

BOARD OF SELECTMEN'S MEETING
March 13, 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)

5:32 PM Motion by Mr. Dunkelberger, seconded by Mr. Hirst, to approve the minutes of February 19, 2014, as amended.

VOTE
4-0
Chair concurs

Motion by Mr. Dunkelberger, seconded by Mr. Hirst, to approve the minutes of February 25, 2014, as written.

VOTE
4-0
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of February 27, 2014, as written.

VOTE
3-0
Chair concurs

Public Comment:

5:37 PM There was no public comment.

Department Head/Committee Reports

G1. Administrative Department

2014 Annual Town Meeting Memo

This is informational.

5:38 PM Town Manager Report

This is an overview of what the Town Manager has done to-date.

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Re-drafted Organizational Chart

Mr. Murphy said that three of the listed committees were ad-hoc committees: Information and Technology, Building, and Comprehensive Plan Implementation. He added that there was a Safety Committee that met once a month that was not public but had to do with management.

5:40 PM Deputy Treasurers Appointed

Mr. Lee said that two have been deputized and sworn in.

5:41 PM Tax Collector Job Description

Mr. Lee discussed that the intent was to have Ms. (Brenda) Harvey for the 3-month period that position will be open; that she will be training in that area in an acting capacity with the intent to promote at the end of that if everything works out well to make her the permanent Tax Collector; that they would then hire a replacement for her previous position as Deputy Clerk. He added that the Board also had the Town Clerk Job Description update and requested that the Board review them and he would put these on the next agenda for discussion and potential adoption.

The Board agreed.

5:45 PM Employees with unresolved Comp Time/Non-union employees paying more on Health Insurance

Mr. Lee said that in discussing staff members becoming department heads two things came up. He discussed the disparity regarding employees in union negotiations being frozen at a 5% contribution on their health insurance while non-union employees will move to 15% participation. He added that a person who was a potential party to joining the union and now considering not joining was concerned with the loss of income, in a sense, because of the co-pay; that others were being impacted, as well.

Mr. Moynahan discussed the 5, 10, 15% phase-in of the health insurance co-pay, saying that a 1% COLA pays for a 5% co-pay for an employee. He said that, as an example, a 15% contribution would be \$1,554.35 and a 3% COLA is \$1,586 so the thinking was, at a minimum, it would be break-even. He clarified that they didn't want to go backwards in this; that this applied to the individual portion of the health insurance.

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Mr. Lee said that the other issue was that several staff have accumulated comp time and that should be addressed somehow; that he was not a fan and thought it best not to have those accrued liabilities. He asked for the Board's thoughts on this.

Mr. Moynahan said that they were looking to phase that out. He added that he wasn't sure of the total dollar figure and asked if this was something that, within a year or two years, additional vacation time could be used.

5:50 PM Mr. Lee said that his intention was to meet with affected employees and come up with a value and get back to the Board with that and some kind of game plan that might combine vacation time and pay-out in the next budget cycle.

Mr. Beckert discussed how this had been handled in the past; that comp time had to be used within a certain period of time and any comp time on the books at the end of the fiscal year could be bought out by the Selectmen so that nothing was carried over from year to year.

Mr. Moynahan suggested they should review that policy to see if that has been managed correctly.

Mr. Dunkelberger suggested coming up with a dollar figure and waiting until the end of the fiscal year to see what was left in the salary budget that might be used to at least pay down a portion of that amount.

A member of the audience said that, sometimes, accumulated comp time was paid at the current salary and not at the salary they were making at the time comp time was accrued; that that was something to keep in mind.

There was discussion regarding department heads around salary versus hourly, becoming part of a management team, and the options available.

5:54 PM Finance Director Job Description Revision

This will be put with the other job descriptions for review and discussion.

5:55 PM Appointments: Dana Lee, FOAA Officer

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen appoint Dana Lee as the Freedom of Access Act Officer for the Municipality of Eliot, with the current term to expire June 30, 2014.

VOTE

4-0

Chair concurs

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Mr. Lee said that towards the end of June he would like to put on a FOAA presentation.

At this time, the Board signed the appointment paper.

