

**SPECIAL BOARD OF SELECTMEN'S MEETING
November 26, 2013 5:30PM**

Quorum noted

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

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

Absent: Mr. Dunkelberger.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of October 31, 2013, as written.

**VOTE
3-0
Chair concurs**

Motion by Mr. Hirst, seconded by Mr. Murphy, to approve the minutes of November 13, 2013, as amended.

**VOTE
3-0
Chair concurs**

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of November 14, 2013, as written.

**VOTE
3-0
Chair concurs**

Public Comment:

There was no public comment.

Department Head/Committee Reports

5:33 PM G. Administrative Department

Mr. Blanchette said that they had one person who would not have the availability of a personal day for the half day before Christmas and the half day before New Year's and he would like to request of the Board to advance time to that person to be paid back in time when that person accumulates some leave for it.

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Mr. Hirst moved, second by Mr. Beckert, that the Board of Selectmen reimburse the particular employee as requested by the Administrative Assistant.

VOTE

3-0

Chair concurs

Memo from Ms. Bergeron, Deputy Treasurer, on Direct Deposit payday change

5:35 PM Mr. Short discussed his concern for those employees who chose to participate in direct deposit not getting their paychecks until Monday if they continued with payroll on Thursday. He said that, when they did this before, the police department was turning in their payroll on Wednesday by noon so checks would have 48 hours to get into employee accounts by direct deposit on Friday. He added that he thought that most employees would prefer having checks on Friday, going into the weekend, rather than Monday, as well as any holidays, etc.

Mr. Moynahan asked how problematic it would be to change the payroll day.

Mr. Blanchette said that, if there was any overtime on Wednesday, then that would have to go on the next payroll. He added that, if the Board decided to change the payday, they would have to bring that to the union for their agreement, as well. He reiterated that it wasn't that people might not receive their paychecks on Friday; that it was just that, for the bank to guarantee, they needed 48 hours and if the payroll came in to the Deputy Treasurer on Thursday morning, then the payday would be Monday.

5:39 PM Mr. Hirst asked if Ms. Bergeron and Mr. Short should get together on this to make sure they were on the same page, then go to the union, before the Board ruled on this.

5:40PM Mr. Moynahan said that, as Mr. Short had said, in the past the union, under his watch, had no issue with having timesheets put in on Wednesday; that it did not impact Mr. Short's department – employees or operation. He asked if Wednesday would impact the Administrative Department.

Mr. Blanchette said that there would be no impact.

Mr. Moynahan said that he thought the question before the Board was whether they wanted to allow the direct deposit to happen by having the timesheets submitted on Wednesdays by noontime.

Mr. Hirst said that he was troubled because Ms. Bergeron's final recommendation seemed to be at odds with what Mr. Short wanted; that that was why he suggested

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that the two of them may need to talk again to be sure that both were comfortable with the decision.

Mr. Moynahan said that they, as a Board, would need to determine that decision before they got together to talk about it or the Board would be going in circles; that if they talked about this it would be brought in front of the Board again. He added that he thought the Board would have to come up with some type of decision that they could work out or something.

Mr. Blanchette said that, if the Board wanted to go with having the Wednesday payroll ready, and then go with that, and he would talk with Ms. Bergeron tomorrow to make sure she was comfortable with that.

It was the **consensus of the Board** to move forward with Mr. Blanchette's suggestion.

5:43 PM Plan for CEO coverage

Mr. Moynahan said that they had a letter from the Town Manager Search Committee; that he had a phone call from Mr. Fisher offering to do electrical inspections if it was allowed by the State. He explained that the Town Manager Search Committee was offering to search for a CEO candidate.

Mr. Rankie said that the committee voted unanimously to offer their services.

Mr. Beckert suggested the Board hold onto the letter because he didn't think the Board had decided what they were going to do and there were options they needed to talk about.

Mr. Rankie said that Jonathan Carter was going to send a list of potential candidates to Mr. Blanchette for possible fill-ins in the interim.

