

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**September 5, 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)**

There were no minutes approved.

**Public Comment:**

**5:31 PM** Mr. (Charles) Rankie said that he wanted to discuss something just before the Board discussed the definition of the Town Manager Search Committee (H#7); that he had a conversation with Selectmen Liaison Murphy and that his conversation with Mr. Murphy was misrepresented at the Board's last meeting.

The Board agreed that Mr. Rankie could present just before the Board took up H#7.

**5:33 PM** Mr. Pomerleau asked, regarding the auditor's management letter, if the Board was going to have further workshops/discussions about the issues in the letter.

Mr. Moynahan said that that was on the AIL and would be on future agendas.

Mr. Pomerleau said an item he noticed was the deficiency in underreporting of gross revenues, using net revenues instead of gross revenues, which was not recommended. He added that it sounded like there were some revenues that were held off as a little slush fund or something.

Mr. Moynahan said that there was no slush fund; that it was just different principles of accounting and was something they would talk about; that the Board would further explore that with the new personnel. He added that the Board looked at that management letter every year and there were deficiencies described every year in the auditor's opinion; that the Board tried to balance them in what direction they took from those recommendations.

Ms. (Wanda) Brown said that she was very concerned with the 911 conversion; that they had two incidents where ambulances were sent ¼ mile past their homes.

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She discussed the location errors on the maps and asked if they knew who translated that data base and how that could be corrected.

Mr. Blanchette said that it was his understanding that the Town converted on the late side; that a lot of these maps were already drawn up with the addresses and they have not corrected that. He added that the Town has no way of forcing anyone to correct those entities. He said that, regarding the ambulance, if she let them know, the Town could address that with the ambulance service.

Ms. Brown said that she addressed it with them; that, if they knew the entity they were using, she would be happy to petition to try to get it corrected.

Mr. Blanchette said that he believed the data came out of the State agency for E-911. He added that he had been told that the entities who pull that data don't do it on a regular basis and haven't done it since Eliot converted.

The Board suggested reaching out to Chief Short and Chief Muzeroll regarding this issue.

Ms. Shapleigh added that people were constantly looking for her location, as well. She said that she has asked to have the maps corrected and that it hasn't happened.

The Board discussed a requirement in the contract for the service to have meetings to address issues like this.

Mr. Moynahan asked Mr. Blanchette to make Chief Muzeroll aware and provide information to Ms. Brown.

**Department Head/Committee Reports**

**5:38PM**

**G1.**

**Public Works - Transfer Station Reductions**

Mr. Moynahan said that Mr. Moulton was present looking for direction as it related to potential Transfer Station reductions.

Mr. Moulton discussed the budget cut impacts to the Transfer Station to include salaries, electricity, dump/haul, special waste, repairs and maintenance, diesel, and new equipment and the closure options to address the \$85,000 in cuts. He added that the glass crusher they were looking to purchase this year would not happen. He said that the closure options were suggestions and that he needed one full day of closure to achieve a portion of the cuts.

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Mr. Moynahan said, regarding the closure options, the Board should discuss what day that should be. He said that he thought that Saturdays were important for the residents who work Monday through Friday. He added that he thought it was the Board's job to guide the department head on what days he should stay open based on what he has recommended and live within his budget.

**5:40 PM** Mr. Murphy asked Mr. Moulton if Option #1 was his preferred choice, Option #2 his second choice and Option #3 his third choice.

Mr. Moulton said yes.

Mr. Dunkelberger advocated for Option #2, which was a Tuesday closure, as Saturday was probably the only day a working person could make it to the Transfer Station. He added that, with a Tuesday closure, Mr. Moulton could take advantage of the four consecutive days of closing and decrease energy requirements.

Mr. Moynahan agreed. He said that, if this looked like it might not work with the hours indicated, they could look at reducing the number of hours, which would force the volumes in those specific hours, too.

**5:43 PM** Mr. Moulton said that, although he felt pretty confident, he wasn't sure the full \$85,000 in cuts would be achieved because some of it was based on unknowns but thought a large portion of it would. He added that he would keep the Board informed as the year went on.

Mr. Moynahan said that some of the rationale in the larger piece of reductions was the Pay-per-Bag Program; the ability to transfer those funds into that department were not there so they would not have any additional revenue to offset these reductions. He added that, hopefully, the six-month trial would show that this was a viable solution.

Mr. Dunkelberger said that, if they found they were running close to budget, then they would have to find ways to reduce expenses.

Mr. Moulton agreed, saying that only one trip a week would happen for the bulky can, instead of two, and when it was full it would be closed for the week, even though it was a popular item, to save on costs.

Mr. Moynahan said that the rippling effects should be communicated to the Board so that, during budget season, they could budget accordingly for that type of offered service.

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Mr. Murphy said that, if they agreed to Option #2, it was not cast in stone; that they could change it, if they found it was not working.

