

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM

Quorum noted

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

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

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of January 8, 2014, as amended.

VOTE
3-0
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Murphy, to approve the minutes of January 9, 2014, as amended.

VOTE
3-0
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of January 15, 2014, as amended.

VOTE
3-0
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of January 16, 2014, as written.

VOTE
3-0
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of January 22, 2014, as written.

VOTE
3-0
Chair concurs

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

Motion by Mr. Beckert, seconded by Mr. Murphy, to approve the minutes of January 23, 2014, as amended.

VOTE
3-0
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of January 29, 2014, as amended.

VOTE
3-0
Chair concurs

Public Comment:

5:36 PM There was no public comment.

Department Head/Committee Reports

G1. Administrative Department

Chain of Communication

Mr. Moynahan welcomed Mr. (Dana) Lee to his first meeting with the Board this evening; our new Town Manager. He said that the first piece of correspondence was 'Understanding the Town Manager – Selectmen Form of Government', which really speaks to how we communicate and the whole chain of communication. He added that this has been forwarded on to all department heads, committees and boards.

Mr. Beckert thanked Mr. Lee for putting this out as it is well-written and clarifies many things.

The Town Manager Report gives an overview of what Mr. Lee has done and is working on so far.

5:38 PM TIF Alternatives – Letters of Interest

Mr. Moynahan discussed that the Board had sent out an advertisement some time ago to potentially form a committee to review additional TIF projects. He added that, to date, they had received eight individual letters of interest, one letter from a full committee requesting to be tasked to define some of these projects and a resident letter submittal that was against using current board or committee members, especially Business Development. He said that they had also reached

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

out to Bernstein Shur looking for alternative non-wind? related TIF and have not received that. He said that he thought that was an important document to have before they dealt with this. He suggested that before the Board set up another committee it may be wise to reach out to these folks and have them offer some specific ideas to Mr. Lee and review that against some of the TIF projects the attorneys send to the Board; that at that point they could review what may be allowed, what may not be allowed and what they might want to pursue, collectively. He also suggested they have Mr. Lee disseminate the information from residents, not just the eight people who have expressed interest but reach out to the entire general population; that people could submit letters to the Town Hall and the Town website, review them with the attorneys and come up with some viable options.

Mr. Murphy agreed, adding that he was not convinced another committee was the way to go. He said that they had a new set of eyes in Town with the Town Manager and to have that set of eyes and that voice be the focus for possible uses of the TIF seems a reasonable thing to do at the present time. He added that if they needed a committee structure they could do that later.

5:41 PM At this time, Mr. Dunkelberger was present.

The Board agreed.

5:42 PM Mr. Moynahan will forward all letters of interest to Mr. Lee to keep on file in the event a committee is found to be warranted and suggested Mr. Lee touch base these people know they would be moving in this direction and that Mr. Lee would be the focal point. He added that they could send out an ad in the newspaper and on the website seeking some ideas for economic development; that Mr. Lee would be the point person and asked him to get back to the Board with feedback.

Mr. Lee will bring an update of what has come in to the Board in four weeks. He will follow up with Bernstein Shur, as well.

J.P Nadeau – Notification of Abutters

5:43 PM Mr. Moynahan said that this letter is specific to Sweet Peas and is questioning how the Town is notifying abutters as it relates to potential projects up there. He asked Mr. Nadeau to speak to this.

Mr. Nadeau said that it was the position of the clients he was representing that they are abutters to the Sweet Peas project, as it related to Littlebrook Lane and Barnard Lane, in that area, and are not being notified. He added that he would like his 17 clients added to the abutter list because he believed they had a legitimate interest.

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

Mr. Moynahan explained that they were currently notifying land abutters and this request is to notify anyone who abuts the main road (Littlebrook Lane) and the two main roads that are in there. He asked Mr. Lee if he would work with the Planning Department to see if that would be feasible so that mass notification would happen with anything that happened in that neighborhood.

Mr. Beckert suggested that most of this discussion is not appropriate for this meeting. He said that he thought that what needed to be done was to look at what the notification requirements are, per the Town ordinance; that ordinances are appealable if someone doesn't agree with them. He said that that was his take on it, to look at it in that way and not litigate it in the Board of Selectmen's meeting.