6:00 PM Town Manager/Goal Setting

Mr. Moynahan said that Mr. Lee created some suggested areas that the Board could consider as review criteria for the 5-month probationary period. He added that he had received handouts with several comment pages, as well. He suggested basing a review on where we were and where we are in five months, based on this list as a general overview; how have we managed these items and have we had any issues that needed to be resolved and build on it from there for a full year; then they could come up with more specific, more measurable items the Board could task the Town Manager to do. He added that he thought this would be a good guideline for the first 5-month review.

Mr. Hirst said that he thought the Town Manager had the right to expect a review based on quantifiable achievements and should be written down and agreed to before the fact to be able to measure his accomplishments.

Mr. Moynahan added that they should be broken down in personnel, finance, etc.; that this does not do that for us; that this was more of an overview of what Mr. Lee saw he would be tackling early-on; new to a town, new to a financial situation, etc.; that five months in they could sit down and have more measurable goals like a true review would be, with specific goals for him to achieve in personnel, financial, etc.

There was discussion among the Board members regarding how to measure satisfactory performance for the initial review.

6:04 PM Mr. Lee discussed being comfortable with the criteria of 'advanced or resolved' during the probationary period, adding that it should be numerical and specific after the probationary period to have that kind of meaningful review at the end of each year.

There was discussion regarding using reviews the Town Manager designed for department heads as a template for overall goals. Also discussed was using the Town Manager job description as a basis of criteria.

6:07 PM Mr. Moynahan said that they did have a review form that he would bring to the Board for their review; that they may not be able to use it for the five-month review but it might be a guideline for future reviews.

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There was discussion regarding what the expectations were for the probationary period and whether this was a good fit for the Town going forward.

Mr. Lee said that he was very comfortable with advancing the issues that he first saw that he thought needed to be addressed foremost and, at the end of the period, if the Board accepted that these were probably some of the top issues, then they all could sit and talk about whether they got advanced.

The Board agreed that the 'goal setting' document would be used for the 5-month probationary period.

Mr. Moynahan said that he would have all Board members' review suggestions available to all Board members for their review.

Mr. Lee said offered to put all the suggestions/goals into one document for the Board to set goals after the probationary period.

The Board agreed.

6:13 PM Annual Reports Due 3/28

Mr. Moynahan and Mr. Murphy agreed to draft the Selectmen's annual report prior to the next regular meeting.

Mr. Lee confirmed that a memo regarding annual reports had been sent out to Town boards and committees.

6:15 PM 12-Town Group Invites 3/19 & 4/28, 6:30 at Massabesic High School

This was informational regarding local government issues and concerns discussion with gubernatorial candidate Michael Michaud.

6:16 PM First Review – 12/13 Audit

This should be reviewed by the Board for comments and questions, then bring RHR in for a detailed discussion. It was discussed that the date was not correct for when taxes were due (page 29) and that that should be brought to RHR's attention. It was suggested that the timeliness of this report be one of the measurables for the Town Manager next year.

There was discussion regarding concern for the timeliness of the audit, function of the engagement letter, having the executive summary as soon as possible, the timeline of the budget versus the audit.

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6:24 PM Mr. Rankie said that there was a provision in the charter template that allowed setting a deadline for the audit and asked the Board to give the Charter Commission their thinking on this.

Mr. Lee discussed RHR Smith's well-known reputation among communities, all who had a deadline of July 1st, and that hot period at the end of the fiscal year; that that was part of what slowed them down in getting the product out on time and suggested caution with tying down dates; suggesting that the failure to get an audit should be in the charter but a specific date should be carefully considered.

The Board agreed and suggested setting up a time certain to meet with RHR Smith.

It was suggested the Board meet with RHR Smith mid-April; that the Board forward any questions in advance of that meeting.