Mr. Moulton said that he would keep the Board up-to-date on how it was working. He added that the open days operating hours would remain the same.

Mr. (Bob) Fisher asked if they would have a different scenario in the summer when heat, etc. was not an issue and garbage was more of an issue because of the warmth. He asked if they had made any consideration for summertime hours.

**5:47 PM** Mr. Moulton said that he had not. He added that, as they were entering into fall, that would be a decent snapshot (6 months), along with the Pay-per-Bag. He added that he would have to keep an eye on it, as there may be additional cuts but he just wasn't sure how the cuts were going to impact things.

Mr. Moynahan asked for the Board's direction for Mr. Moulton.

**5:48 PM** Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen allow the Department of Public Works to close the Transfer Station on Tuesdays, remaining open on Thursdays and Saturdays, to accommodate the current budget cuts, subject to change dependent on how the budget went for the year, effective September 10, 2013.

**VOTE**

**4-0**

**Chair concurs**

**G1B. Letter from Jonathan Taft, Transfer Station frustration**

This was regarding frustrations with the new Transfer Station recycling program. Mr. Taft was not present.

Mr. Moulton said that it was nothing new; just the Town's mandatory recycling ordinance. He added his discomfort with the words "scolded and shamed" used by Mr. Taft, adding that he was told that nothing was meant to be derogatory and discussed the challenge of talking with some residents about the rules at the Transfer Station. He said that that fell under the training aspect they had discussed as part of the Pay-per-Bag thing; that it was a self-policing thing – you would choose to recycle, or not, and you would pay for that many more bags; that it was one of the mechanisms of that program to increase recycling and make it work. He reiterated that he inquired and did not hear of anything that was derogatory from anyone he spoke to at the Transfer Station and that, if there was, then he apologized to Mr. Taft for the misunderstanding.

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Mr. Moynahan suggested Mr. Moulton reach out to Mr. Taft and explain the Town's policies as it related to that, the steps they were taking with the Pay-per-Bag, and find out a little more information.

Mr. Moulton said that he would do that.

Ms. (Roseanne) Adams asked, if a resident didn't get the word about the purple bags and they brought what they've always brought, would they just be charged for that bag.

Mr. Moulton said that they would have to purchase a purple bag and could not put in a clear bag, adding that this has been advertised for months, with many discussions; three public hearings, information on the web site, postings at the Transfer Station and banners across State Road. He added that they did their due diligence on this to get information out to residents. He said that some people were upset but that there really hadn't been a lot of controversy.

**5:53 PM** Mr. Pomerleau said that, when he was there on Tuesday, a couple of people pulled up with the old bags and probably for weeks to come people would just not know and suggested they have handouts for people to explain the recycling program.

Mr. Moulton said that there was information in the recycling building; that people could ask any attendant any questions; that they have tried to cover every avenue to inform people but, unfortunately, some people just don't get the information.

Ms. Brown suggested having some purple bags at the Transfer Station and charge a higher rate at the Station or people could go buy a bag at the known locations.

Mr. Moulton said that, although that was a good idea, they couldn't do that with the way the program was set up; that it was set up to try to be manageable and equitable to everybody evenly.

A member of the audience said that people have been told one couldn't put recyclables in the clear bags and, now, did the Town care whether people put everything in the purple bag.

Mr. Moulton said that they would still be monitored but, to a certain degree, it would not be policed as much as it has been; that the incentive was to self-police. He added that the person who does recycle would not be paying for the person who used additional bags by not recycling.

**5:57 PM** A member of the audience asked if the Town had done anything to try to make the recycling center a little more user friendly.

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Mr. Moulton said that they were always looking at different avenues; that though they didn't have a lot of area they were always open for new ideas.

That same member asked what was going to happen next summer when people's trash was subject to the heat and sitting out.

Mr. Moulton reiterated that they would do what they could. He said that he was concerned that the one-day closure may not be adequate enough to meet his budget; that it may require additional cuts later in the budget season. He added that he would keep the Board informed on how it was going and make adjustments as necessary.

**6:02 PM**  
**G2.**

**Community Service Department RFP – Eliot Elementary School Fit-up**

Mr. Moynahan said that he provided additional information regarding the ECSD relocation to the school. He added that she included a cover letter with the RFP request and the dates included were for discussion purposes only to see if those dates would work. He said that she followed up with the school facilities manager with these tentative dates and has not gotten an answer, so the memo was the next direction that was given. He discussed the information enclosed in the RFP and the questions that still remained – the Civil Consultants plan was stamped not construction and was all they had as a baseline and the issue of payment. He said that she was unable to be here tonight and was scheduled for next Thursday.

Mr. Dunkelberger discussed seeing many things he saw for potential for cuts in the original draft proposal, such as internet, which the school has, and furniture.

Mr. Moynahan clarified that this RFP was for construction only; that furniture, etc. was completely separate; that this was just for fit-up costs as it related to construction only.