Mr. Moynahan said that he knew that in the past they have used both Kittery and South Berwick for plumbing and electrical inspections. He added that another thing to consider would be third-party inspections, much like surrounding communities were doing, but they would have to review the building permit fees versus the cost of those inspections for that portion of that job, which were construction inspections. He added that he didn't know what was currently being charged but Town building permit fees were structured in a manner that was supposed to pay for that position.

Mr. Hirst said that Kittery used a third-party inspection firm and Kittery didn't charge; that it was up to the homeowner to pay for it.

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Mr. Moynahan asked if that was in addition to the building permit fees.

Mr. Beckert said yes; that the PB has briefly discussed that in the past and they didn't pursue it because they were pursuing the actual revision to the fees, themselves, for permitting; adding that the PB felt that the Town might need to look at because the burden of cost was borne by the applicant and the Town had nothing to do with collecting the fee. He added that the third-party inspector supplied the Town with the necessary documentation needed that work has been done satisfactorily, or not.

5:46 PM Mr. Moynahan said that the Board needed something in place by December 4.

Mr. Blanchette said that one of the things they have done in the past, and the people are willing to do it again, is that one of the inspectors' CEO from Kittery would take her day on Friday (off day) and do Eliot's inspections. He added that, in conjunction with Ms. Pelletier, they would review building permit applications, etc., then issue building permits. He said that, in the past, the Town has paid an hourly rate to Ms. (Heather) Ross; that they had changed the Planning Assistant position to a 40-hour week to allow for more time and her pay also adjusted to the CEO position as an interim.

Mr. Hirst asked if she could handle additional hours.

Mr. Blanchette said yes; that with the sewer project now out of the way and, where she has dealt very closely with Ms. Ross before, that, if the Board wanted to handle it as an interim she felt the two of them could handle it.

Mr. Beckert asked if that was what was done when Mr. White left.

Mr. Blanchette said that he believed so.

5:50 PM Mr. Moynahan said that, speaking as someone that looked for inspections on jobs, the Fridays – just once a week – was not as advantageous, especially if one was excavating for foundations, as one would need footing inspections, foundation inspections, and all that; that waiting a week in between for each of these; that he thought they would need to look for something to assist with that, too.

Mr. Blanchette said that they had another option; that they had someone qualified to do inspections who could do some of them if Mr. (Joe) Rousseau was too busy. He added that this other person was Mr. (Brian) Shaw, who just retired after 18 years with the Town of Kennebunkport, and he is qualified to do the inspections and he was sure that, if Ms. Ross could not do them, then Mr. Shaw could do them during the rest of the week.

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Mr. Moynahan asked if Mr. Shaw was looking to assist, as needed, or was he looking for additional things.

Mr. Blanchette said just as needed; that he was not looking for long-term or 40 hours a week.

Mr. Hirst asked if Mr. Shaw would charge for his travel time.

Mr. Blanchette said that he would presume that would happen; that Mr. Shaw lived in York.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen in the interim assign duties, as necessary, to the Planning Assistant to collaborate with Heather Ross, if necessary, from Kittery on the permitting; that the Board of Selectmen utilize the services of Heather Ross and Joe Rousseau and Brian Shaw, as necessary, to cover the inspections necessary throughout the week.

VOTE

3-0

Chair concurs

5:52 PM

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen look into the possibility of third-party inspections.

DISCUSSION

Mr. Moynahan said that there were several engineering firms approved that do this currently so it would certainly be easy to make some phone calls to see what the fee structures are.

Mr. Beckert said that, as he understood it, with the third-party structure the Town was not involved in it other than the Town received the inspection reports from the qualified inspector and issue permits accordingly; that the certificate of occupancy would be the final issuance of something based on proper inspection being done.

Mr. Moynahan said that the Town would issue the building permit and the Town was done until the certificate of occupancy.

Mr. Beckert said yes, that that was behind his motion and what he would like to have the Town look into.

VOTE

3-0

Chair concurs

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Mr. Moynahan asked that a list of names be made of potential qualified inspectors as a jumping off point.

5:55 PM Charter Commission – Mr. Lentz, Ms. Bowen, and Mr. Rankie requesting appointment

Mr. Moynahan said that they had letters from Mr. Lentz, Ms. Bowen. Mr. Rankie and also an email from Mr. Robert Pomerleau showing an interest in joining the Charter Commission; that they needed to appoint two more members as they had already appointed Maryann Place. He asked if any Board members had questions of any of the four.

