

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**November 1, 2012 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**

**Public Comment:**

**5:31 PM** There was no one from the public who wished to speak.

**Department Head/Committee Reports**

There were no reports.

**New Business (Correspondence List):**

Mr. Moynahan said that the first business they had tonight was the Energy Commission but they were not here, yet, and asked if they would take up #2 - Town Manager.  
The Board agreed.

**5:32 PM**

**#2**

Town Manager

Mr. Moynahan said that he thought that at the last meeting there might have been some confusion, as far as setting up a hiring committee. He explained that what he was alluding to was that they should have a subcommittee that would determine what the salary and benefit package was going to be, what the length of contract would be, so that they had something available for public hearings when people were making their decision on whether a town manager was a good way to go or not. He added that they should have some sort of baseline and what went with it so that they could see the financial impact, also. He said that they could build off the State law for a job description, too, and maybe include some more things; adding that that was where he was going with that. He said that their next step should be to start preparing that as they have public hearings already scheduled for that and he was happy to work as part of that. Mr. Moynahan said that he did reach out to two members in the community – Douglas Keith and Eric Christian – but neither one was able to help with that. He added that he said that he would try to get someone and those were two people he thought were removed from the Town so there would be no perceived backroom dealing but, unfortunately, they weren't able to help. He said that he would welcome any other suggestions of people from the public that would be beneficial.

Mr. Murphy said that he was going to look into this, along with Mr. Hirst, and they may have some information already. He added that he should think that MMA would have a picture of the total town manager position in Maine for all the towns that have them and all the facts related to them. He said that he thought that that was the place he would start in order to get a better idea of what was going on in Maine.

Mr. Moynahan said that he didn't have the calendar in front of him but he knew that they had a public hearing after January so they did have some time. He added that time could go pretty quick, especially with budget season coming, and their calendar was fairly busy for the Thursdays.

Mr. Beckert said that he agreed with Mr. Murphy, as he thought he mentioned at the last meeting. He said that thought that they should go to MMA, as a minimum, to get some sample job descriptions because he was sure they had them, as well as employment contracts that they may or they could steer the Board in the right direction. He added that he thought they needed that before they started sitting down to have any subcommittee meetings; that they should have that right up front so they had that for the committees to look at. He said that there was no need to reinvent the wheel; that they could look at samples and take the best of what would fit for Eliot; get input from public meetings but he didn't think that they needed to start this whole thing from scratch.

Mr. Dunkelberger suggested they could get the PD's (position descriptions) from Kittery and South Berwick and that would probably fill in a lot of the holes.

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Mr. Beckert agreed.

Mr. Moynahan said that that was what he was hoping; that the subcommittee could be tasked with that chore and, then, they could present that to the Board. He added that that was their guidance; that they should reach out to MMA to get this information, then they should be making a decision on a recommendation and start the conversation instead of doing all the work. He said that that was what the subcommittees did; that they did some of the legwork for the Board and they could take it from there.

Mr. Murphy asked if a committee was established at their last meeting.

Mr. Moynahan said no.

Mr. Murphy said that there was a request for volunteers.

Mr. Moynahan agreed but did not think that they had actually formed a committee; that they were going to reach out to find if there were any public members and that sort of thing. He added that if Mr. Hirst and Mr. Murphy wanted to be the folks from the Board and wanted to tackle that on their own and present something, then that was fine, too, to get started but, at some point, he thought that members of the public would be a benefit to that group, too.

Mr. Dunkelberger said that maybe that was something they could put out on the website and see what kind of interest they got.

Mr. Hirst said that he thought, then, if they had no objection he would call Dave Barrett in the morning who, he believed, handled that sort of thing up at MMA.

Mr. Moynahan asked if it was consensus of the Board to allow Mr. Murphy and Mr. Hirst to follow up with MMA to start compiling some information.

The Board agreed that it was.

Mr. Moynahan said that they would probably have this on their agendas quite frequently until they were at a comfortable point.

Mr. Murphy added salaries.

Mr. Hirst said that Mr. Barrett was the one who said he would go through their personnel manual; most of it on the basis of their fees but he said that, if he had to do too much, then it would cost them a couple hundred bucks more. He added that that was something they might want to consider at some point. He also added that he could ask him about it, again, if the Board liked.

Mr. Moynahan said that they could bring that up again; that if he sent him a note, then he could make sure it was on an agenda but they should probably concentrate on the town manager, first, if that was okay.

Mr. Hirst said that that was okay.

Mr. Moynahan added that they would have a deadline on getting the town manager stuff accomplished so, if they could stay focused on that. He reiterated that if Mr. Hirst sent him a line, then he would make sure it got on the AIL.

**5:37 PM**

**#1**

Energy Commission

Mr. Case said that they had with them the quotes they received from Revision Energy and Seacoast Energy. He added that what they would like to do was to go through the charts with a little more detail and answer any questions the Board might have. He added that their collective opinion right now was that this was a win-win; that there were no downsides he could see but they would obviously have to have the Town attorney review it.

Mr. Brickett said, as Mr. Case said, they had two proposals in. He added that one of these companies was able to offer a power-purchase agreement, which is Revision Energy and they thought they way to go. He said that the other company was SEA Solar out of Dover, which was getting into this business and could not offer the same benefit to the Town short-term, whereas the Town would have to do a lot more of the financing and he

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questioned whether their system would really work. He said that Revision was very much behind their solar proposal, they knew they worked, they've installed them in various towns and municipalities in Maine, and there was good feedback on them. Mr. Brickett said that the Town immediately recognized a saving, shown on some of the graphs. He said that they would like to proceed ahead with moving along with the Revision proposal. He added that the guy that he had been dealing with would like to, at the Town's request, revise his proposal, using incentives, to give them an updated proposal, adding that they may change in pennies but not dollars. He said that, before doing that, he would like the Board's approval to go forward with Revision's proposal.

Mr. Case clarified that he thought that they needed to go through the details with the Board, which they haven't done.

Mr. Brickett said that what they were looking at was a phased approach to Eliot buying this system in the long run. He explained that, initially, they would see about \$503/year in electrical savings and this electricity would primarily be used at the Town Garage, with excess used at the sewer pump station. He added that this ran from 1 – 6 years and they guaranteed a reduced cost per kilowatt hour; that the company sold the electricity back into the grid (clean energy, clean credit) for more than the average guy and were actually realizing a bit of a profit, which was how they sort of financed the financing.

Mr. Case said that he wanted to added that they were guaranteed, in years one through six, a two-cent per kilowatt hour discount beyond whatever Eliot paid; in other words, they would go back and look and, in the next year, what would it cost them if they didn't use Eliot, and that would give Eliot the two-cent discount to that. He added that, right now, Eliot was paying 13.1 cents, which was a reasonable deal, and has actually come down in the past two years. He said that it was clear to him from comparing the two proposals that Revision Energy was making an investment; they were making a gift; that they were actually losing money on this proposal and he thought that the reason they were doing that was so that they could get more homeowner business – more large-scale business, would be his guess.

Mr. Murphy asked if they were actually losing money or were they just avoiding the possibility of profit.

Mr. Case reiterated that he believed that they were making an investment. He added that there was no way that they could sell Eliot the system for 30% of its installed value after year six; that they were just not going to have that much cash in and, in comparison, the cost to buy the system from the SEA Coast Energy was almost twice as much as the cost to buy it from Revision Energy and that was really the big difference here – the biggest piece of the difference. He added that it was his take that they were making an investment and that was okay with him.

Mr. Brickett said that, plus, people would see the system working; that they would ask how the system was working; hopefully, they would say it was working great, and it produced sales, which would be huge for the company. Mr. Brickett said that, in years 7 to 16 after the system has been installed, which was well-within its operational life, the Town still recognized the ability to pay off the system. He reiterated Mr. Case's comment that they could buy the system for about 30% of its installed cost, which would come out to about \$35,000.

Mr. Case clarified that the amount would be \$42,000.

**5:43 PM**

Mr. Brickett said that basically, in their recognized savings and based on today's dollars and electricity not going up, they would still save \$700 - \$800/year.

Mr. Dunkelberger said that, at the point that they actually purchased the equipment, would the profits from selling the energy back to CMP, or whoever, go to the Town or was that still Revision.

Mr. Case said that it then became the Town; that they could then sell renewable energy credits on the market and they did learn in this whole process that the amount they got for REC's (renewable energy credit) varied by state so they would market their REC's for the highest price they could get.

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Mr. Murphy clarified that they would have to sell them in Maine.

Mr. Case said that they did not; that it was his understanding that they could sell them anywhere in the U.S.

Mr. Hirst asked Mr. Brickett, when he said 30% of the installed cost, if that was today's dollars or six years hence.

Mr. Brickett said today's dollars; that it was a locked price...