Mr. Hirst asked if they were taking into account the essentially free assistance offered by plumbers and electrical as part of her quote.

**6:05 PM**

Mr. Moynahan said no; that this would be one point person that would be in charge of all construction-related activities. He suggested someone on the Board could be a Clerk-of-the-Works but it should not be in the Director's hands; that she was already on an island dealing with this and suggested that, perhaps, the Building Committee could take this over. He added that she was not very experienced in this and he thought she had done well in preparing this.

Mr. Hirst suggested they might find a volunteer for Clerk-of-the-Works.

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Mr. Moynahan agreed, adding that that was typically how that worked.

**6:07 PM**

Ms. Adams said she was mystified that there has been no discussion on the first proposal presented by the Director and no way for the public to have input; that she had a list of construction-related items she thought should be considered. She added her concern that the electrician and plumber who volunteered to do the work at no cost to the Town would not be able to do that. She added that it sounded like the Building Committee did not do this with the Director and thought that they were tasked to do that.

Mr. Moynahan clarified that a committee of three was tasked to bring this forward – two BOS members and the Director – and the committee directed that to be done by the Director. He added that the first numbers everyone received were for budget purposes only and now that there was an actual budget something had to go out to bid. He said that the Board was now discussing if they wanted three qualified bids or use a Clerk-of-the-Works.

Ms. Adams discussed her concern that things were being asked for that were not necessary, as she had seen the plans, and that the Town would not use the volunteers that would save the Town thousands of dollars.

Mr. Moynahan said that the approach with the RFP was to have the invitation to bid and actually reach out to some potentially local contractors and have their expertise, also, in an as-built type of approach. He added that he did not believe the floors needed to be done; that that was one person's opinion and now they would get qualified people to look and price; that the material specifications remained the same and the bathroom layout for ADA would be determined; that everyone would have a level playing field to provide pricing to the Town.

Mr. Fisher said that, in his opinion, none of what the Director said needed to be done needed to be done and he thought that this should go back to the Building Committee. He asked if he was correct that the Board was going to send a brochure to contractors so they could bid.

Mr. Moynahan said that it was going to be advertised and it was requested to reach out to local contractors, also. He said that everyone would be able to view the pace on the same date, that the material specifications were very limited because it was not a big space. He clarified that the Mainely Renovations package was not going to be what contractors bid on; that that was just for budgetary numbers only.

Mr. Fisher discussed his concern that a general contractor would have his own plumber and electrician and, right now, the Town had volunteers to do two jobs; two things the Town didn't even have to bid on.

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**6:16 PM** Mr. Moynahan suggested a Clerk-of-the-Works or take this material to and forward it on to the Building Committee and have them be the point person to get this going, or not. He asked how the Board wanted to do this.

Mr. Dunkelberger suggested the Building Committee was a good place for it to reside but he would also suggest a member of this Board become the ramrod that becomes the single person in charge of this project and makes it happen.

After some discussion among the Board members, Mr. Moynahan suggested they get this in the hands of the Building Committee so that this Board didn't have to deal with anything but the nuts and bolts of dollar figures that went along with it; that it was too hot a topic to be productive here.

**6:25 PM** Mr. Beckert said that he had stayed quiet because he was the Chair of the Building Committee. He added that, if this Board so directed, the Building Committee would take on this project and he would personally make sure it was pushed as far as dealing with contractors and explain to them that work that did not need to be done be stated in their proposals.

**6:29 PM** Mr. Murphy moved, second by Mr. Dunkelberger, to turn this project over to the Building Committee.

**VOTE**

**4-0**

**Chair concurs**

Mr. Beckert said that he would call a meeting of the Building Committee.

**New Business (Correspondence List):**

At this time, the Board agreed to take H#4 up next.

**6:30 PM**

**H#4**

TO : Board of Selectmen

FROM : Town Clerk

REF : Proposed Office Hours

This memo was from Ms. (Wendy) Rawski proposing Town Hall office hours versus staff hours in an effort to maximize performance and eliminate the potential for overtime.

Ms. Rawski said that this was in response to budget constraints. She discussed the changed hours, with the biggest change on Wednesdays, when they would close at 12 PM so that they had time to do internal paperwork, such as reporting, and allow flexibility with any overtime that may occur due to unforeseen events.

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It was discussed that they would be scheduled at 39 ½ hours and would want to go to half hour lunches to help accommodate that reduction. It was also discussed that the Wednesday afternoon closing would help in cross-training in the Treasurer's office.

Mr. Murphy asked Ms. Rawski when she thought she would start the new hours.

Ms. Rawski suggested around mid- October to allow time to get the word out; that she could start October 1, if the Board wanted that.

**6:35 PM** Mr. Dunkelberger suggested October 1<sup>st</sup>, which was a Tuesday.

Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen adjust the Town Clerk's business office schedule as proposed by the Town Clerk, effective October 1, 2013.