5:47 PM

Mr. Dunkelberger asked if this was something the Planning Assistant could do in conjunction with the PB; that the Board could have them take a look at not only the ordinance but, also, the ownership of Littlebrook Lane so that it could be determined if the property owners along Littlebrook Lane are truly abutters.

Mr. Beckert suggested the ownership of the road would most likely not be a PB issue but a civil matter.

Mr. Moynahan said that this discussion really focused on the notification issue and, if there was something that extended further with ownership of the road, then they would look at that separately. He said that the first question would be if these folks could be notified through the Planning or Code Department in addition to the normal abutters.

Mr. Murphy said that he thought it seemed reasonable that these people should be added so that they could know about something that was going on all around them and affecting them directly.

There was discussion around these additional people being added as abutters regarding legal standing and using caution in doing this kind of thing.

Mr. Moynahan suggested they could have two notifications – one for abutters and one for interested parties, or whatever that would be called.

5:51 PM

Ms. (Jean) Hardy, Littlebrook Airpark and representing Sweet Peas, LLC, said that the property in question is off Everett Lane and the people on Littlebrook Lane are not abutters, with a few exceptions. She suggested that before the Board proceeded they be very clear in the policy they were making because Sweet Peas is also an affected party here.

Mr. Moynahan discussed the importance of reviewing who the abutters actually are and, if there are interested parties who want to be notified, then maybe it's not

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

formally they would be notified by the Town but done differently. He added that Mr. Dunkelberger made a good point regarding standing.

Mr. Lee suggested the point of determining ownership piece and whether they would legally be considered abutters, or not, kind of should be our first step because, if they are legal abutters through ownership, title, etc., then we would notify them as abutters. He added that, if not, he did not think it would be hard to maintain an interested parties list. He said that he thought a good point was made around whether they were legally entitled to the abutter's classification. He added that he would be happy to work with the Planning Assistant (PA) to make that determination and get that to Mr. Nadeau and Sweet Peas, LLC on whether they are abutters or just interested parties and still make sure notification goes out, just with the right term in place.

5:53 PM Ms. Hardy suggested even the connotation of 'interested party' may provide a legal standing. She urged them to make certain that they use terms correctly and that any policy that may change as a result of this will, in fact, apply to the entire Town.

Mr. Nadeau said that Mr. Lee's suggestion was fine. He added that he did not want the Board to think that we are here threatening legal action or taking a civil matter to the Town; that's not the point; that the point was hoping to get results so nobody has to engage in litigation. He added that he would share the information he has with the Town Manager.

5:55 PM Mr. (Ed) Cielezsko said that over the years on the Board of Appeals (BOA) it has been that the abutters have only been considered the people who live next to the actual lot being developed. He added that anything around that 2-acre piece being discussed for planning's sake, through all the years on the BOA, they would be the only abutters; that there were only a few abutters and the whole lot was not used for the abutter's list in past use for the BOA.

Mr. Moynahan suggested that Mr. Lee get the specific law language and we could go from there.

J.P. Nadeau – Impartiality of Interim Code Officer

This was regarding concern with impartiality of a Town employee serving two different roles in making determinations.

Mr. Nadeau discussed his client's concerns with Ms. Pelletier, the Board and the BOA regarding Consent Agreements and issuing growth permits for Sweet Peas, LLC.

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

5:58 PM Mr. Moynahan said that he thought they could make provision with the Planning and Code Office so that there is not repetition; that the PA is not issuing a growth permit and, then, sitting in on a BOA. He added that we have two other people doing code enforcement right now so any applications would go through them and, then, the PA could still review that material and not be looked upon as being biased. He said that he didn't think she has been biased with this; that she reviews whatever material comes in from attorneys; that she has been asked to serve two roles for us for the interim to assist with Code office and Planning. He said that she has not had any involvement with C.A.'s. He added that, regarding C.A.'s, the Board does have provisions in our policies and ordinances to enter into C.A.'s in times that the Board feels it is necessary.