Mr. Case said that their installed price was \$152, 845; that that was what it would cost Revision Energy to install the system, and they would sell it to the Town for a fixed price of \$42,000.

Mr. Moynahan said, say year seven, the cost of the system at \$42,000 and the savings that the Town had seen, what would it cost the Town per year during those first seven years; what was the cost, if any, to the Town, including the purchase price of the system.

Both Mr. Case and Mr. Brickett said zero.

Mr. Brickett said that they actually saved \$503/year based on today's electricity rates.

Mr. Moynahan asked if that was after purchasing the \$42,000...

Mr. Case said no, that for the first six years, when they owned it, the Town saved \$500/year.

Mr. Moynahan said okay; that now they had \$42,000 into it and asked what the payback was on that \$42,000.

Mr. Case clarified that their proposal, in terms of arithmetic, had a huge savings once they owned the system because they would be generating all their own power. As to the question as to how they could pay for the \$42,000, the Town could take out a 10-year bond, make it anything they wanted, and pay that back. He added that he used a mortgage calculator at 4% to discover what it would cost to pay back \$42,000 and found that they were still saving money - \$775/month. He added that they stayed in the black the entire time.

Mr. Brickett added that, if they looked at it with a projected curve at 2% per year, then it was substantially more.

Mr. Case said that the really big savings came at year 16 because they owned the system completely, they'd paid the \$42,000 off, and it was just huge savings.

Mr. Brickett said that they figured it to be almost \$6,000/year and that was in today's numbers.

Mr. Case agreed, adding that it got much bigger if power went up.

Mr. Murphy clarified that they said that Eliot would have to buy it with a bond but they wouldn't have to buy a bond; that that was only 2/3 of one employee – a part-time employee.

Mr. Case said that that was true but they didn't want to come in and suggest the Town pay it out of any other fund.

**5:47 PM**

Mr. Murphy said that it was a foreseeable cost, which could be set aside and built up in a reserve account and could be earning interest during that time.

Mr. Case said that, if they put aside money for six years to be able to buy it at the end of the sixth year, then that would be about \$7,000/year.

Mr. Dunkelberger added that there would be no upfront costs.  
Mr. Brickett agreed.

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Mr. Case clarified that they would have to fix the roof and they would have to have some legal help, too, to net meter and contract with CMP and make sure the contract was fine. He said that, in all of their calculations, they cranked in their estimate of what insurance would cost and all they were really insuring is if the place went up in smoke. He said that wind has typically not been a problem; that the system he had on his house has seen winds of 90 miles/hour and these systems were designed for much more than that. He said that one of the Board members asked about roof load; that they would check that out; but it was 2.81 lbs./sq. ft. and the design load was 50 lbs./sq. ft. so they would make sure that was okay.

Mr. Hirst said that they had the insurance guy here the other day and he said that there was no special insurance required; that they simply increased the limit of coverage on the building by the value of the system and it was very inexpensive. He added that it was not something they had to buy a separate policy for.

Mr. Case said that they assumed \$350/year for the addition, which may be high.  
Mr. Hirst agreed.

Mr. Brickett said that he and Mr. Case were very conservative with their numbers with respect to payout and punched in a high number for what anticipated costs might be.

Mr. Case said that he thought that the variables in this were that no one knew who was going to win the election and, depending on who did, the tax credits for this type of thing might be smaller. He added that, if they moved quickly, they were probably good at locking in what they had.

Mr. Moynahan asked the Board if they wanted the attorney to review the document in front of them, they contract that has been provided.

Mr. Beckert moved, second by Mr. Murphy that the Energy Commission be allowed to move forward and seek a revised proposal from Revision Energy and that that proposal be forwarded to the attorney for review.

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

Mr. Brickett said that he would contact Revision tomorrow for a final proposal and should have that within a week; any changes they would let the Board know.

Mr. Moynahan said that he could give that to him or Mr. Blanchette and they would forward it on to the attorney.

Mr. Brickett said that, if this worked well, what he would like to see was phase-two of this system. He added that they had at least an acre or two at the Transfer Station where they could put free-standing solar, which would be a lot more powerful and would be capable, depending on how they made out with the first system, of powering up a lot of the Town.

The Board thanked for their time and efforts.

**5:53 PM**  
**#3**

Employee Review Form

Mr. Moynahan said that he brought his file on what they had worked on some time back and wasn't sure, if anything, people had on employee reviews. He said that he thought where they struggles before was the separation between employees and department heads, who they were reviewing as a group, and if there was a specific review form that they wanted the department heads to use on their employees. He added that he thought it was two separate issues on how they moved forward with this; that this has been on their AIL for some clarification so that they could get that process started and assure it was being done throughout the Town.

Mr. Hirst said that he believed that at least two departments were already reviewing their employees but he did not know what form they were using, thinking that they would have to specifically ask them what they were doing.

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Mr. Moynahan asked, if their form was comfortable to them and their departments, did it matter what they were using – from the Board.

Mr. Hirst said that he thought he had been told that the form was not satisfactory.

Mr. Moynahan asked from the department heads or employees.

Mr. Hirst said that he wasn't sure.

Mr. Moynahan said that he would think that, when they had department heads in, then they could have expressed their concerns about not having a good form to utilize. He added that feedback from department heads in front of the whole Board was a key piece in how the Board would tweak those review forms for employees. He said that he thought that the Board should be what the review form should be for the department heads because those were their main focus; that their task at hand was to do yearly review of those folks, and assure that reviews were done on the employees.

Mr. Hirst said that he thought that the Board needed to ask them in a formal setting what they were doing with respect to their reviews.

Mr. Murphy said that he thought the Board should get their various forms together, or the one the Board thought appropriate, and get a copy of them to the department heads and let them know that the Board would come back at the next meeting to discuss this and have them all in so that they could all agree on a common form for all departments to use on employees. He added that, as far as their form for department heads, that was another subject and he didn't think it needed to be that different. He said that the problems were sort of the same but at a different level, perhaps, unless he misunderstood.

Mr. Moynahan said that they were management so there was a little bit more as far as financial oversight and employee handling and that sort of thing; that employees had specific job duties they did. He added that he wasn't sure what department heads were using for reviews; that he wasn't aware of passing them anything different than they've always had; that whatever they have always utilized the Board has not changed that document, he believed.

Mr. Blanchette said that he thought Mr. Moynahan was right. He gave the Board a handout with Appendix C and said that he thought that was the official form.

Mr. Dunkelberger asked what the current requirement was for yearly employee reviews.

Mr. Moynahan said that he believed two departments have asked to do them all at the same time.

Mr. Murphy said that he thought that DPW was along in February or March, or something like that.

Mr. Moynahan said yes, and the police, also; that both of those had asked, instead of hiring dates or birth dates, they asked if they could do them yearly and he thought that the Board gave that freedom to all departments; that they could do it once a year, if they so chose, instead of once a week or something.

Mr. Hirst said that it struck him that, before too many people did too many reviews, that the Board should have the employees effectively review their job descriptions to be sure that everybody was on the same page as respected what the Board expected them to do; that then they could evaluate them based on their performance with those job descriptions.

Mr. Moynahan asked if the Board, then, should review the job descriptions and not the employees; that they would have the expectation.

Mr. Hirst said that that seemed to him to be step one, yes.

Mr. Moynahan said that usually with an employee evaluation, and when a good job was done, they were usually compensated. He added that, currently, they had cost-of-living (COLA) or merit increases, step increases; that it didn't matter if it was a good review or bad review. He added that he has always said that there should be some sort of incentive for employees to excel; that if there was a range in step increases or COLA's every day,

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then one either got up to 8% or something and those that excelled in their job should be compensated, instead of across the board. He clarified that this may be where they lagged behind last time because some of these same conversations happened about reviewing job descriptions and changing the way pay increases were done.

Mr. Hirst said that they would remember when he brought in the human resources lady last year, adding that he thought this might be a job for a human resources consultant to come in and help them with this.

Mr. Moynahan said that that was a budgetary item.

Mr. Hirst agreed that it was but added that this was a very important task that they had.

Mr. Moynahan said absolutely.

**5:59 PM**

Mr. Dunkelberger said that he thought there needed to be some kind of policy with regard to exactly what a review would consist of; that he thought that Mr. Hirst made an important point in that there needed to be some agreement between the employee and the supervisor on exactly what the job was – what were the expectations. He added that he also thought that not only should there be a supervisor who did the rating but there also should be a reviewer on top of that so that there was a perspective at the next higher level. He said that, then, based upon part of this policy, would say there would be a certain percentage of, whether called performance bonuses or merit increases or whatever, available awards given out to those exceptional performers. He added that it would not be for everybody; that they would have to find a way to make that worthwhile versus a standard for everybody.

Mr. Murphy said that that would be very difficult.

Mr. Dunkelberger agreed that it could be but it could be done.