**VOTE**

**4-0**

**Chair concurs**

At this time, the Police Chief was present for a scheduled executive session.

**6:37 PM**

**H#2**

TO : Board of Selectmen

FROM : EXECUTIVE SESSION 1 M.R.S.A. § 405.6.A

REF : Discussion or consideration of the employment appointment

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen enter into executive session as allowed by 1 M.R.S.A. § 405.6.A "Discussion or consideration of employment, appointment,..."

**VOTE**

**4-0**

**Chair concurs**

**6:55 PM** Out of executive session.

Mr. Beckert moved, second by Mr. Murphy that the Board of Selectmen hire Warren P. Day as a full-time officer for the Eliot Police Department at a rate of \$15.91, effective date of hire to be September 23, 2013, and that he move to \$20.00 an hour upon successful completion of the Police Academy.

**VOTE**

**4-0**

**Chair concurs**

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**6:56 PM**

**H#5**

TO : Board of Selectmen  
FROM : Tax Assessor  
REF : 2013-2014 Tax Rate

This was a memo to inform the Board that the tax rate for the 2013/2014 tax year was set at \$13.17 per thousand. It also showed a breakdown of the taxes for the 2011/2012, 2012/2013, and 2013/2014 tax years, which showed the county staying flat, municipal going down and school going up.

**6:57 PM**

**H#6**

TO : Board of Selectmen  
FROM : Charles Rankie, Jr.  
REF : Eliot Transfer Station Solicitation

Mr. (Charlie) Rankie said that listening to Mr. Moulton talk about the reduction in hours at the Transfer Station emphasized, to him, the additional need for the Board to take this action due to the limited space at the Transfer Station, the increased number of residents recycling. He discussed his belief that the Transfer Station was no longer a 'dump' but a serious industrial operation and was a dangerous spot if one wasn't paying attention. He discussed being involved with a citizen's petition on Election Day and the discomfort he observed in people being approached. He said that he thought that the day of it being the dump and political campaigning, etc. happening there was long gone. Mr. Rankie said that 10-12 years ago Baran Place experienced a lawsuit from one of the residents who was advised not to take his trash to the dumpster because of icy conditions and, against their advice, he took his trash to the dumpster; he fell and broke his hip and Baran Place was sued for \$80,000; that he thought it took about ten years to get their insurance back to where it had been before that incident and they had no prior warning that they had a serious situation. He added that the Town is warned, here, and he didn't mean that as a threat but just as recognition. He said that it was a dangerous spot and asked that the Board treat it that way.

**7:05 PM**

Mr. Dunkelberger asked Mr. Moulton if any measures had been implemented that they had talked about as far as controlling activity and, if so, did Mr. Moulton still see similar problems.

Mr. Moulton said that they had. He said that the problem has been reduced but it still occurred occasionally when it bottlenecked near the exit, which created a reduction in flow. He reminded the Board that an email was sent from a resident prior to the voting that expressed a similar concern to Mr. Rankie's. He reiterated that it was better but was still an issue to a certain degree. He added that, with the reduction in hours at the Transfer Station, there would be an increased flow on the two days they would be open.

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**7:07 PM** Ms. (Rebecca) Davis said that she was at the Transfer Station two Saturdays in a row and Mr. Moulton complimented them on the fact that they were staying out of the way. She added that she spent a number of hours there and observed people chit-chatting with employees while getting rid of their trash and any blockage that may have occurred didn't really have anything to do with anyone else being there. She added that there was a very good spot where people could drive right out of the way to pick up paperwork. She said that she believed there were many more people who would say they benefitted from the information that they received. She urged the Board not to make any decisions tonight so that more residents could weigh in on this issue.

Mr. Dunkelberger said that he understood what Ms. Davis was saying, as far as information went, but they had to balance the information versus the potential for liability; that the two were not connected at all. He suggested they take a look at a risk management solution and ask Chief Short for his input regarding traffic management. He added that if they couldn't minimize the risk, from a liability standpoint, particularly now that it has been pointed out by more than one person, they now put themselves out there with regard to what was best for the Town. He agreed the Transfer Station was a good way to get information out there but at what cost.

**7:10 PM** Mr. (Stephen) Brandon said that he thought they were discussing apples and oranges. He said that he knew that, traditionally in New England, dumps (now called transfer stations) were a place where people meet and would see that on any of the open days at the Eliot Transfer Station; that it was a meeting place regardless if anyone was passing out information and asked how they would manage that. He added that, if it was an industrial space, then everyone better start wearing hardhats. Mr. Brandon hoped the Board would keep that tradition and not make too big a deal about this because he thought it was being managed quite well, now. He said that, yes, it could be tweaked, but going overboard was questionable to him.

Mr. Dunkelberger said that not making a big deal would not prevent someone that got hurt from suing the Town because it happened and the Town knew about it.