Mr. Murphy said that he would like to ask Ms. Bowen to speak; that she has been on the Town Manager Search Committee and was the first time he had worked with her; that she was an Eliot citizen and worked for the Portsmouth government for a number of years.

5:57 PM Ms. (Ruth) Bowen said that she has worked with the City of Portsmouth for 28 years working with their charter and city ordinances and she would be honored to help Eliot. She added that she was the city's appointed parking clerk; that she interacted with the public and followed the parking ticket from violation when it was issued until resolution, whether it was in her office or through the court process. She added that that involved state statutes, city ordinances, charter, etc.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen appoint Charles Rankie and Dennis Lentz to the two remaining vacant seats for the Charter Commission.

**VOTE
2-1 (Mr. Murphy)
Chair concurs with the affirmative**

Mr. Moynahan asked Mr. Blanchette to let Ms. Rawski know the appointments were done so she could complete her work. He thanked everyone for expressing an interest in volunteering.

Set up account of \$100 (Charter Commission)

Mr. Moynahan said that the Board also needed to set up an account of \$100 for the Charter Commission and need a motion to establish this.

Mr. Murphy said that the \$100 was the State statutory requirement but he believed they might want to appoint more than that if they would want this Commission to have minutes taken and recorded. He added that he didn't think \$100 would go very far – maybe one or two meetings; that that could wait, of course, and the

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Commission could take up and come back for more money later on. He added that he was suggesting that \$100 didn't seem like a lot to run this committee and suggested it be more like \$500.

6:00 PM Mr. Rankie said that he thought that, if the Board appropriated \$100, that the committee, once it was convened, would establish a budget and present that budget to the Board.

Mr. Hirst moved that the Board of Selectmen appropriate \$100 for that purpose from the Consultant's Account. There was no second and the motion failed.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen set up the account for the Charter Commission with \$100 taken from the Contingency Account.

VOTE

3-0

Chair concurs

6:02 PM **TIFD Discussion**

This was regarding the brainstorming session to be held. It is to be held December 19 at 6:30 PM at the Eliot Elementary School with Bernstein Shur in attendance.

Update on Marshwood Estates

Mr. Moynahan said that there was an update from the CEO regarding the water quality issue; that the water filtration system was up and running and excessive iron and manganese was now being removed from the private community water system.

Old Business (Action List):

This was not discussed tonight.

1. Tax Increment Finance Program – Potential projects, next steps, schedule workshop
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

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5. Town Manager - Job description, sample contracts, hiring committee
6. Policy creation/review – Ordinance Governing Boards and Committees, Park Ban Ordinance
7. Employees – cross-training, charting earned times, job descriptions - BOS
8. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review - BOS
9. Budget Preparation – Fiscal year 2015, goals, formats, etc. Department Head Workshop - BOS
10. Pay-per-Bag Recycling – 6-month trial, public information sessions
11. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
12. Legal issues – BOS
13. Sewer - User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
14. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews – BOS
15. Research grant opportunities – AED's for Town buildings
16. Comp Plan follow-up
17. Public Works Union Negotiations – Mr. Moynahan, Mr. Dunkelberger, Mr. Moulton and Mr. Dave Barrett

Town Hall/Recreation Union Negotiations - Mr. Moynahan, Mr. Dunkelberger, Mr. Moulton and Mr. Dave Barrett
18. Public Hearings Scheduled – November Referendum for Municipal Charter, Sewer Improvements and Sewer Ordinance

Selectmen's Report:

There were no Selectmen's reports tonight.

Other Business as Needed

There was no other business tonight.

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6:04 PM
Executive Session

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

VOTE

3-0

Chair concurs

6:50 PM **Out of executive session.**

After some discussion, the Board agreed to schedule first interviews for Friday, December 6th starting at 4:30 PM and going to 8:00 PM.

Adjourn

There was a motion and second to adjourn the meeting at 6:55 PM.

VOTE

3-0

Chair concurs

DATE

Mr. John J. Murphy, Secretary