Mr. Moynahan said that another thing that happened was that a department head, at that point, would make sure that everyone got the same, potentially.

Mr. Dunkelberger said that there was a way to do that and his example was if the department head stratified his employees, that he rated them; if he had five employees, then he rated them 1 – 5.

Mr. Murphy clarified that he must use 1, 2, 3, 4, and 5; that they couldn't all be 1, 1, 1, 1, and 1.

Mr. Dunkelberger said exactly.

Mr. Hirst said that that was the sort of thing where he thought they needed an HR consultant because at least he didn't know how to do that; that Mr. Dunkelberger had done this before for many years.

Mr. Beckert said that one of the things he thought, going back to the forms, from a HR standpoint was that the forms needed to be consistent for all employees so the first thing they should find out whether all the department heads were using the same form right now and, if not, then they needed to make a change right there. He said that, on the bonus or merit issues, they had Linda McGill come down as a personnel attorney and talk to them about that very thing; about how difficult it could be to do if it was not administered properly and how favoritism and all that stuff could come into play. He added that she could give them good cases on either side of the issue as to why they might or might not do it. He said that that was why, back then, they stayed away from it. He explained that they had COLA's; that, back then, the performance appraisals were basically used to judge whether an employee was doing their job or they weren't and were there for any needed discipline or whatever because the thing was to set an expectation through the supervisor to the employee to see if the employee was meeting those expectations on a yearly basis. He said that he agreed with Mr. Dunkelberger that there needed to be a next-level review above that to make sure everything was on an even keel between the employees and the supervisors in any given department. He suggested that they might want to bring Ms. McGill (Bernstein & Shur) down as a first step introduction and have her give them a little bit of savvy language on how she felt; that she taught some of the MMA courses on human relations; that before they hired a full-blown HR firm they might want to get some

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direction from her because those were the people that were going to keep them out of trouble in the long run.

**6:05 PM**

Mr. Dunkelberger agreed with him; that the keys to having a good program was that it was consistent and that the expectations for the supervisors who had to administer this were very clear and in writing.

Mr. Murphy said that they have employees and they have department heads and he was hearing supervisors, asking how many departments had supervisors.

Mr. Moynahan said that they were just department heads.

Mr. Murphy clarified that when they were saying supervisor they really meant department head.

Mr. Blanchette said yes, except that the Town Clerk was the Supervisor for the Town Office but did not do employee evaluations, that he did them.

Mr. Murphy asked about the Police Department; could that be called a supervisor.

Mr. Blanchette said that he thought that the Lieutenant was the supervisor position for the Police Department; that there was a supervisor other than the Chief there.

Mr. Murphy commented that there was a sort of hierarchy at DPW.

Mr. Moynahan said that they had one person from each department that answered directly to the Board so those were the people they should be talking about reviews; they would talk with Mr. Blanchette about reviews no matter what the hierarchy was, Mr. Moulton about reviews no matter what the hierarchy was, etc.

Mr. Murphy thanked him for the clarification.

Mr. Hirst said that, on the assumption that they ended up with a town manager in a year or so, he or she may very well have their own system and they might want to think about that before they spent a lot of money on the consultant if, indeed, the new town manager was very capable in that area. He clarified that he wasn't saying not to do it but to think about it.

Mr. Moynahan said that he thought that the first step was to make sure, and he was pretty sure that everyone was using Appendix C, that was happening and, if they had feedback, then get that back to the Board so that they could make appropriate changes, as needed, to the standard form. He added that now they could ask them for copies of the reviews for the employees; they (Board) could be that third-party reviewer if that was a concern from the Board. He added that moving forward they could consider merit increases and that sort of thing, if they wanted to roll it in, but maybe the town manager was the way to do that – let them introduce that across the board, where it was one manager as opposed to this Board that had five opinions today and, next year, it may be five others, and there was always repeating the work.

Mr. Murphy said that he thought that any competent town manager would be able to work with many different layouts and a new town manager coming to a town, he thought, would be reluctant to suddenly sweep everything out and bring in his own and confusing everyone. He added that he wouldn't know how to plan for a town manager and he didn't think they should wait on this for a town manager because he or she would have to learn Eliot before knowing what to do in Town and to some extent the Town was different, as every town was different.

**6:08 PM**

Mr. Moynahan said that they could give expectations; that if it was a merit increase or something, then they gave that expectation to the town manager to perform to get that going within the Town, as opposed to the Board doing it; that he thought that that was where some of the difference would be was the expectations, adding that that may not be the way the Town went after speaking with attorneys and all that, he didn't know.

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Mr. Murphy said that he favored having Ms. McGill come down; that they had also talked about having their pay schedule reviewed and they had a recommendation from Dix, he believed, as to someone who would do it or someone he pointed to, now, since he was no longer doing that.

Mr. Blanchette agreed; that they did get in contact with someone.

Mr. Hirst clarified that they had budget issues with respect to hiring any more consultants.

Mr. Blanchette said yes.

Mr. Moynahan said that the attorney certainly had a legal line in their budget so, if that was something that the Board wanted to pursue to get consultation with her, then they had budgeted for that and that was probably a little less intrusive, financially, for someone to come down for an hour to discuss that with the Board versus a full-blown consultation.

Members of the Board agreed that they would like to do that.

Mr. Moynahan said that he would make a note on that and make sure it was done. He said that that was the employee evaluation piece and asked about the department heads; that he didn't know if they ever formalized a department head review form, either. He added that there was an ongoing committee that tried to get one form that worked but they were stuck because of the different opinions that people had of the different department heads doing things differently from each other, so one consistent form was hard, but they had goals and expectations - setting goals and other - and they ended up trying to do reviews with something that they got from somewhere; that the first review and, he thought, the only review they did in memory was one on Mr. Blanchette and that had probably been two years. Mr. Moynahan said that he was being honest as far as the Board went; that he thought that there had been one review of department heads and their guinea pig was Mr. Blanchette.

Mr. Dunkelberger said that the system he has been working in, now, was that the individual sat down with a position description; that the supervisor sat down with the employee, along with the position description, and set goals that they both agreed to with regard to what their job responsibilities were. He added that there was usually a six-month interim review, then final appraisal that included a self-appraisal from the employee, which dealt with the goals and how the employee thought he did meeting them and, then, the supervisor weighed in with written and verbal feedback that included a rating of 1 - 5 in each particular section and an overall rating. He said that that could meet the needs of the various department heads with regard to their different levels and different responsibilities.

Mr. Murphy clarified the Board's review of department heads.

Mr. Dunkelberger agreed.

Mr. Moynahan discussed a performance evaluation program supervisor's manual that he had and the different areas it covered but asked how they applied these to a department head review that the Board saw every two weeks to see how they were doing their job. He added that financial was really the only one outside of complaints or compliments of department heads; that they didn't interact with them daily. He said that, again, the town manager would be a critical piece to this type of thing; that they would be reviewing the department heads because they would be working with them on a daily basis. He added that maybe the Board's goal should be to define what that review should look like and then pass the buck.

**6:13 PM**

Mr. Beckert said to have it all set up then hand it off to whoever they hired as town manager, saying that this was what the Board wanted administered or managed as the performance appraisal system for the Town of Eliot and its employees. He reiterated having it all set up - forms, procedures, etc. - and that they had a year and a half to do that.

Mr. Moynahan said that that sounded good.

Mr. Murphy said that it sounded good to him, too; that he liked the idea of the Board sort of protecting the Town and Town employees from an unknown and new way of doing things.

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Mr. Beckert said that the thing with HR was consistency, regardless whether it was dealing with the multitudes of employees or one individual employee, that they needed to be consistent on how they dealt with the issues.

Mr. Hirst added that they had to completely define the expectations of the job; otherwise, they had nothing to measure.

Mr. Moynahan said that they did have job descriptions; that they had one for the Administrative Assistant, the Police Chief, the ECSD Director, adding that these may only be department head descriptions he had.

Mr. Hirst said that he had all of them.

Mr. Moynahan said that, since they had all the job descriptions, then they could have that as a meeting to review them to see if they were adequate.

Mr. Hirst asked Mr. Moynahan if he would like him to forward that to each Selectmen, adding that the only one he didn't have is one for the Fire Chief.

It was agreed that Mr. Hirst would send Mr. Blanchette an electronic copy, as Mr. Blanchette only had a hard copy, and Mr. Blanchette would make sure that Mr. Murphy received a copy.

Mr. Beckert went back to the discussion around having the employees review their job descriptions, saying that he thought that that was a good idea to make sure that the employee was in agreement that it was what he/she actually did; that there may be things that weren't in the description that they did do; that if they were going to go through this and some things needed to be tweaked, then this was the time to do that.

Mr. Moynahan said that he thought that they would be getting some recommendations from Mr. Donhauser, too, and those job descriptions may change. He added that this would be an on-going process but at least they had a direction of which way they wanted to go.