Mr. Pomerleau said that the only issue he heard that had any merit to him was the traffic issue; that they had traffic issues there regardless whether someone was down there handing out information or not because they had three totally unregulated lanes and haphazard. He discussed being boxed in at the Transfer Station on Tuesday for about five minutes when no one was passing information out; that some people would get disgruntled seeing someone handing out a sheet but suggested they think about how far they carried that. He added that the dump has been a historic gathering place and he was concerned that the Board would

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take this liability issue to an absurd level. He discussed the need to provide citizens with political expression, recognizing the Board had a right to regulate that on Town property when there was a genuine issue of safety, but careful not to suppress political expression for the wrong reasons. He said that he received many emails of thanks for passing out the information at the Transfer Station. He said that they needed to weigh the value, regardless of who was passing out information or campaigning, of being own there in a public setting, which the Town has traditionally always done.

**7:14 PM** Mr. Dunkelberger reiterated his suggestion that they have someone take a look at risk management to see if what the Town was doing was all they could do with regard to that.

Mr. Moynahan agreed. He said that concerns have been raised and they would be constantly monitoring that and make sure they were offering the right premises for the residents. He added that the Board would follow up with Chief Short for his assistance with that.

Ms. (Nancy) Shapleigh said that she agreed with Mr. Rankie so it wasn't just two people. She added that there were many more stops there than there used to be and was probably very unsafe; that she thought it would be nice if the politicking wasn't done at the Transfer Station.

**7:15 PM** A member of the audience suggested, regarding risk management, looking at adding another station somewhere where solicitation could take place. He added that it has been granted by the Board and sanctioned by the Board and that would give the Town no more liability than any other station at the Transfer Station.

Mr. Brandon agreed with Mr. Dunkelberger that they should take a look at to see where the issues were; however, he was sure that everyone knew that there was no perfect solution that would relieve the Town of responsibility if something happened and there was no way to ensure that something would not happen. He added that they could reduce it to a degree but to think they would escape the chance of being sued was an illusion and would limit a very important function of the Transfer Station.

Mr. Moynahan said that they would keep their fingers on this and try to get more information and try to protect the Town as best they could.

Mr. Hirst said that, as the Board looked at this, it might be useful to look at what other towns have done because there may be other solutions out there that the Town hasn't thought of.

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**7:18 PM**  
**H#7**

TO : Board of Selectmen  
FROM : Town Manager Search Committee  
REF : Guidance and direction

Mr. Moynahan said that last week a letter was submitted with some concerns with the process, items in the Board's boxes for open position for Town Manager and updated job description and that Mr. Rankie wanted to speak before the Board deliberated.

Mr. Rankie discussed the letter he sent to the Board on August 14, 2013, saying that he sensed from watching the meeting online that the Board took some offense at his letter. He added that he did not think the information relayed to the Board regarding his conversation with Mr. Murphy, through Mr. Murphy, was in accord with his (Mr. Rankie) account of the conversation. He added that he would like to tell the Board what his side of the conversation was and explain why he sent the letter.

The Board agreed.

Mr. Rankie said that he returned a call to Mr. Murphy and that Mr. Murphy told him that the Board would review and approve an advertisement for the Town Manager position at their next meeting and, then, advertise for that position. He added that the Search Committee had not even met yet; that the call from Mr. Murphy to him was to arrange for that first meeting. He added that Mr. Murphy also told him that he should be prepared to compromise on candidates because it was unlikely that all candidates would meet all the requirements. He said that he asked, at that time, if Mr. Murphy had read his application letter, in which Mr. Rankie described what he thought the skills were that were needed to be a town manager and how seriously he took this process, and Mr. Murphy said that he had not read Mr. Rankie's letter. He added that to apply for the position on this committee was a very serious commitment for him, intending to drive 600 miles for the first meeting but that he came back for Ms. Fernald's funeral and had been here since not knowing when the meeting was going to be. He said that this was a disruption in his life that he agreed to do based on his understanding of what the committee was to be. He discussed his concern regarding compromising in that, if they were looking for 'average' then they would get 'average' or below. Mr. Rankie said that he understood that the ultimate selection for a town manager remained with the Selectmen. He said that it was his understanding that the committee was to weed through the possible candidates, set a standard for what it was the Town was looking for and going back, of course, the advertisement and how they wrote it up would have to fit within the constraints the Board gave the committee, with the primary constraint being what the base salary would be and, then, ideally the committee would weed the candidates down to an acceptable

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number, say five or three. He said that from what Mr. Murphy had told him it appeared to be consensus from the whole Board and it looked to him like a done deal; that they were already going to send out an advertisement and he questioned why he would be needed. He added that he told Mr. Murphy that he was not a rubber stamp.

Mr. Moynahan said that on tonight's agenda the Board had guidance and direction of the Town Manager Search Committee, which would probably mirror some of Mr. Rankie's concerns; more of an outline of what the Board's expectations were for that group and not what the Board was going to do. In regard to the advertisement and job description, he asked for clarification that the committee had not met yet.

