote without it being complicated with this other. She said that it was a negative vote and was confusing to people what the Board was doing; that they had to vote no in order to mean yes; that it needed to be explained to people and that would not be able to happen on a referendum.

Mr. Moynahan said that when the voters voted they went line by line; that the Budget Committee didn't even get them to the LD1 recommendations, so, that was where they were now; that he didn't think they were trying to advocate and scare voters; that he wouldn't be spending 10 hours of his time looking at these numbers, again, if he was trying to scare voters; that he took exception to that.

Ms. Adams asked why the Board was asking it to be reconsidered.

Mr. Moynahan said they had a referendum that was going in front of the voters and, if that got voted down, then that would override LD1, adding that it would be explained that, if this (budget cuts) was not voted for, then that would over-extend LD1.

Mr. Murphy asked Mr. Blanchette how many voters were at Town Meeting on the Open Floor and how many were at the referendum on Tuesday.

Mr. Blanchette said that he didn't remember the numbers but thought that there were around 130 at Open Floor. He added that, again to explain the process, what he was recommending was not a 'yes or no' vote; it was an 'A' or a 'B'. He said that one would ask the people if they would vote to exceed the LD1 limit and the other would be to vote for the cuts so that they didn't exceed it (LD1).

Mr. Dunkelberger said that he didn't consider this a vote on LD1, specifically; as, okay, did the people want the particular budget items that everyone voted on at Town Meeting or did the people want what the Board just decided here tonight in the way of cuts in order to meet that cap; that it was a matter of which budget people wanted to vote for.

Ms. Adams said that that was not what they voted. She added that they voted on the budget but the LD1 question said to everybody, did they want to keep it under that amount, regardless of what they just voted, and the people said yes. She added that by them doing that, the citizens were saying to the Selectmen to cut the budget.

Mr. Dunkelberger said that was what they just did and people needed to realize what that meant.

Mr. Moynahan said they had to know what they were voting on; that if they voted no to everything, then they were voting to exceed LD1; that they needed to know that, if they didn't accept the cuts, then they were exceeding LD1, again, and they were right back in the same...

Ms. Adams said that she understood that but she didn't see the need for the two - an 'A' and a 'B'; just an explanation that this came before the people because they needed to do this, this, and this.

Mr. Moynahan said that that would probably be the better way to do it; given the proposed reductions in order to try to maintain the LD1 reductions, did they support - yes or no - if it was no then they were not supporting the LD1 cuts. He added that it was going to be a pretty simple format.

Ms. Murphy said that she would also take exception with this in that there were other places that cuts could be made; that the Board has taken no information from the public on where they would agree to see cuts; that the Board has not asked the Budget

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Committee or the residents of the Town and, to just put these things in front of the Town and say either pick this one or this one was not fair.

Mr. Moynahan said that that was what they were asked to do; to get someone from the street to say they wanted to reduce the Transfer Station by \$85,000 didn't have the same knowledge about some of the inner workings of all this kind of stuff that the [Board and department heads] had; that it would not be fair to get out that much information as they had a short window in which to do it. He added that he had been prepared three different times, with information and history of everything that they were talking about, more items, histories of what reductions they have had, etc.; that he had had a complex printout from Mr. Dunkelberger as it related to every line item; that he thought that they had done their jobs like they have been asked to; that they have also tasked the department heads to also define cuts because they were the ones impacted more than anyone else. Mr. Moynahan said that he was sorry to take exception that they (BOS) didn't ask them for their suggestions on this but the Board had to come up with, in a short timeline, \$221,000 of reductions; that it was \$309,000 and has changed four different times since then, so all of this has had to change over and over and over. He added that he would take one more question then he would be done with the budget cycle.

**7:13 PM**

Mr. Fisher said that he was concerned with the 'A' – 'B' deal. He added that some of the items the Board cut tonight meant a lot to different people. As an example, he said that they wanted to cut Saturday dumping and many didn't want to cut Saturday dumping; that he disagreed with Mr. Moulton that fewer went to the Transfer Station on Saturday; that the Library was another pet project for a lot of people; that they were cutting those people and felt that what the Board was doing was playing them so that people would vote against the cuts.

Mr. Moynahan said that Administration was reduced from Town Meeting and this evening by \$90,000, the same as the Transfer Station. He added that the original Administration budget was \$948,000 and the Transfer Station was \$373,000 so the percentage changes were different but the impacts would be the same in closing on Saturday or reducing when assessors were available.

Mr. DePaul said that, with LD1, the Town was held to a cap; that he thought that the voters had spoken. He asked if, for some reason, a Board member was not elected, would they bring that before the voters to redo that election. He also asked, if LD1 went the other way and he wanted it brought up for a vote again at a Special Town Meeting, how would he go about that.

**7:17 PM**

Mr. Blanchette said that he could bring it to the BOS to see if they wanted to hold a Special Town Meeting in order to do that or he could get a petition going to force the event. He added that, in any case, it would have to be done prior to the day of commitment; that once they had the day of commitment it could not be turned around.

Mr. DePaul asked, if they were going to bring this up for a vote, again, why is it not taking the same path with a petition; why was it up to the Selectmen to just decide to do this.

Mr. Blanchette said because the Town Meeting also voted all the separate articles that totaled over the cap and, either way, they were bringing back something that the voters have already voted on - either the articles that needed to be cut and/or the cap.

Mr. Fisher reiterated his disagreement with bringing the LD1 back for a vote; that it was a secret ballot and final.