**6:15 PM**

Mr. Moynahan requested they take Mr. Moulton at this time, as they had requested he come back in with some follow-up.

The Board agreed.

Mr. Moulton discussed the temporary winter maintenance plan. He said that, as he had previously explained, he would have an employee who would be out for a short term for a minimum of six weeks starting November 30<sup>th</sup>, 2012, with a return date of not before January 14<sup>th</sup>, 2013, so what he did was provide a plan or idea of costs as it related to the maintenance personnel portion of it – a summary of assumed and actual costs – on an as-needed basis. He said that he solicited two companies in the area that did maintenance and provided the Board with that information. He also made a layout utilizing a part-time temporary Town employee versus subcontractors and he tried to give then scenarios so that they could see figures for comparison.

Mr. Dunkelberger said that, if they went with a temporary part-time Town employee, that the numbers looked good, but it didn't thrown in any potential wear-and-tear to the Town equipment that this employee would be driving. He asked Mr. Moulton if there was somebody he knew of that might be interested to come on and do this that required minimum spin-up.

Mr. Moulton said that he had seasonal employees that assisted and he thought that one of those employees may be interested in doing it; that they would already be affiliated with how they operated.

Mr. Moynahan said that, with that being said, if an employee was being paid consistently for a longer period of time, didn't that change the employment status.

Mr. Blanchette said that they didn't have to change his status; that the change may be from seasonal to temporary but it was still temporary. He clarified that it changed from seasonal to temporary but it did not automatically change from temporary to regular or what they

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would call full-time; that that had to be a stated and voted when changed from temporary to regular. He added that he didn't believe there were any benefit changes, either.

Mr. Dunkelberger said that his thought was that, if Mr. Moulton had a seasonal employee, then that gave him direct supervision and a substantially reduced cost to his department. He added that he thought Mr. Moulton would be better off with a temporary Town employee, using DPW equipment; that he would be able to direct versus waiting for a contractor to respond.

**6:20 PM**

Mr. Murphy asked if the person Mr. Moulton had in mind would fully fill all this temporary or would he have to get someone else in addition.

Mr. Moulton said that he thought that the person would fill the whole thing.

Mr. Hirst asked if that was Mr. Moulton's recommendation, of these three options, or did he not have a recommendation.

Mr. Moulton said that he did not have a recommendation. He said that, if they looked at dollars and cents, then he thought maybe that would be the ideal thing and that was why he tried to put a figure to it to give the Board an idea of what the costs would be.

Mr. Moynahan said that it was about \$1,000/week, no matter which way it went.

Mr. Moulton agreed.

Mr. Moynahan said that it was hard to know the impact of storms and they had no idea about the maintenance; if an edge went, and edge went; that they didn't know until it happened and that was the challenge.

Mr. Moulton said that he could tell them that everything from now until the 30<sup>th</sup> date would be 100% ready to go so that they would be fully operational for winter maintenance; that that portion of it wouldn't be of concern, that it would just be what happened during that six-week period of time and whether they would have to deal with unforeseen emergencies.

Mr. Dunkelberger said that, if they didn't have a lot of snow, like last year and highly unlikely, then they would have the manpower to do whatever else needed to be done.

Mr. Moulton said that that was correct.

Mr. Hirst asked if he was competent to do repairs.

Mr. Moulton said no, that it would not include the repairs.

Mr. Hirst asked if he had that part of it covered for the duration his employee would be out.

Mr. Moulton said that some things they could do but major repairs they would look for assistance.

Mr. Moynahan clarified that he did have two sources for maintenance, Dover Motor Mart and National Wrecker, and he didn't think that they should lock him in to one or the other because one or the other may not be available.

Mr. Moulton agreed. He said that that was why he built flexibility into the plan and noted that the intent would be that the Town would supply what parts they could and that he would have an in-house inventory of parts that commonly broke down.

Mr. Moynahan asked the Board how they should direct Mr. Moulton in regard to staffing for that six-week period.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen go with the use of a part-time, temporary employee.

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

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Mr. Moulton thanked the Board and let them know that he would be driving the larger truck and this employee would drive the pick-up.

**6:25 PM**

Mr. Moulton discussed capital expenditures for highway improvements. He said that he was asked if he could combine things and he did ask the contractors if they were interested in combining and give him one price for both, which two did. He added that the overall savings was \$367.42 by combining them and gave the bid amounts: John O'Reilly Carpentry (one-man crew) for \$7,890; P&P Construction (two-man crew) for \$9,529.69; Bill Robinson & Son Building Contr. (two-man crew).

Mr. Dunkelberger said that given the potential crunch for time could John O'Reilly, as a one-man crew, get the project done before first snow or were they better off dividing the job up into the two lowest bidders so that they could be worked on at the same time.

Mr. Moulton said that he didn't know; that the kicker was when would the work come and there was an advantage to an extra set of hands rather than one guy trying to build something by himself. He added that he would think it would definitely be faster with two people. He reiterated that he wasn't sure Mr. O'Reilly could get it completed by first snow but probably not, that it would be a continued thing until it was completed and they could have first snow tomorrow.

Mr. Moynahan said that they built year-round, so they let the snow come, they shovel off, and go back at it again unless it was really going to hold up or hinder operations.

Mr. Moulton said that there was no foundation process that needed to be done for either project.

Mr. Dunkelberger asked, if the building were open to the elements during construction, did that present a problem.

Mr. Moulton said potentially, that they would have to put up temporary things, like plastic.

Mr. Murphy said that he looked over these figures pretty carefully last time and he found that the savings using John O'Reilly was actually \$530, if they added his two prices before and, from that, subtract his new one.

Mr. Moulton said that he just took the two low bidders and combined them for a lump sum and did the math. He added that Mr. Murphy was probably right but Mr. O'Reilly wasn't the low bidder on one...

Mr. Murphy said that he was quite right, that he hadn't thought that way. He added that Bill Robinson didn't reduce their price at all and P&P reduced theirs by \$600.

Mr. Hirst asked if he had had John O'Reilly do anything for him in the past.

Mr. Moulton said yes, that he did a lot of the maintenance.

Mr. Hirst asked if he was happy with his work.

Mr. Moulton said yes, very.

Mr. Murphy said that they saw his invoices about once a month.

Mr. Moynahan asked Mr. Dunkelberger if Mr. Moulton had addressed his concerns.

Mr. Dunkelberger said that he still had concerns with regard to getting the project done before they incurred any loss or damage due to weather due to the timeframe but, at the same time, he would defer to what Mr. Moulton thought – that he was the man.

Mr. Moynahan asked if it was worth the \$370 in savings to have concerns that the work would not be done in a timely fashion and, with that, to speak to both of these would they be able to be started and completed in a reasonable timeframe, that they were scheduling in December and those concerns were still going to be there, regardless.

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Mr. Moulton said that they were scheduling a couple of weeks out, at this time, so that put them roughly mid-November.

Mr. Murphy said that there was an additional cost, of course, to all this – the overhead door, itself, was \$3,000+. He asked if they were going to high electric operator for the door.

Mr. Moulton said no.

Mr. Murphy clarified that that \$800 wouldn't be spent.

Mr. Moulton said no.

**6:32 PM**

Mr. Moynahan said that he was thinking that time was of the essence with that; that it may be wiser, even though it was a \$370 savings, to have two crews working to make sure he had everything tightened up for the winter.

Mr. Moulton said that one of the reasons for the reconstruction of the recycling building was because his cold-storage buildings were dilapidated. He added that they were subpar and some of what was stored in there were voting booths and needed to get relocated before bad weather got here. He also added that that was one of the reasons he was taking a portion of the recycling building and making it cold storage for the Highway Department. He said that, in time, he would like that whole building to belong to the Highway Department and for the Transfer Station to have its own storage.

Mr. Murphy said that he thought it was reasonable to be prudent and Mr. Dunkelberger's suggestions were sensible. Mr. Murphy moved, second by Mr. Dunkelberger, to allow Mr. Moulton to use the two low bids and proceed, rather than trying to combine one company to do them all, even though O'Reilly had significant savings.

**DISCUSSION:**

Mr. Hirst asked if Mr. Moulton had any thoughts on that.

Mr. Murphy queried if it was the wrong motion was there something else Mr. Moulton wanted.

Mr. Moulton said no. He said that, in hindsight, he wished that the low bidders had flopped because the cold storage was more of a two-man crew but it was what it was and the costs were what they were. He added that that was his only comment on it. He said that either way worked because cold storage could be done year-round, that there was nothing that would be impacted because he had nothing sitting there and he wouldn't until the building was constructed.

Mr. Beckert said that he would tend to give Mr. O'Reilly the benefit of the doubt and give him both projects. He added that it was a saving to the Town; if they looked at the combined cost of all three he was roughly \$1,300 to \$1,500 cheaper.