Mr. Rankie said no; in fact, they were meeting on Saturday for the first time.

**7:25 PM** Mr. Hirst asked if the Board had provided the committee a set of written expectations.

Mr. Moynahan said that that was on tonight's agenda to give the committee guidance and direction.

**7:27 PM** Mr. Murphy responded to Mr. Rankie. He said that the intent of his phone call to Mr. Rankie was to begin to find out when all of the committee members could meet together and to set up a schedule for that; that he admitted to Mr. Rankie that things were in process and he hoped to have the Selectmen take this up and get things settled with some backing rather than his doing it all and making decisions all by himself. He added that it was going out into the future and inviting Mr. Rankie to come along with, wanting to know when they could meet.

Mr. Moynahan brought the discussion back to the agenda item, which was to give the Search Committee some guidance and direction. He said that his thoughts were for that committee to come up with salary recommendations for review by the Board, create an advertisement with areas where it would be circulated for review prior to submission, create a timeline with January 1<sup>st</sup> as a hire date and working it backwards for review by this Board so that the Board knew when interviews would be held, etc., as they have done in the past; include in the application reviews, interviews; did the committee do eight candidates and forward that on for the final three to the Board, which was something for the Board to discuss. He added that those are the directions and guidance that the Board needed to express to this committee. He said that the Board could review everything the committee did; that it was the committee's job to provide that; that the Board has tasked them to do this. He said that the job description has already been worked on by three members, so the committee could certainly review, but

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substantive changes would probably not be beneficial unless they came with a reason why a change should be made.

**7:29 PM**

Mr. Murphy said that he took the initial presentation (job description) by the group of three to be a first effort and that input from the Board was requested. He added that recently he compared the draft to other town job descriptions and realized it needed more things and that some things needed to be removed. He said that he made some significant changes, keeping about 95% of the original, and has it brought up-to-date now. He requested that the Board consider the updated version and adopt that as the job description. He said that he thought that, in the past, this Board has developed the rather short and concise advertisement for a position to just let it be known that it was open and letting applicants know where the job description could be obtained.

Mr. Moynahan said that that was for the committee to work on, collectively, and follow up with this Board after. He added that the committee was in charge of creating the advertisement for review by this Board, not one individual.

Mr. Murphy discussed his understanding that the committee would review the applications in great detail, weeding out the ones that were clearly not responsive, have interviews, or go back to applicants for additional information on those that looked hopeful; to do that search work on those individuals and bring a reduced list they recommend to this Board for final interviews. He added that he thought that the Board should be in charge of describing what the job was to come up with the job description and the advertising.

**7:34 PM**

Mr. Dunkelberger said that he thought that Mr. Murphy was taking an extremely limited perspective on the committee. He added that he thought the Board should take advantage of the committee's knowledge with regard to input on both the job description and the advertisement. He said that there was nothing wrong with utilizing the job description they already had as the foundation and let the committee take a good look at it then recommend any additions or deletions to the Board for the Board's review and decision. He added that he was not in favor of putting those out there with just the Board's perspective.

Mr. Moynahan asked if the Board was directing the committee to review the job description and come up with change, to create the proposed advertisement for the Board's review. He asked about salaries; would the committee research other towns or was that the Board's responsibility; that the Board knew what was budgeted for the balance of the year from January 1<sup>st</sup>, on.

Mr. Dunkelberger said that he would be happy with any recommendations from the committee but would look at what was happening around them, too, so that he had some foundation when the committee brought any recommendations.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**September 5, 2013 5:30PM (continued)**

**7:35 PM** Mr. Beckert said that, in the past, the hiring committee took its direction from the BOS, the advertisement was written here at Town Hall, and not the committee, because of the legalese, along with a salary range that was appropriate for the Town's pay scale. He added that the job description was always written by a subcommittee and that was done. He said that the Town was treading into new territory with changing the form of government in Eliot and a lot of things that people would like to see added could only be added if they met the State statute, as that was what the Town voted for. He said that it wasn't his impression that the Board would have the committee write the job description but if that was what the Board, as a whole, wanted to do, then so be it. He said that the hiring committees in the past that took all the applications, weeding through them all, interviewing however many times were necessary to weed the number down to the number the Board gave the committee and brought those back to the Board; that then the Board was not involved in that portion, which has been recommended to the Board by attorneys and other entities – that the Board stay out of it until the final candidates were handed to the Board.

**7:37 PM** Mr. Hirst said that he thought the mistake the Board made was creating a committee and then not giving a written charge so that they knew who was supposed to do what and what the scope of their work would be.

Mr. Beckert said that, in fairness to everybody involved, usually the committee's charge was given to them at their first meeting by the BOS.