6:00 PM Mr. Dunkelberger said that the PA has always been an advocate for people going through the permitting process so he didn't see that role changing any, here. He added that even a good CEO is going to look to the applicant to see how things can be made to work within the ordinances.

Mr. Nadeau said that Ms. Pelletier issued a growth permit that two prior CEO's of the Town declined to do so, in light of the historical background, we feel in her role as an Interim CEO there's a conflict.

Mr. Dunkelberger said that CEOs, much like lawyers, will have differing opinions on the same subject.

6:01 PM Mr. Beckert read the State of Maine definition of 'conflict of interest', which focused on monetary gain. He added that bias was something Mr. Nadeau didn't mention in his letter but is the proper term Mr. Nadeau probably should have used if he considered there was a bias by the Interim CEO in how she made her decision.

Mr. Moynahan asked Ms. Pelletier what was required when a resident of the Town requested a growth permit.

Ms. Pelletier said there wasn't much; that they have to own land in the Town of Eliot and they fill out the application. She added that it was strictly a reservation of one of the allowed dwelling units to be added that's allowed under the Growth management Ordinance; that it is just one step along the way.

Mr. Moynahan said that if there were any issues with a lot in question it would be taken up during the issuance of a building permit.

Ms. Pelletier said that was right.

Mr. Nadeau stated his disagreement with that.

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

6:04 PM Ms. Hardy said that this is an application that involves Sweet Peas; that if the Board is going to discuss this at length and discuss the merits of this application, I think the Sweet Peas attorney should be here. She added that she thought it was inappropriate for the Board to be discussing a growth permit and an appeal, as Ms. Pelletier has said is before the BOA.

Mr. Moynahan said that the main crux of the question was a conflict of interest and that Mr. Beckert pointed out there was no conflict of interest because there are no financial issues. He asked if the Board had any more questions regarding this.

Mr. Lee said that, in his experience, he has been party to discussions with boards about C.A.'s when he, himself, did not favor a C.A. but they asked him to sit in to discuss the pros and cons. He added that sometimes as staff you are seated at a meeting where those are kicked around as possible options, although, as was said, nothing came of it. He said that he didn't think, necessarily, that that showed a bias.

Mr. Nadeau apologized, saying that it was misinterpreted; that his position was that her position as CEO and the actions she has taken with regard to the growth permit issuance, not sitting in on a C.A. discussion

Effects of LD1 Reductions, CSD, Transfer Station, Administrative

6:05 PM Mr. Moynahan said that ECSD had an LD1 reduction of \$15,000 and that the resignation of one of the staff members would make up that shortfall. He added that the Transfer Station has now gone down to two days of operation and a plan is in place to meet their financial requirements. He said that, regarding Administration reductions, there was an assortment of line items in the budget as well as specific reductions to the functions of assessing in Town. He said that what they were finding was that they were right around \$60,000 in shortfalls in this year's operating budget so the Board needs to come up with a plan or communicate to Mr. Lee how the Board wants to approach this. Mr. Moynahan said that, to date, we have spent \$16,000 that was not budgeted for with unfair labor practice suits, dealing with the first two reductions that were made at the Transfer Station and ECSD. He added that we have another reduction that could be made, potentially, for staffing, assessing, a portion of the Town Hall but, with negotiations going on, that will probably trigger another unfair labor practice. He said that the \$16,000 we've spent, to date, has added to the burden of reductions that we were supposed to come up with. He added that Ms. Bergeron has come up with about \$60,000, estimated, in the Administrative piece of the Town.

6:07 PM Mr. Lee said that the initial run-through with the Assistant Treasurer appeared to be something on the order of \$85,000 though, as the Chairman pointed out, there