Mr. Hirst added that he was a known quantity to them. He added that Mr. Moulton could cover the macadam with a tarp to protect it adequately.

Mr. Moulton said yes.

Mr. Moynahan reminded them that there was a motion on the floor that was seconded.

Mr. Murphy withdrew his motion in favor of the proposal.

Mr. Dunkelberger withdrew his second.

Mr. Moynahan said that the motion had been withdrawn from the floor.

**6:36 PM**

Mr. Beckert moved, second by Mr. Hirst, that both projects be awarded to John O'Reilly Carpentry for \$7,890.

**VOTE**

**4-0**

**Chair concurs**

Mr. Moynahan said to make sure they had updated certificates of insurance.

Mr. Moulton said yes, there was.

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Mr. Moynahan asked if there was anything else he wished to discuss.

Mr. Moulton said that, at the next meeting he would like to discuss pay-per-bag and would like to set aside about 30 minutes for a presentation and question/answer time.

Mr. Moynahan asked if the Board would be willing to start next week's meeting at 5:30 PM for the presentation for pay-per-bag and resume the meeting from there after that, even if they had to take a quick adjournment, but to make sure they had enough time for that.

**6:38 PM**

The Board agreed.

Mr. Moynahan asked Mr. Moulton to communicate the time to them and that they would add this to the agenda, asking Mr. Blanchette to make a note for when they set the agenda for the meeting.

Mr. Hirst said that the personnel issue that he brought he thought that was handled in public session, the pay issue that Mr. Moulton brought up.

Mr. Moynahan clarified that it was his own person...

Mr. Hirst said yes, saying that he thought that they had determined that that did not need to be public.

Mr. Moynahan said that that was correct.

Mr. Hirst said okay and that that should be part of it, too, then so that they could address that.

Mr. Moynahan asked if Mr. Moulton wanted to do that.

Mr. Moulton said okay.

Mr. Moynahan said that, if they only needed a half hour, then the Board would have ample time to discuss that with Mr. Moulton, too, if he was prepared.

Mr. Moulton said yes, that he could be prepared.

Mr. Murphy asked if that was going to be executive session.

Mr. Moynahan said that, no, this one didn't need to be in executive session, right.

Mr. Blanchette said that it actually should not be an executive session.

**#4**

Policy:

- a. Video Streaming
- b. Web Site Management
- c. Debit Card

**6:39 PM**

a. Video Streaming

Mr. Moynahan said that he thought it was the consensus of the Board that this was available to all boards and committees and it was up to their discretion around who utilized that service but the Board encouraged them all and believed that was the letter that they sent out to them. He added that, with that, the Board also sent out a memo to them to schedule meetings with the Administrative Assistant at the beginning of the month. He said at least this was something to start on that that has been sent out to all and maybe, as part of the policy, the Board should also put something in there that, if the meeting was not going to occur to cancel it at least 24 hours in advance to eliminate anyone hitting a switch.

Mr. Hirst asked if he got responses from all committees to whom he sent letters.

Mr. Moynahan said that he wasn't sure if they got responses from all of the committees or not.

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Mr. Hirst said that, if they were going to ask what the committee's opinions were, then they should get their opinions and, if they didn't get it, then they should ask them a second time.

Mr. Moynahan said that they were setting a policy of how video-streaming was going to occur; that it was going to go through the Administrative Assistant; that they had one point-person who turned that computer on. He added that it was not a matter of who was doing the video-streaming; that they had already determined, as a Board, that they encouraged all boards and committees to utilize it but, now, it was how to turn it on.

Mr. Hirst said that was not his point; that he thought his point was that, perhaps, they didn't get responses from all the committees to whom he sent the letter and the Board should ask for responses, if either yea or nay.

Mr. Moynahan clarified who was going to be video-taping.

Mr. Hirst said yes.

Mr. Moynahan said okay. He added that, again, that was separate from the policy of how-to the video-streaming and that they had a policy discussion on video-streaming right now and what they were trying to do was to put the point-person as the Administrative Assistant. He asked, in his absence, who should be the point person –was it the Administrative Secretary, the Treasurer, the Assessor.

Mr. Blanchette said that he would find someone; that right now he had someone and he was going to find a third person; that there would be two backups.

Mr. Moynahan said that he would want to keep that number small just for the security piece of doing that. He added that it was great that they were figuring this out but they still had to put it on paper and actually start writing a policy, he would think. He said that they should have some discussion about off-site meetings around who was able to do that, how were they scheduled, were they authorized, and that sort of thing, especially if it was the Town's equipment. He added that he thought that when the switch was installed here they would just do a how-to, which would be in the policy – in order to turn the system on please reference, in the meeting room, "that" location, and in this room, it was "this" location. He added that it was going to be a switch and a button.

Mr. Dunkelberger asked if he was looking for someone to draft this.

Mr. Moynahan said yes.

Mr. Dunkelberger asked if he could work with Mr. Blanchette.

Mr. Blanchette said sure.

Mr. Hirst said that switches were pretty inexpensive and he thought that they could get an indicating switch with a pilot light so that they could tell if it was on or not by simple observation.

Mr. Dunkelberger said that he would work with Dave Emery on that and he would probably bring him in on some of the discussion to help with the policy.

Mr. Moynahan said that they could keep this simple as it was not that big of a deal, but they should have a policy.

Mr. Dunkelberger agreed, saying that he didn't think it would take him that long to come up with a draft that they could start chewing up.

Mr. Moynahan said that that would be great and, once they had something drafted, then they could all weigh in.

The Board agreed.

b. Website management

Mr. Moynahan said that recently they had had some requests from people wanting to advertise on the Town website so policy should define who would be able to be on their website. He added that his thoughts were that, unless it was a Town-sponsored group, then

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they shouldn't be on their website; that that would just be a management nightmare. He said that that was specific language that they could have so that when those things arose the Board could reference them to the policy. He added that another piece was 'questions and comments', asking if there was a way to break that off into separate settings. He said that recently they had a response about an employee on there; that it was going to the web administrator and may not have been the right person for employee dealings to go to – how did the decipher the information to the right people. He added that the 'questions and comments' was a great thing to add but it also opened them up to more things to contend with.

Mr. Blanchette said that the problem with this was that the 'questions and comments was supposed to be questions and comments about the website, not about the Town in general, and this was comments about an employee and it shouldn't...

Mr. Beckert asked if it was a personnel issue.

Mr. Blanchette said yes.

Mr. Beckert said that that was totally inappropriate.

Mr. Blanchette agreed.

Mr. Moynahan agreed, as well, but it was something they still needed to contend with and answer to and now something was already out there; that it couldn't be taken back once it was sent to somebody.

Mr. Murphy asked if there was any way to have them censored to go on – that's a job, of course.

Mr. Moynahan said that he didn't know. He commented that whoever the web administrator was that was a tough position to be put in; that it might be information that they didn't want to see, either. He asked how they managed that and was it even a policy or was that something they set up on the website. He asked when was the webmaster supposed to upload onto the website, who authorized certain material from boards, committees, and commissions. He asked if there should be a policy for that that everything had to go through the BOS or a town manager before things were put up there.

Mr. Murphy said that he would say yes; that just leaving it open for anyone to put anything on there was wrong.

Mr. Blanchette said that there was only one person who put things on the site and that was the web administrator.

Mr. Murphy said that she wouldn't necessarily read it before she put it on.

Mr. Moynahan said that she may, but she may not.

Mr. Blanchette said that she may not know whether or not to allow it or to edit it.

Mr. Murphy said that, if she had a question, then there should be someone she could turn to.

Mr. Blanchette agreed.

Mr. Moynahan said that that was part of the policy; that prior to the web administrator putting this, then it should be reviewed by town manager or BOS.

The Board agreed.

Mr. Moynahan said that that was why they were handling policy tonight; that all these questions had been out there and he thought that Mr. Hirst had asked for a while on these things and they were just getting to it because he kept putting these things on the back burner.

Mr. Beckert said that Mr. Dunkelberger said that it wouldn't take him long to do the one on video-streaming; that he figured he could jump right in to the website one.

Mr. Moynahan said that, if Mr. Dunkelberger didn't have time, then he would be happy to draft something up.

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Mr. Dunkelberger said that he could probably do that.

Mr. Moynahan suggested just doing something for them to read and expand.

Mr. Blanchette suggested Mr. Dunkelberger touch base with Ms. Rawski after Tuesday or Wednesday.

**6:45 PM**

c. Debit card

Mr. Beckert asked if they were advantageous if they were used properly.