6:25 PM BOS Warrant Recommendations

Mr. Moynahan said that the Board's goal tonight was to give their financial recommendations for the warrant. He clarified that article numbers could change in later revisions but, for tonight's purposes, they would start with Article 16, as shown:

(16) Rt. 236 TIF – 10% TM salary/legal/consulting - \$40,000

(17) Revenue - \$2,031,320

(18) Employee Salary & Benefits/Operation & Maintenance (Admin & General Govrnt) - \$1,204,449 reduced to \$1,191,949

(19) CIP Plan (Admin) - \$49,900

(20) G.A. - \$44,000

(21) Operating Reserve Accounts - \$74,630

(22) Salary/Police - \$1,007,344

(23) CIP/Police - \$24,500

(24) Public Safety - \$139,000

(25) Police Building Bond - \$37,453.14

(26) Salary/ECSD - \$176,259

(27) CIP/ECSD - \$5,000

(28) Salary/Fire Dept. - \$147,501

(29) CIP/Fire Dept. - \$73,000

(30) Salary/PWD - \$791,407 reduced to \$765,407

(31) CIP/PWD - \$632,000 reduced to \$597,000

(32) Snow Removal - \$208,408 – discussed taking fringe benefits out of this line

(33) Sewer Bond - \$38,000

(34) Storm Water management Plan - \$120,950 reduced to \$90,950

(35) Operation of Transfer Station - \$325,257 reduced to \$302,257

(36) Town Committees - \$53,008 reduced to \$50,958

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(37) Outside Agencies - \$29,402 reduced to \$24,752

(38) Library - \$145,000 reduced to \$130,500 (Mr. Beckert recused himself.)

6:50 PM Mr. Moynahan said that these numbers would be forwarded to the BC tomorrow; that the warrant language would be cleaned up and with more detail. He added that the first question just before the financial articles is the LD1 question; that the current LD1 number is \$2,981,659 and the Selectmen's recommended budget exceeds that by \$147,868.

6:53 PM Personal Property Taxes (Abatement/Settlement) Collection Update

Mr. Lee discussed research he did on collection agencies; that they get about 30% of what they collect and he was advised it would be very unlikely anything could be collected from these entities because they were gone; that the assets were liquidated and the businesses do not exist.

There was discussion regarding possible additional options and the deadline to recommit these taxes, along with a retiring Tax Collector.

6:56 PM Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen abate the personal property taxes listed for the years 2006, 2007, 2008, 2009, 2010, and 2011.

Discussion

A member of the audience discussed his deep concern with not getting more reliable information from attorneys that work in the collection field.

The Board discussed that the personal property taxes had to be either abated or recommitted to a different tax collector; that tax collectors are personally liable (State law) for the collection of these taxes and the current Tax Collector advised that these would absolutely not be collected. Additionally, when the business is gone the principals are protected.

Discussion ended.

VOTE

2-2 (Mr. Beckert, Mr. Hirst)

Chair votes in the affirmative

At this time the Board signed the Certificates of Settlement.

A member of the audience suggested something be created that, if a person does become in arrears on personal property tax, then after a certain date the Town could seize and auction the equipment.

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7:05 PM Mr. Lee discussed his frustration with trying to collect personal property taxes. He also discussed a policy he tried in one of the towns he managed but it was found to be not legal. He said that what they would have to do was that, when a foreclosure happened and it went into a lien, they would have to make a decision whether to go to the business with an officer to seize equipment and auction it.

Mr. Moynahan said one problem was that people didn't actually claim their personal property so, if the Assessor could not actually see the equipment and place a value on it...it is not an easy process; that it was all done by self-declaration.

There was discussion regarding the value of any personal property against what it cost the Town to pay the Assessor to go out to get and value personal property.

7:12 PM Town-owned Properties/Sell/Insurance

This was regarding 11 town-owned properties, with brief property descriptions included.

Mr. Lee briefly reviewed each of the properties and discussed concern for people living at these properties the Town owned and insurance liability.

Mr. Beckert said that it was his understanding that when the Town forecloses the Town becomes the owner of the property; that it was also his understanding that the Town had to formally take possession, which is another step in the process in which the Town actually became liable.