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

are some items that could conceivably go to other areas, such as the legal contingency reserve, and with others possibly moved around and taken out, they might be in the \$60,000 to \$65,000 range right now. He added that they have not had time to really break that down and project to June 30th as to whether that trend is going to continue. He added, as an example, that he was talking to the PA and asked if, by using interim CEO on a contractual basis, are we actually spending more than if we actually had filled the CEO position, even with benefits. He asked if, overall, was that one of the drivers of the budget; that we are doing code enforcement in an outsourcing and consulting type of way. He added that he didn't know those numbers, yet, and we still need to decide what we are going to do with code enforcement – part-time, third party, hire. Mr. Lee said that he was concerned that even if we do what was instructed at Town Meeting with regard to the assessing budget it doesn't get us out of the woods; that the problem is larger than just that one item. He added that they were going to look at furlough days for staff to see if that would make up the difference but he had a feeling that would be quite a number of days and maybe it is a mix-and-match type of situation. He said that, for now, he just wanted to kind of share with the Board and that is why the Chair and I put it on – we still have this out there and, at some point in the very near future, he would like to come to the Board with some sort of proposed resolution to it.

Mr. Moynahan said that this is on the Board's radar and Mr. Lee has a handle on it.

G2. Public Works Department

Vehicle Purchase – CIP/FEMA Funds

6:11 PM This was regarding the potential purchase of the F550 utilizing some of the FEMA funds and the CIP plan; that the Board had allowed the departments to, in essence, accrue some of those FEMA funds and come up with a viable spending plan in order to utilize those funds.

Mr. Moynahan said that Mr. Lee has worked with Mr. Moulton on utilizing FEMA funds for a specific purpose and then altering the Capital Improvement so it saves us \$15,000 in three years' time for taxes to be raised.

Mr. Lee agreed. He said that, in the CIP for the pick-ups, we had had \$5,000 per year for the next three years budgeted to add to the reserve. He discussed the truck, itself, and the funds available (\$61,400) and that the request was for \$18,000, which will push off our need for other capital purchases three years out instead of the next three years. He added that they believed it was an excellent value; that they would probably have to purchase a 6-foot poly wing for it, as well, for the function we intend to use it for.

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

6:14 PM Mr. Dunkelberger asked if the poly wing on the current F350 won't fit.

Mr. Moulton said that that was just a straight plow and not a wing. He added that he has an option for a used poly wing that would fit the F550 for \$7,500. He added that he could pay for it out of his current operating line.

6:15 PM Mr. Moynahan said that he thought this was a good use of FEMA funds.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen authorize the Town Manager and the Public Works Director to expend a sum not to exceed \$27,000 to purchase the F550 from MSAD #35 as well as the used 6-foot poly wing and associated equipment, with \$18,000 from FEMA funds and the balance from the Public Works operating budget.

VOTE

4-0

Chair concurs

Mr. Moynahan suggested Mr. Lee also look at FEMA funds for shortfalls in the Administrative Department.

Mr. Lee said that he met with the Budget Committee (BC) briefly and one thing they were hoping we would look into was a standing policy about when we receive FEMA funds and what portion should be used on the expenditure side and what should go to the General Fund for tax relief. He added that he had been in towns that had a bifurcated system and was an easy policy and he thought it would make people feel better that we handle it the same way each time.

Old Fields Road Bridge Engineering

6:17 PM This was regarding engineering and construction proposals and moving forward with the engineering aspect. There is a CIP in place for this project shared 50/50 with the Town of South Berwick.

Mr. Hirst moved, second by Mr. Dunkelberger, that the Board of Selectmen authorize Public Works to expend \$11,410 for engineering services for the Old Fields Bridge replacement.

VOTE

4-0

Chair concurs

Mr. Moynahan reiterated that the funds were to come out of the CIP the Town has in place.

**BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)**

G3. Fire Department

Appointment of Officers

6:19 PM Mr. Moynahan said that the Fire Department has just had their annual appointments; that Jay Muzeroll has been elected as Fire Chief; that we had to appoint by State Law. He added that also appointed was Assistant Chief Gerald Moynahan, Deputy Chief Kevin Spinney, 1st Lieutenant Jay Cullen, 2nd Lieutenant Christopher Robinson, 3rd Lieutenant Jason Beauregard, 4th Lieutenant Eric Ouellette, and 5th Lieutenant Todd Bisognani. He added that the Board had to appoint Mr. Muzeroll, if the Board chooses, for a one-year term to expire December 31, 2014.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen appoint Jay Muzeroll the Fire Chief for the Town of Eliot, as recommended by the election of officers, for the year 2014.