Mr. Blanchette said yes and gave an example. He said that when he went to a conference, or whatever, and he was staying overnight, if he had a Town credit card then the Town did not pay any room and board tax. He added that it allowed one to purchase online, otherwise, they couldn't purchase online. He said that those were the two biggies; that the other one, however, was that there were some instances where one would have to wait a week to purchase something and it might be something that needed to be done immediately; that, as an example, the power outage made them aware that there were two battery backups that were dead so he had to run over to Staples and get two battery backups. He said that, if he had not had the card, then he would have had to wait for a check to be made.

Mr. Moynahan asked what was wrong with the Town reimbursing people if they bought it on their own cards in order to eliminate the use of the Town debit card to all extents possible so that it was only used in emergency cases at that point, which would then be reimbursed by the Town and one wouldn't be waiting a week or two for a check.

Mr. Blanchette said that they were asking employees to rely on the Town to reimburse them for something they have already put out.

Mr. Dunkelberger said that the other possibility was that they had only one or two.

Mr. Blanchette said that they had four cards and they were having problems with one.

**6:48 PM**

Mr. Beckert said that a majority of the comments he heard were a particular one; that the receipts didn't come in in a timely manner, and so on and so forth, so his take on it was that they didn't punish the multitude if they knew where the majority of the problem was; that they eliminated that part of the problem.

Mr. Moynahan said that each department head, when they were brought in, were reminded that receipts needed to be submitted to the Treasurer in a timely fashion so, if there were still concerns about who that was, if Ms. Spinney could let him know, then he would certainly speak to whatever person was in charge of that to see if they couldn't fix that.

Mr. Murphy said that that was one of the problems with that particular department so he would be happy to go with Mr. Moynahan and talk with the department head, if he would like.

Mr. Beckert said that he would say that, if it was one particular department that was causing 95% of the problem, then that department should be put on notice that if the modus operandi did not change then that department would no longer have the luxury of having a debit card.

Several members agreed.

Mr. Moynahan asked what department it was and he would be happy to follow up with that department.

Mr. Murphy said that it was the ECSD.

Mr. Moynahan said that he would follow up by the beginning of the week.

Mr. Murphy added that there had been at least five overdraft notices this year from the debit card.

Mr. Moynahan clarified that that was because it was pre-programmed for a certain dollar figure.

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Mr. Murphy said that that was right and it has been too slow getting the amount replenished. He said that the Treasurer got these notices and notified the department head, but, it didn't seem to improve.

Mr. Moynahan said okay; that he would have a conversation; that he would try to tomorrow.

Mr. Murphy said that there were some other things he could talk about, also.

Mr. Moynahan said that, if this was going to be a big laundry list, then should they bring the department head in in front of the whole Board. He added that one thing he thought the Chairman could go and speak to but, if there were multiple issues, then he would bring the department head in for a conversation with them all.

Mr. Dunkelberger said that it probably wouldn't hurt because he was looking at expenditures within the department and he had some concerns for the ability to meet requirements for the year.

Mr. Moynahan suggested that they schedule the department head director.

Mr. Beckert said that he would address the debit card issue right up front as that was an impending issue that had not improved and was one that could be quickly remedied.

Mr. Moynahan said that he would then continue with what he had originally planned.

Mr. Hirst asked, then, they would have a separate meeting.

Mr. Moynahan said that they needed to schedule department heads to come in again, anyways, so they would start getting them back on the agenda and start with ECSD so, if there were any concerns from Board members, then have them ready to have productive conversations with each department head.

Mr. Blanchette added that, if they had concerns ahead of time and they could forward them to him, then he could forward them to the department head so that the department head could be prepared.

Mr. Moynahan said that whatever the concerns were just forward them to Mr. Blanchette, not to the rest of the Board, that they would get them in due time, as they didn't want to conduct business online and all that stuff.

**6:52 PM**

Mr. Dunkelberger, going back to the basic question on debit cards, if they were going to create a policy, then they would put in that "receipts must be turned in within 24 hours of use" and appropriate expenditures made using the card and any violations of that would lead to suspension.

Mr. Moynahan said that dollar figures should be put in there; that any purchase over a certain dollar figure required Board approval permanently.

Mr. Dunkelberger clarified it was \$2,000 or \$2,500.

Mr. Blanchette said that he wanted to say \$2,000 but he wasn't completely sure.

Mr. Beckert said that Mr. Moulton confirmed that it was \$2,000.

Mr. Moynahan said, again, this was another one; that it was to keep the language simple but was something to refer to, adding that over-drafting would result in 'this', they could only be used for 'this', receipts needed to be turned in by 'here'.

Mr. Blanchette said that a purchase was still a purchase, regardless of how it was paid and the other policy said it was \$2,000; this was still a purchase.

Mr. Moynahan asked if they should have a smaller limit for check cards.

Mr. Hirst said that he didn't think that that was the way to approach it; that he thought the way to approach it was to set policy and then enforce it.

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Mr. Moynahan said that they were still going to do that. He added that what they were talking about, currently, was that it was \$2,000 – the amount – and asked if they should limit the amount on those.

Mr. Blanchette said that they were limited.

Mr. Moynahan clarified that they were pre-loaded.

Mr. Blanchette said yes.

Mr. Moynahan clarified that they couldn't purchase something for \$2,000 currently.

Mr. Blanchette said that he couldn't on his; that his was \$1,500. He asked what Mr. Moulton's was.

Mr. Moulton said that he didn't have one and didn't want one.

Mr. Blanchette said that he didn't know what each separate one was because there were different reasons for having different amounts.

Mr. Moynahan said that that was another conversation as far as policy went – should there be a dollar figure.

Mr. Murphy said that he thought that depended on the department and that they should have to justify the amount.

Mr. Moynahan said that he thought that Mr. Moulton had shown that he has set up accounts with anything, even emergencies, so that he could order and pay by a check with an invoice in the mail – pre-paying for registrations, pre-paying for hotels – it was planned. He clarified that he was just bringing up conversation; that this debit card has been in front of them for a long time.

Mr. Dunkelberger said that, like Mr. Moulton, he was not a fan of debit cards; that they were subject, whether intentional or not, to abuse and there was always the chance that somebody lifted the card.

Mr. Blanchette said that, instead of policy, he would take away the cards, adding that, frankly, he didn't care one way or the other.

Mr. Dunkelberger said that they had operated a long time without the debit cards and that might be part of it – one way or the other – that Mr. Blanchette had been around long enough that he had operated a long time without them.

Mr. Moynahan asked how long they had had debit cards.

**6:56 PM**

Mr. Blanchette said that he thought it was less than ten years; that he would say around seven years and they have been a problem from day one. He added that, if they got rid of them, then there was no problem.

Mr. Dunkelberger said that in their discussions with department heads they could ask that question.

Mr. Moynahan said that they had two options: either they put better restraints on their policy or they would remove them; that they still wanted department head input before they made a decision but that they were still going to make a decision.

The Board agreed.

Mr. Blanchette said that his input was that he didn't care; that he could live with it one way or the other.

Mr. Moynahan added that, like he said, if it has only been seven years, then everyone has lived without it and learned to live with it; that it was kind of different, it was a backwards approach.

Mr. Blanchette reiterated that there were some cases where it was convenient but that didn't mean they couldn't live without it.

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**November 1, 2012 5:30PM (continued)**

Mr. Moynahan said that that was what they would do; that they would keep this hot and he would have a conversation tomorrow and, when they brought the department heads in, then they would be sure to speak to that with all of them.

**6:59 PM**

Mr. Hirst asked to go back to website management. He said that, as he recalled, when that was set up the people from whom they got that gave the Town a limitation of the amount of material that could be posted or that it had a cost implication and they were starting to post a lot of stuff on there, a lot of detail, and he thought that was wonderful but he was wondering if they were going to run afoul of any limitations or any cost increases.

Mr. Moynahan said that he didn't know what the volume was off the top of his head.

Mr. Hirst said that it seemed to him that there was some kind of limit stated.

Mr. Dunkelberger agreed to follow up on this with Dave Emery.

**7:01 PM**

**Old Business (Action List):**

1. Route 236 Sewer Expansion Project reports, updates, and schedules –Mr. Blanchette – IMA Update

Mr. Moynahan said that public hearings were set, committees were formed, and professionals were hired so he thought that they would let the professionals do their work; that they had a financial and technical group to do that and that they were on course with that. He asked if Mr. Blanchette forwarded the dates to everyone so that everyone was notified.

Mr. Blanchette said that, so far, everyone could accommodate the dates.

Mr. Moynahan asked about the school.

Mr. Blanchette said that because of the storm he didn't check with the school but everyone, so far, has said that they could make it.

2. Sewer Contract/IMA – Mr. Moynahan, Mr. Murphy, Mr. Marchese, Mr. Moulton and Mr. Blanchette – IMA Update

Mr. Moynahan said that they needed to schedule a meeting with Kittery.