Mr. Moynahan said that it would be much easier once a charter was defined that, when this reduction happened in the future, that they would be tasked to reduce it and would just reduce it in 'this' manner and each department would take those hits; that they wouldn't go back in front of voters because it didn't get confused again; that right now

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they had to put it in front of voters, again, and it was confusing. He added that the Board was not trying to be over the LD1 cap; that no one had any secrets on the Board.

Mr. Beckert said that a charter, if he was correct, would not resolve how LD1 was dealt with; that that was State law.

Mr. Blanchette said that the only way it would change the way LD1 was dealt with was if they had a council-form of government; that that was governed by State law, also, in that it tells a council-form of government how to do that.

Mr. Beckert said that his point was that they could not arbitrarily write a charter to resolve every issue that they thought they could resolve; that they still had to follow State statutes.

Mr. Moynahan said that they have had months of budget meetings open to the public and Town Floor; that they had been as transparent and brought up as much information...that tonight they have 11 residents, five Board members, and five department heads, here, trying to figure this out; that it wasn't a great representation no matter how they did it. He added that, with the referendum, the Board was committed to bring it in front of as many voters to have the majority of the residents voting on the financial affairs of the Town.

Mr. DePaul suggested that, if they wanted to give voters an 'A' 'B' choice, they should say similar to what they just said – this is my suggestion for 'A' and 'B' and none of them have anything to do with the override, then, the voters could pick and choose where they wanted the cuts – choose 'A' or choose 'B' – but each got them to the \$221,500.

Mr. Moynahan said that he didn't know if, by consensus, the Board could come up with another list of \$221,500 worth of cuts. He added that he was not a fan of 'A' and 'B'; that he wanted it clearly defined that if voters did not support these that it would override LD1.

**7:20 PM**

Ms. (Rebecca) Davis said that it did seem like there were other items they could have suggested; that the Budget Committee wasn't consulted; that by giving voters a choice of 'A', a budget they may not like, or 'B', overriding the cuts – that was not a fair way to go about this. She added that it seemed like the people or the BC should have been consulted to provide alternatives or recommendations during this process; that the Board was not giving the people a fair choice. She added that, if they were not going to put it before the voters at a Town Meeting where they could choose between alternatives, then this was not a good solution. She said that it didn't achieve the goal and, by re-voting LD1 to get out from under, was just not right.

**7:21 PM**

Mr. Moynahan said that the Board was given a petition from some residents on Fernald Lane, Fernald Lane Extension, and Keith's Lane looking to do an ADP Appeal to the Superior Court arguing the Town's own Board of Appeals erred. He added that they did have an attorney review it; that he didn't know if other members had had a chance to look at this but he thought the avenue in which they should proceed was not to file an ADP Appeal based on the information that has been provided against the Eliot Board of Appeals.

Mr. Murphy said that, after a review of this file and the history of the case, it was a complicated case and a lot of issues going back to 1884 and he didn't think that this Board or the Town should step in to this; that he thought they should not approve this ADP Appeal to Superior Court, taking their own Board of Appeals to court, one might say. He added that it was difficult enough to make a decision of the Board of Appeals or the Planning Board or the Code Enforcement Officer and they all three have been involved, more or less, over a period of time; that he thought that the decision made was acceptable and the Board should let it stand.

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Mr. Dunkelberger said that he hadn't seen that whole package but knew at least the basics on the case. He added that, from his perspective, he may not agree with the Board of Appeals decision on it but he certainly wouldn't take them to court on it because he expected they had done a lot more research than he ever intended to do on this.

Mr. Moynahan said that they had a timeline issue, as well.

Mr. Blanchette said that the timeline was a little fuzzy because of the State law. He added that, at most, the timeline was Friday, which was why the Board had to decide today; that it could have been Monday, so they might be late, anyway, but there was a little confusion in State law about whether they got some additional time because they have filed for reconsideration or whether the Board needed to vote for reconsideration. Mr. Blanchette said that the attorneys did say that for the Town to bring the Board of Appeals to court they would have to hire another attorney – the attorney filing the appeal and the attorney for the Board of Appeals – and the attorney felt that it would have to be such a grievous offense; that it wasn't a matter of whether they agreed with the Board of Appeals' decision but would have to be grievously out there.

Mr. Beckert said that, as always, unless the timeframe on that has run out, these residents as a group or as one could file an action in Superior Court on their own against the Board of Appeals.

Mr. Blanchette said that, if the Board had a timeline of Friday, they (residents) had the same timeline; if the Board's timeline was Monday, then they have also passed it.

Mr. Moynahan said that the question before the Board was did they want to file an ADP Appeal against the Board of Appeals based on the information provided via the petition by the folks at Fernald Lane, Extension, and Keith's Lane.

**7:25 PM**      **It was the consensus of the Board** to not file an appeal.

Mr. Hirst suggested they appoint a Town Manager Hiring Committee.

Mr. Moynahan said that that was on the next agenda.

Ms. Muzeroll-Roy requested to be on the committee for further discussion of regionalization with Kittery and, if there were any minutes or notes, to-date, she would like to look at those, also.

Mr. Moynahan said that he thought they owed that to any department head regarding this kind of thing.

Mr. Murphy said that they had been informed by the attorney, who expects to have the preparation for the Sierra Club petition ready, available next week.

**7:27 PM**      Mr. Blanchette said that he talked with the attorney today; that as the attorney has been putting it together he has wanted more data and has gotten some weather data from the Rochester Airport; that they were trying to incorporate that in the overall data; that the Town should have it next week.

**Executive Session**

There were no executive sessions tonight.

**Adjourn**

There was a motion and second to adjourn the meeting at 7:28 PM.

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

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**DATE**

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**Mr. John J. Murphy, Secretary**

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