**VOTE
3-1 (Mr. Dunkelberger)
Chair concurs in the affirmative**

Worker's Comp Claim

Vehicle Accident

6:20 PM Mr. Lee said that he wanted to make the Board aware that these were being handled internally.

Mr. Moynahan agreed this was another thing the Board would not see as they moved forward; that they would be handled internally and Mr. Lee would update the Board in his weekly or monthly report.

New Business (Correspondence List):

6:22 PM

#H1

TO : Board of Selectmen
FROM : Paul Murphy
REF : Concerns re: Charles Knowles Consent Agreement – Operating Home Business

This was regarding concerns by Paul Murphy about the Charles Knowles Consent Agreement – operating a Home Business.

Mr. Moynahan discussed the information included in the packet for this item. He said that the Murphy's were here expressing their concern about a business being run by these folks; that they were here last year, less than a year ago. He also

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

discussed the difficulty with this situation in determining if there is actually a Home Business going on. He added that the C.A. is pretty specific as what the Board is able to do to view the property and, if they are violating the C.A., what the next steps are. He said that the Board's job is to review this and see if this indicates that there is enough information and material that proves that these folks are operating a Home Business.

6:24 PM Mr. Dunkelberger said that, in looking through the package, there is a lot of indication that a business exists but there is nothing that specifies exactly where it exists other than Brian Delaney's email saying he had observed trucks; that that was the only piece in there that he could say, "Okay. He's operating a business.", so, unless there is something else.

Mr. Murphy said that he had many pictures from just the past couple of weeks; that the Board had his testimony and abutter's testimony, also.

Mr. Moynahan said that the North Atlantic Snow information that is in here - the address listed was Route 236 in Eliot and we had Code Enforcement go out there to try to locate the business and he was not sure there was a business found up in that business park.

Ms. Pelletier said that there was not.

Mr. Moynahan said that that was the address they were giving in the advertisement and the gentleman, Mr. Knowles, is one of the owners of this.

Ms. Murphy said that Mr. Knowles denied having anything to do with this business; that he said he was with Geothermal and that was it; that he was asked, specifically, if he did anything with plows and he said no.

Mr. (Paul) Murphy said that they had a lot of testimony and a lot of pictures; that he didn't know what else they could do.

Ms. (Carrie) Anderson, 118 Hanscom Road, said that she sold Chad his property; that she stood out there shoveling today as four trucks went in and four trucks came out. She added that two of them were loaded with sand; that they went in empty and came out full.

Mr. Moynahan said that Code Enforcement is doing inspections as allowed in the C.A. but the most recent reports the Board has from the last Code Enforcement officer in here have not indicated that those types of things are visible. He added that he knew that with the first two visits they weren't able to access the physical property because of a lack of a sign on the vehicle, which we have since taken

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

care of. He discussed the process the Town had to take to be pretty certain a Home Business was happening before they could take action.

6:27 PM Mr. (Paul) Murphy said that people are driving in there in private vehicles and leaving in snow plows; that this has been going on for five years.

A member of the audience, neighbor to Mr. Knowles, said that he lived next door to him and saw it all night long; that he couldn't sleep. He added that they have had a lot of snow this year and that there is a lot of business going on.

Mr. Moynahan said that the question for the Board is, with the information that has been provided in the testimonies and all that, is this something that needs to be pursued to the next level.

The Board agreed that it was.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen authorize the Code Enforcement Officer to issue a Notice of Violation of the Consent Agreement with Charles Knowles and an order to cease and desist.

Discussion

Mr. Moynahan said that this specifically referred to the Consent Agreement dated March 25, 2010 and specifically #7 on page 2: *"In the event Defendants violate the Consent Order at any point, if the violation is not cured within 15 days after written notice from Plaintiff mailed to Defendants at PO Box 232, Eliot, Maine 03903, Defendants shall owe a stipulated penalty to Plaintiff in the amount of \$3,500 due and payable upon demand by Plaintiff. The 15-day cure period in the preceding sentence does not apply to any type of violation of the Consent Order that occurs more than once."*

VOTE

4-0

Chair concurs

Mr. Lee received current material from Mr. (Paul) Murphy, which includes letters and pictures related to this issue.