Mr. Blanchette said that they were forwarding, and it may have been forwarded today, the new proposed IMA to Kittery and, once they have reviewed it, then they could have a meeting to go over anything that needed to be discussed.

Mr. Moynahan said that they would wait to hear from Kittery.

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

Mr. Moynahan said that that was still status quo

4. Community Service Space – Mr. Dunkelberger, Mr. Hirst, & Mr. Blanchette

Mr. Moynahan asked if the subcommittee had fit-up costs or anything that they could utilize as far as financials and warrants.

Mr. Dunkelberger clarified that, based on the decision of the Board, the subcommittee was now going to pursue those detailed costs as well as the potential contract with MSAD #35.

Mr. Moynahan said that it was on here for fit-up costs, service impacts, and insurance and they probably should have had some of that making the decision, too, to know, as now they would move to the school and didn't know what that would potentially cost.

Mr. Dunkelberger said that they did have a ballpark figure.

Mr. Moynahan said that they certainly needed to have something to get ready for a June warrant.

Mr. Dunkelberger clarified that the subcommittee was still charged to get the details and work out the contract.

Mr. Beckert said that he would say yes.

The Board agreed.

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**November 1, 2012 5:30PM (continued)**

Mr. Dunkelberger said that, as a courtesy, he had a discussion with Mr. Stewart to let him know what the Board had decided but he didn't go beyond that not knowing what their limits were with the subcommittee in pursuing any type of who would do what, how much it would cost, and that type of thing.

Mr. Moynahan said that they had to define what the fit-up costs were, insurance costs, and who was doing what, like he said; they had to get a contract from the school that outlined the terms and conditions, and all that kind of stuff, that they could peruse and make comment on and make changes to and send back to the school.

Mr. Dunkelberger said okay, that he and Mr. Hirst and Mr. Blanchette would work on that.

The Board agreed.

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

Mr. Moynahan said that they had a brief discussion tonight and that was scheduled on their pre-scheduled public hearings, too. He added that they would continue these but, in the meantime, Mr. Hirst and Mr. Murphy were following up with MMA.

Mr. Hirst said that one of the things they were going to have to do on that was not only figure out the implications of it but make a case for it to the people because people were going to have to make a decision on this. He added that the Board needed to be able to explain to them why it was a good idea and why the Town needed to do it. He also said that that would be part of his and Mr. Murphy's job, he thought, if that was satisfactory to the Board.

Mr. Moynahan said that he wasn't sure how that would work.  
Mr. Murphy said pros and cons.

Mr. Hirst added that they needed to get the RSA out to the public that would be used to create it.

Mr. Moynahan said that they would have this on their agenda frequently; that they had public hearings coming up and that would be the time they would be explaining that to the public.

Mr. Blanchette said that since they were having Ms. McGill down on merit pay and so forth could they add, at the same time, a preliminary discussion with her about town manager.

The Board agreed.

6. Dispatch Service/Ambulance Contract – Contract with Kittery, request from same, costs

Mr. Moynahan said that this was being discussed with Kittery and South Berwick. He added that he and Mr. Hirst have been involved with some of the meetings but they postponed the most recent one. He added that Mr. Hirst and Mr. Dunkelberger were reviewing the ambulance contract, adding that the email Mr. Dunkelberger sent to him he forwarded on to both Chiefs of Police so that they knew where the two were.

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

This was worked on tonight.

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

Mr. Moynahan said that Mr. Hirst was going to electronically forward job descriptions to the Board so that they could start perusing and, when they seemed ready, then they would schedule it for a meeting to discuss that on an off week.

**7:08 PM**

Mr. Hirst said that the only thing he would say is that they needed to either get or develop a job description for Fire Chief. He added that Mr. Muzeroll offered to get one to them but they didn't end up getting it.

Mr. Moynahan said that they would have to follow up with that, adding that he thought that there were a couple that could be discussed because of the quasi- or part-time Fire Department or something. He reiterated that he would follow up with Mr. Muzeroll.

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**November 1, 2012 5:30PM (continued)**

9. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review
- Mr. Moynahan said that they only reviewed a couple of mission statements and he wasn't sure what boards, committees, and commissions were without liaisons. He said that he was liaison to the ad-hoc Route 236 group.
- Mr. Dunkelberger was liaison for the IT Committee, Business Development Committee, and the Building Committee.
- Mr. Hirst and Mr. Beckert were not liaisons to any at this time.
- Mr. Murphy was liaison to the Conservation Commission, the Energy Committee, and the Comp Plan Implementation Committee.
- Mr. Moynahan said that they could find out who was not represented and send out an email that said that, if they were looking for advice, then they had Selectmen waiting to be a liaison for their groups.
10. Budget Preparation - Selectmen
- Mr. Moynahan said that they had a full calendar; that this was ongoing.
11. Auditor – financial statement, management letter, finance director, personal property tax, fixed asset management - Selectmen
- Mr. Moynahan said that they had a report from Mr. Donhauser and they had more to come from him.
12. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
- This is ongoing.
13. Legal issues – pending and Consent Agreements
- Mr. Moynahan asked if they had heard anything about the Clean Air issue.
- Mr. Blanchette said no; that they had forwarded the Good Neighbor Petition to the attorney.
- Mr. Beckert asked who they were going to use as an attorney for the revised Energy Commission solar contract.
- Mr. Blanchette said that he would suggest using Duncan McEachern.
14. Sewer User Rates, reserved allotments, odor, maintenance– Sewer Committee
- Mr. Moynahan said that the Sewer Committee was on one of their off-Thursdays to keep them abreast of where they were with user rates, allotments, etc. and made Mr. Dupuis that that was coming up.
15. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews
- Mr. Moynahan said that the Board would add them to the schedule, again, after tonight's discussion, to come in.
16. Research grant opportunities – AED's for Town buildings
- Mr. Moynahan said that one was AED's (Automatic External Defibrillator) and thought that was Mr. Hirst's.
- 7:12 PM** Mr. Hirst said that it was. He added that he believed that, at one time, the Safety Committee asked the ECSO Director to explore grants for that and he didn't believe he had seen anything on that.

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**November 1, 2012 5:30PM (continued)**

Mr. Beckert said that, if he was not mistaken, the Eliot-South Berwick Rotary was donating or looking into donating those defibrillators to have in certain buildings around Town. He suggested Mr. Hirst talk with Helen Goransson, as he remembered her asking the library trustees if they had any issue with one, if they donated one to have on the library site. He added that was stuff the Rotary got involved in; that they had fundraisers to raise money for different projects and that was one that they had taken on.

It was agreed that Mr. Hirst would look into the possibilities in more depth, calling Ms. Goransson and other organizations to include training.

Mr. Hirst said that he thought they needed one in each Town building. He added that there was one or more in each police cruiser, one on the Fire Station, and he believed Mr. Muzeroll had one in his truck but he didn't believe there was one in either of the Town buildings at the Garage and they needed one here. He asked Mr. Moulton if he had one at the Town Garage.

Mr. Moulton said no.

Mr. Hirst said that he would ask Ms. Muzeroll again if she had her sources.

Mr. Moynahan said that she might have written and not received any grant money, too. He added that when the department heads were in they could ask them, too.

**7:15 PM**

Mr. Moynahan said that he had been digging around on the Comprehensive Plan, saying that Mr. Murphy had gone through and segmented the responsibilities in the Comp Plan for the BOS to-date and he would forward that to everyone on the Board. He added that he circled four items and there were three other items on the AIL that were being completed already out of around twenty. He said that, already, a third of them were underway without even knowing that they were doing it. He said that it was interesting; that it was a hand-written note of every part. He added that the SC he was on had questions about whether the Comp Plan asked for sewer and it was in there – it said to expand sewer down Route 236 and that sort of thing.

Mr. Murphy said that he has been updating the ordinance governing committees and it has led him to the BOS policies, which was also leading him to the BOS by-laws. He added that there was overlap between them; that someone had suggested changes he had put in his draft for the committee really shouldn't be there, that they should be part of the BOS policies and that was in process right now. He said that he was taking a close look at the BOS policies and he had forgotten what a hodgepodge of directions that whole 30 pages was. He added that he wanted to put it in order, doing it editorially and logically, so that it was clearer and more usable.

Mr. Moulton said that he understood that the Board had already moved forward with looking at the contract for the solar to go on the Garage. He added that he did receive a price for the roof. He added that, just to let the Board know the intent, that the EC would be handing it off to him to do it, that he would kind of be the project manager with their assistance. He said that the roof was in bad shape and the contractor who did the dome this year gave him the price for the Garage, adding that the only reason they didn't have any leaks right now was because they had felt paper underneath and they did lose a number of shingles so, next budget season, he would be looking to resupply his Highway Reserve Account to put an entire roof on the Garage. He added that he wanted to do an ice and water shield on the whole front section prior to the installation of the solar equipment, if they moved forward with that, to give added protection. He reiterated that he did have a price for the roof and, if they needed to move forward before next budget season, then there should be money remaining in the reserve account to do half the roof.