Mr. Dunkelberger said that they had a good foundation for a job description and having the committee and the expertise that sat on it would do nothing but benefit the Board and the Town. He agreed that eventually the job advertisement would have to go through legalese, formatting, etc. but he felt they should let the committee take a cut at the actual contents. He said that he would let the committee determine the number of candidates they brought forward for interviews, explaining that he has found in the many interviews he has done that there normally appeared a chasm between the top and the rest, which could be two or as many as five, and that top number was what the committee could push to the Board for interviews. He suggested, with regard to the committee's input, to let the committee take a cut, then push it to the Board to see if it made sense to the Board.

**7:40 PM** Mr. Rankie commented that he rested his case with what Mr. Murphy just said – that the Board of Selectmen were going to do it and the committee would get what the Board did. He added that, as a member of that committee, if the Board was going to give the committee instructions, he would like those instructions in writing. He said that, if the Board gave them dropped apples, the committee would give them the best of those apples, but they wouldn't be as good as the apples they picked off the tree. He added that he couldn't agree more with Mr.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**September 5, 2013 5:30PM (continued)**

Dunkelberger; that he almost felt insulted to think that he had volunteered his time, as well as the other committee members, to work for the Town; that the Town has never done anything like this before; that he had spoken against having a town manager until the Town had a town charter. He added that Mr. Dunkelberger made another excellent point that the legalese in the advertisement had to be taken care of; that the Board had veto power over everything. He said that the assignment for the committee he felt should also include the salary range. He discussed that, with a January 1<sup>st</sup> deadline, they had three months and that gave them a bit of time; that they wanted the best for the Town. He asked the Board not to just hand the committee a list of people to pick through to find the best, which was what they would do if they did the ad and job description. He added that no one knew the talent that was on the committee until they sat down together and talked; that the Board needed to use the people around them and listen to them and integrate all the ideas and do the best they all could for the Town.

**7:43 PM** Mr. Murphy said that it was his intention tonight to advise the Board to look at the most recent job description and proposed advertisement to see if they could improve it, then recommend that these be brought to the committee meeting on Saturday for the committee to review and improve on, then bring it back to the Board. He added that he considered what he'd done as bringing it forward to the next step for further consideration.

**7:44 PM** Mr. Brandon said that having a town manager was a different way of administering the governance of the Town. He added that one of the primary relationships in that kind of a system was going to be between the Board of Selectmen and the town manager, adding that if the Board set up the criteria for the town manager it could be unhealthy; that there would be questions about that being done in that way. He added that he thought that, if the Board at least shared it with a broader range of the public, via this committee, by letting them review and add to, with the Board, the criteria for that selection, the salary, the whole process, he thought the atmosphere in the Town would be a whole lot healthier as far as trust and confidence that this would work.

**7:46 PM** Mr. Moynahan said that he thought the committee should develop salary recommendations for the Board's review; create the advertisement and areas that it would be circulated for the Board's review; create the timeline with the end date in mind – is January 1<sup>st</sup> when the Board expected to see a person in place; review the job description and make modifications, if needed, for the Board's review; interviews – how many interviews, four sets before it came to the Board or just one and pass it on; that he thought that was the kind of guidance they were looking to pass out tonight.

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**September 5, 2013 5:30PM (continued)**

Mr. Murphy suggested the number of interviews might depend on the amount of information elicited and, maybe, only three or four would have a second interview or asked for more information.

Mr. Moynahan said that was his point; that the committee should plan to come back to say they were planning to have two interviews with the top five candidates for the Board before the Board interviewed them, or something like that; that that was how the timeline was set up; that January 1<sup>st</sup> meant nothing without a plan in place; that that was how they had done it with interviews in the past – 1<sup>st</sup> round of interviews here, 2<sup>nd</sup> round here, 3<sup>rd</sup> round here; that what he was getting at was that Mr. Murphy could bring that to the committee – that the committee needed to be involved with all of this stuff. He asked if January 1<sup>st</sup> was the date the Board had in mind for the hiring.

Mr. Murphy said early in January.

Mr. Moynahan said that the committee could work backwards from there. He asked if the Board wanted to see the committee review the job description and come up with any potential changes.

The Board said yes.

Mr. Moynahan asked if the Board wanted to see the advertisement before it went out; did the Board want the committee to review it.

The Board said yes.

Mr. Moynahan asked if the Board would like to see some suggested salary ranges from the committee.

The Board said yes.

Mr. Moynahan asked if the Board would like to see a timeline, with interview dates, and when the Board would be expected to start scheduling those interviews for final candidates.

Mr. Dunkelberger said that he thought the number of interviews ought to be up to the committee.

Mr. Moynahan asked where in the timeline would the Board be interviewing candidates, when would the committee have candidates ready for the Board; that that was part of the timeline the Board needed to guide the committee on; that it didn't matter to him whether the committee schedule four or six or ten but the Board needed to schedule, also. He asked if that was the basic charge for the folks

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**September 5, 2013 5:30PM (continued)**

meeting on Saturday so that they could come up with a first look at it; that if they were missing direction then, hopefully, the Board would hear back from the committee.