6:30 PM
#2

TO : Board of Selectmen
FROM : Charles Rankie
REF : Sharing of Harbor Master

This was regarding Mr. Rankie's concern that Eliot and Kittery might share the Harbor Master position.

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

Mr. (Charles) Rankie said that he had read in a newspaper article that this sharing with Kittery was imminent and, in his opinion, was not even close to being in the best interests of the residents of Eliot. He discussed the significant differences in the needs of Kittery and Eliot as it relates to the respective harbor duties and responsibilities and water frontage of the two towns. He also gave the background on how (State statute) the Port Authority Harbor Master came into being. He gave a copy of the State statute and the newspaper article to the Board. He discussed the establishment of the Kittery Harbor Master in the Kittery Charter very specifically and that because of that the State law would have to be changed or the people would have to change the charter in Kittery. He discussed the physical territory of the water frontage, including moorings, that the Harbor Master had to cover in Kittery versus Eliot and how significantly different that coverage was.

6:40 PM Mr. Moynahan said that at the January 9 meeting, after discussion with the Chief on this topic, it was decided by the Board to have the regionalization team (Grant, Dutch) to review this to see if it was a viable option, or not. He added that he did not think there was anything imminent with hiring for that position.

After some further discussion, Mr. Dunkelberger asked if Mr. Rankie was saying that Kittery was too busy to worry about Eliot.

Mr. Rankie said yes. He said that the Kittery Harbor Master works for the Kittery Port Authority, not for Eliot. He added that the Kittery Harbor Master had too much to do to also handle Eliot. He said that Eliot did not need the kind of enforcement that Kittery required; that the Eliot position was really concerned with enforcement of mooring maintenance and ownership. He added that he thought that the Eliot position was a stand-alone position that is very important for Eliot to have and to not share a Harbor Master with Kittery.

6:48 PM Mr. Moynahan said that he thought this was good feedback for the regionalization group and the folks that would ultimately do the hiring.

Mr. Murphy said that Eliot has, and has had for a number of years, an ordinance governing the Harbor Master and suggested it be reviewed for what it would allow.

Mr. Rankie discussed the value of Eliot water frontage because of the riparian rights and that the Harbor Master is somewhat of an insignificant expense in the total overall scheme of things. He said that the only way he knew something was going on to be able to give input was reading an article in the paper and his concern for the many others that probably did not know about this.

6:52 PM Mr. (Ted) Short said that he could certainly talk with Mr. Rankie about these issues and concerns that he has brought up; that he could probably answer some

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

of Mr. Rankie's questions. He added that he thought it was important to understand that, as we look at these types of issues, how it would affect the Town of Eliot.

Mr. Dunkelberger clarified that, in any of the regionalization discussions and actions they have, they ask what would be the benefit for both towns; that there are some things that benefit only one town and there are some things that don't benefit either town. He added that they have discussions and if they make sense then we start to pursue it in a little more detail.

Mr. Moynahan said that something needed to be in place for April as mooring permits start then and, if we don't have something in place by then, we won't be able to issue mooring permits. He added that we have to actually notify the State prior to that who would be issuing those mooring permits.

6:57 PM

Mr. Lee also offered to talk with Mr. Rankie, as well; that on his list is to get together with the Chief and talk about what we are doing about the Harbor Master. He added that he had no objection to Mr. Rankie or others joining in that but that they did have to come to some decision fairly quickly because there is that time to get set up. He said that he didn't think imminent was the wrong word; that it would be coming up on an agenda pretty soon; that it has to be. He reiterated that he would be happy to hear Mr. Rankie's thoughts; that we will proceed with caution. He said that, if the Chief was willing, we can meet with you (Mr. Rankie) to talk more about it and hear the pros and cons in more detail.

6:58 PM

#3

TO : Board of Selectmen
FROM : Town Manager
REF : Town Manager Goal Setting

This was provided by Mr. Lee for the Board to review and select criteria for the 6-month probationary period. The Board members will send their choices to the Chair for him to compile and this will be discussed on the next agenda.