**Selectmen's Report:**

There were no Selectmen's reports tonight.

**Other Business as Needed**

**7:18 PM**

Mr. Pomerlau said that he would like to comment on the video-streaming policy. He added that, at this time, he was not sure which committees were participating, and he wasn't sure they were, either, and which were not. He said that, if they went back to the original reason for video-streaming, it was to promote transparency in Eliot's government processes, to encourage the public to be aware and more knowledgeable about what was going on without having to be physically present at some of these meetings. He added that, having said that, all committees were not created equal, that there were some that were not so critically important they should be video-streamed as opposed to the Board of Selectmen,

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**November 1, 2012 5:30PM (continued)**

which he thought was absolutely essential. He said that, in that category, given the highly critical area of this Route 236 Sewer Project, the SC in particular, should be on that 'must have' list of video-streaming and they haven't been doing it and he didn't know if that was their intent not to or not. He added that they should move to a point where the public interest was more important than the committee's desires unless they had some very compelling reason that was more important than public transparency. He said that, if they wanted to go back and look at the work the SC has done over the last year, their minutes met bare minimum standards required by law, that there was no detail as to what went on. He said that they did not know, historically, what has happened there and, if they weren't video-streaming, then it was very difficult for anyone to get that information. Mr. Pomerlau said that, going forward, he didn't think it should be like that because it was too critical to the Town, as to the work they were doing, because they were essentially the lead committee on this Route 236 Sewer Project. He reiterated that that was really critically important information.

Mr. Moynahan clarified that Underwood Engineers was the lead on the Route 236 Sewer Project. He asked Mr. Beckert if they had had any conversations on the SC.

Mr. Beckert said that he was under the impression that, at the last meeting, they were supposed to have been video-streamed because they voted to do it.

Mr. Blanchette said that there was one and then they missed one, but it was scheduled for next week.

Mr. Pomerlau agreed that there was one that he saw.

Mr. Moynahan said that, much like the BOS, each committee was going to slowly evolve into the workings of the video-streaming. He added that he sent out, just about a month ago, a letter to the committees after the Board had decided not to mandate anyone but encouraged all of them to video-stream all of their meetings. He said that the Board was waiting to get feedback from them and he thought, bit-by-bit, they were popping up.

Ms. Lemire said that the BOA was video-streaming.

Mr. Beckert said that the PB hadn't voted, yet, but he had brought it up to them and they needed to make a decision. He added that the Building Committee has agreed to be streamed and reiterated that he thought the SC was being video-streamed.

Mr. Blanchette said that they were but there was a glitch, which has been corrected.

Mr. Moynahan said that he thought that it was progressing slowly as the boards and committees got used to doing it and who to notify and all that kind of stuff.

**7:23 PM**

Mr. Moynahan said that he had three correspondences from the CEO. He said that one of them was in regard to receiving an administrative appeal; that they got some information on the form being utilized authorized either the Town Clerk or CEO receive appeals and that form has since been modified to meet the ordinance standards, which authorized just the Town Clerk to accept appeals.

Mr. Beckert asked if that had actually been done because he was under the impression that it hadn't as of today because there was some misunderstanding between the CEO and the Planning Assistant.

Mr. Moynahan said that, when he spoke with Ms. Pelletier on that day, she assured that it would be done that day and he did not follow up.

Mr. Beckert said that she had withdrawn it because of a disagreement with the CEO.

Mr. Hirst asked what she withdrew.

Mr. Beckert said she withdrew the form; that she submitted the new form to the Town Clerk and had it put on the website and made 40 copies and, then, the CEO said that that was substantive change and should go to the Board of Appeals so Ms. Pelletier pulled everything back and destroyed the form.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**November 1, 2012 5:30PM (continued)**

Mr. Moynahan asked if it was more changes than just the CEO.

Mr. Beckert said not that he was aware of. He added that he thought that he should find that one out.

Mr. Moynahan said that that was getting clarified, though, that an employee did, not incorrectly as it turned out, but should not have, based on the Town ordinance, receive an appeal request so he followed up with the employee on that and it was being taken care of, that he thought it was already taken care of and thanked Mr. Beckert for letting him know.

Mr. Beckert reiterated that he had just found out today that it had been rescinded again.

Mr. Moynahan discussed the second correspondence. He said that this was in regard to Daniel Bogannam Notice of Violations, that the CEO offered some dates, and was requesting the Board of Selectmen to initiate legal proceedings.

Mr. Murphy said that he visited this site last spring and examined the structure that was in violation and asked if anyone else had.

Mr. Moynahan said that he has seen it from the river.

Mr. Dunkelberger said that he had seen pictures.

Mr. Murphy said that he thought that the CEO was well within his right to be concerned about this structure, which appeared to be an extension of a deck but was not substantially supported from below. He added that it was the first half of a boat jutting out from the deck with two boat jacks holding it up. He said that it did not go back into the building and it wasn't strongly attached to the building, as far as he could see. He said that it was an accident waiting to happen, for a while, it was actually set up so that people could actually walk out on it and now it was blocked off by the railing of the main deck, which went along the side of the house; that there was a gate that was always closed, supposedly, and there were plants sitting out on it. Mr. Murphy said that he would rely on the CEO's interpretation of the forces involved.

Mr. Moynahan said that the CEO had been out there and reviewed it, that the construction was subpar, that there were questions about setbacks, as well. He added that he thought that the employees had done their job and, now, they had gotten to this point where they asked the Board for the authorization to allow litigation to occur, legal proceedings, and it was the Board's job whether they wished to pursue legal action.

Mr. Murphy said that he would say yes or why did they have ordinances, why did they have a CEO, why did they have setbacks, why did they have area of usage of a riverside lot where one could cover only so much of the ground, that all of these things have controls and, if one let someone sort of go ahead like this...

Mr. Dunkelberger said that a cynical point of view would say that, when somebody got hurt because this thing did move, then the Town was liable because they knew.

Mr. Moynahan agreed, saying that was usually the biggest one right there - that the Town was aware of it and they did not take the next step to correct it. He asked the Board if they wanted to proceed with legal action.

**7:30 PM**

Mr. Murphy moved, second by Mr. Dunkelberger, that the Board of Selectmen accept the recommendation of the Eliot Code Enforcement Officer and institute legal proceedings to have the situation corrected or to take the proper legal action.

Mr. Beckert said that he would, and he was sure that the attorney would do this, suggest being advised prior to moving forward of their options. He added that, as long as the attorney did that, then he was in favor of the motion.

**VOTE**

**4-0**

**Chair concurs**

Mr. Moynahan asked Mr. Blanchette to follow up with legal and the CEO with that.

**SPECIAL BOARD OF SELECTMEN'S MEETING**  
**November 1, 2012 5:30PM (continued)**

Mr. Moynahan said that the third correspondence that was about a possible executive session, asking if they wanted to take this up or put it on the next agenda. He explained that it related to tasks and job definitions of employees. He added that it was a five-minute conversation as it related to some job duties. He also added that he didn't have a M.R.S.A. in front of him. Mr. Moynahan said that if they chose to handle it then they would want a M.R.S.A. to enter into executive session or, where it was 7:30 PM and they had been trying to keep these tidy, then they could put this on next week's agenda, as there was nothing pressing.

Mr. Beckert said that if it was only a five-minute conversation then he would just as soon do it tonight and get it over with.

The Board agreed.

Mr. Pomerlau asked why a job description come under executive session; that he thought that was an abuse of the statute.

Mr. Moynahan clarified that it was a redistribution of job duties; that they were going to handle it in executive session and, when they came out, they would have an open conversation about any actions that were taken in there. He said that when they got close and tricky they had to protect the people that were being discussed before coming out into open meeting and having a conversation.

Mr. Pomerlau clarified that it was a discussion about an employee and not a job.

Mr. Moynahan said exactly, an employee and job description and that sort of thing.

Ms. Lemire said that she just wanted the Board to know that she didn't include Mr. Pomerlau's statement he read in September at that meeting, the first one that was long; that it wasn't in the minutes but he sent her the written document and she was going to insert it because it was part of the record.

Mr. Beckert said that she could just include it as an attachment.

Ms. Lemire said okay, adding that she just wanted the Board to know that it wasn't included in the minutes Ms. Thain sent out to them.

**7:32 PM**

**Executive Session**

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

**VOTE**

**4-0**

**Chair concurs**

**7:34 PM**

Out of executive session.

After some discussion, it was the consensus of the Board to deny the request of the CEO to help Mr. Donhauser.

**Adjourn**

There was a motion and second to adjourn the meeting at 7:35 PM.

**VOTE**

**4-0**

**Chair concurs**

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**DATE**

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