**7:48 PM** Mr. Beckert clarified that any document would go to the personnel lawyer for review prior to being released; that that would be the final review, especially on the job description, which would tell them what they could legally put in and not put in, per the State statute.

Ms. Lentz asked if this would be advertised nationally.

Mr. Moynahan said that the committee would come up with some recommendations and the Board would discuss that when the committee presented them.

A member of the audience asked what the deciding factor was in hiring; was it a certain date they must hire by or until they had the right candidate.

Mr. Moynahan said that they were just trying to create a timeline so that there was some semblance of order for the committee; if there were wrong candidates, then the Board would not hire and they would start the process again.

Mr. Murphy said that this all initiated with the intended retirement of Mr. Blanchette early in 2014; that there was some leeway; that that was the only thing that was kind of fixed.

The same audience member said that he would not want the Board to hire a 'rotten apple' because of a time constraint.

Mr. Moynahan said that no one was intending to do that; that if there was not a candidate that was qualified then they would make arrangements to operate the Town until there was one in place.

**7:51 PM**  
**H#3**

TO : Board of Selectmen  
FROM : EXECUTIVE SESSION 1 M.R.S.A. § 405.6.F (two items)  
REF : Discussion of tax acquired property

Mr. Beckert moved, second by Mr. Dunkelberger, that the Board of Selectmen enter into executive session as allowed by 1 M.R.S.A. § 405.6.F "Discussion of tax acquired property..." (2 items)

**VOTE**

**4-0**

**Chair concurs**

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**September 5, 2013 5:30PM (continued)**

**8:09 PM** Out of executive session.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen sell the property located at Map 79/Lot 26-90 back to the previous owner for the sum of \$3,009.89, which includes the back taxes and any associated fees, such sum to be paid in completion by 1/31/2014.

**VOTE**

**4-0**

**Chair concurs**

**H#1** TO : Board of Selectmen  
FROM : EXECUTIVE SESSION 1 M.R.S.A. § 405.6.E  
REF : Legal rights and duties

This was not taken up tonight.

**Old Business (Action List):**

This was not taken up tonight.

1. Tax Increment Finance Program – Potential projects, next steps, subcommittee
2. Good Neighbor Petition
3. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short
4. Community Service Space: Relocation to Elementary School – explore school space – fit up costs, service impacts, insurance, MSAD #35 contract - CSD Director, Mr. Dunkelberger, Mr. Hirst, & Mr. Blanchette
5. Town Manager - Job description, sample contracts, hiring committee
6. Municipal Charter November Referendum
7. Policy creation/review – Ordinance Governing Boards and Committees, Park Ban Ordinance
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 – Fiscal year 2015, goals, formats, etc. - BOS
11. Auditor – R<sub>H</sub>R – BOS

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**September 5, 2013 5:30PM (continued)**

12. Pay-per-Bag Recycling – 6-month trial, public information sessions
13. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
14. Legal issues – BOS
15. Sewer - User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
16. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews – BOS
17. Research grant opportunities – AED's for Town buildings
18. Comp Plan follow-up
19. Pending - new unions
20. Treasurer Hiring Committee

**8:03 PM**

**Selectmen's Report:**

Mr. Moynahan said that it was that time of year for budget request formats. He added that he had made slight modifications to department heads for Board review; changed dates for discussion, as well; that for Boards, Commissions, and Social Service Agencies the dates, only, have been changed – that he thought that letter was adequate and asked the Board to review and get back with any changes because these needed to go out by the middle or end of September.

**8:05 PM**

Mr. Blanchette updated the Board on the cemetery (car accident). He said that he finally heard back from AAA and the person in charge said that they have reassessed the claim and would be sending the Town, in writing, their new recommendation, which he believed would be the replacement of the three posts (and not repair) but, still, the repair of the tombstone. (Many happy people!)

**8:07 PM**

Mr. McClelland, Solid Waste Recycling Committee, gave an update, saying that about 120 residents came to the last of the three public sessions on Pay-to-Throw. He added that it was going reasonably well but a hitch was that WasteZero had some difficulty with corporate for Market Basket and Irving so, at this point, bags were only sold at the Meet Market, Eliot Agway, and Route 236 Variety and Grill. He asked if the Board would want an interim report on Pay-to-Throw in three months.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**September 5, 2013 5:30PM (continued)**

Mr. Moynahan said that at three months that should give everyone a good snapshot and, if there were issues before that and needed assistance with, then he should get back quicker. He added that the big concern was only having the three local locations and asked if there was anything the Board could do.

Mr. McClelland said that WasteZero was talking with other grocers in the area; that the committee had ordered extra bags to be available at local locations to settle out the start-up.

**Other Business as Needed**

There was no other business.

**Adjourn**

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

**VOTE**

**4-0**

**Chair concurs**

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**DATE**

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