7:00 PM

Charter funding request

Mr. Moynahan said that the Board had a request for funding from the Charter Commission but part of that request falls in this fiscal year. He added that the Board had to decide where they could find funds for this and whether they would approve the budget as proposed.

There was discussion of where the funds could come from in light of the larger shortfall. It was agreed they would continue to explore options for the larger

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

shortfall and have Mr. Lee look at the potential for using Contingency or Legal to cover the mandated Charter Commission need.

Old Business (Action List):

This was postponed.

1. Tax Increment Finance Program – Potential projects – subcommittee?
2. Good Neighbor Petition
3. Police Union Contract – In Mediation - Mr. Moynahan, Mr. Dunkelberger, Mr. Lee, & Chief Short

Public Works Union Negotiations - In Mediation

Town Hall/Community Service Dept. Union Negotiations - In Mediation
4. Community Service Space: Relocation to Elementary School – fit up costs, service impacts, insurance, MSAD #35 contract Building Committee
5. Policy creation/review
 - a. Selectmen's Policies – Modify to allow all people to speak
 - b. Consent Agreements – Guidelines to Policy
 - c. Poverty Abatements
6. Employees – cross-training, charting earned times, job descriptions – Mr. Lee
7. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review – BOS/Mr. Lee
8. Budget Preparation – Fiscal year 2015 - ongoing
9. Pay-per-Bag Recycling – 6-month trial started September 3, 2013, extended to April 30, 2014
10. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Dunkelberger, Mr. Hirst
11. Legal issues – Unfair Labor Practice Complaints – Legal costs to-date \$16,527.45 – Mr. Lee
12. Sewer - User Rates, reserved allotments, odor, maintenance, investigate forming a district– Sewer Committee, Underwood Engineers, Mr. Moulton
13. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews – Mr. Lee

BOARD OF SELECTMEN'S MEETING
February 19, 2014 5:30PM (continued)

14. Research grant opportunities – AED's for Town buildings – Fire Chief
15. Comp Plan follow-up
16. Public Hearings Scheduled –
17. FEMA – Updated Preliminary Flood Insurance – review findings; notify affected residents
18. Staff Vacancies - Code Office, Tax Collector, P. T. Transfer Station, Kids Play – Mr. Lee
19. Planning Board – Review 1,000' language in ordinance; Review reducing 250' IWWF setbacks per DEP

Selectmen's Report:

There were no Selectmen's reports tonight.

Other Business as Needed

7:35 PM Mr. Dunkelberger discussed the Administrative budget shortfall and the need to make decisions, suggesting they do that at the next meeting. He added that the Board knows they have to cut the assessing function, as that was part of the directive from the LD1 cuts, which have not been done and why the shortfall. He said he thought the Board needed to discuss whether they needed to take more drastic actions and if the Town could function without an assessor for a period of time or contract out the position in the longer term. He said that he thought they needed to make some hard decisions next week because he believed that, if they put it off longer than that, it may be something they could not recover from.

The Board agreed.

Mr. Lee will come up with options for specific reductions and get them to the Board for their review prior to the Thursday meeting.

7:37 PM Mr. Murphy discussed his grave concerns around the assessor position; that to him this function of the Town was extremely important as it is the basis of the source of all the Town's monies. He said that the Town has a very experienced person in that position and felt that position was being attacked. He added that he didn't think the citizens asked for that assessing function to be reduced but that that came from this Board as a suggestion for finding some way to reduce Administrative costs. He urged the Board to proceed carefully.

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Mr. Moynahan said that anything this Board puts in front of the voters they end up either voting to support or not support so it starts here; that someone has to start with a budget for a reduction and, ultimately, the Town approved the recommendations this Board came up with.

There was discussion regarding educating about function of positions as well as dollar amounts in the future and the ramifications of any votes taken.

7:07 PM
Executive Session

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen enter into executive session as allowed by 1 M.R.S.A § 405.A Personnel issues: Discussion or consideration of the employment, appointment, assignment, duties...

VOTE

4-0

Chair concurs

7:34 PM Out of executive session. No action was taken.

Adjourn

There was a motion and second to adjourn the meeting at 7:43 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John J. Murphy, Secretary