7:15 PM Mr. Lee said that when the lien matures it is called a perfected security and it becomes the Town's, unless the Town waives it. He added that, in some cases in the future, prior to the foreclosure date he thought it should be presented to the Board ones the Town probably didn't want; that as an example, if a crumbling mobile home in a park is something the Town would foreclose on, then the Town may very well end up having to pay to remove the mobile home and dispose of it; likewise a tire dump, as the Town may have some liability in that. He reiterated his belief that, as of the date of the foreclosure, it belongs to the Town and was advised that the properties should be insured, especially if the Town allowed people to live in these properties while they bought them back from the Town. He added that it would be better to have these properties back on the tax rolls and suggested they might be put out to auction or public bid.

Mr. Moynahan said that the Town had some information on some folks, too, of their situations and would hope that the Board would take that into consideration; that one didn't want to displace some folks who truly qualify for some things. He

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added that he thinks they are handling poverty abatements incorrectly because of misinformation throughout the years that they would correct. He said he thought there were two on this list, at a minimum, that the Town should put up for auction.

Mr. Dunkelberger agreed the Town should get those properties back on the tax roll. He said, for those people living at properties, if we could find out what their status is and intentions, then notify them that it is the Town's intention to auction them off at a date certain and that they (people) initiate some movement one way or another. He added that, for the ones not being lived on, that the Town should sell them. He suggested they get a lawyer's read on what exactly the Town's liability is.

Mr. Beckert said that he would like clarification regarding ownership versus actually taking possession, which was explained to Board members as actually taking physical possession and removing people who were there.

7:21 PM Mr. Lee said that he would get a legal opinion on that for the Board. He said that he did think it would be helpful if we had a date certain, such as, as of June 30th, these properties are going to auction.

Mr. Moynahan said that there were three specific properties that the Board dealt with for abatements that the Board chose not to abate but in conversation they asked what the next steps are – that it is foreclosed but the Town has not taken possession of these properties, based on the Board's understanding of the process, so the conversation with those people may be a bit more challenging.

Mr. Lee suggested this be put on the next agenda to let the Board study these properties more and wait for the legal opinion.

The Board agreed.

Mr. Lee said that he would draft a letter that would go out for the Board on what actions the Town might take on these properties.

G2. Public Works

7:25 PM Funding for Upgrades to two Lift Stations/1.5 M/Underwood Engineers

Mr. (Keith) Pratt, Underwood Engineers, summarized the needed work for the pump stations on Main Street (new) and King's Highway (addition) and that the warrant article he thought the Town was looking to put together is for \$1.5 million to construct improvements to these two pumping stations. He added that, essentially, the recommendations made when the Town was looking at a sewer

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expansion are the same; that they revisited the phasing of the work and shows higher costs in the first phase but costs are a lot less in the second phase, which reduces the overall costs. He said that the Town asked them to look at whether some of this could be associated with the Route 236 Extension and it is; that they are accommodating potential flows from not only Route 236 but also other areas in Eliot along the river. He added that the flows associated with Route 236 were about 56% and the planning flows they are looking at are Route 236 related. He added that one thing they identified to consider is whether TIF revenues could be used to fund that. He said that they also looked at cost-allocation to the users and, if the Town looked to use TIF revenues, then 44% of the cost would be put on the user base and calculating a 20-year bond would create a potential 15% rate impact, which would equate to about a \$65 to \$70/year increase. He said that they were talking about pursuing SRF funding from the State again with some principle forgiveness (\$136,000); that they would pursue it because there is funding available.

7:30 PM Mr. Dunkelberger said that the way he read the letter from Bernstein Shur was that the Town could not use TIF funds as Mr. Pratt proposed for this project.

Mr. Lee agreed that was what the letter said. He added that he has tried several times to contact Joan Fortin of Bernstein Shur and he keeps just missing her. He said that it depended on how one asked the question what one would get for an answer and he wasn't clear how the question was asked.

Mr. Dunkelberger said that, from a common sense point of view, if the flows are coming off Route 236, then he would think TIF monies could support this.

7:35 PM Mr. Moynahan said that there was no approved TIF project so using the TIF for this, he believed, was not an option. He asked if the Board wanted to put some bond language on the warrant this year.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen authorize the Town Manager to come up with the proper wording for a warrant article to go on the June Town Meeting Warrant for the repairs to the existing sewer system as laid out by Underwood Engineering.

Discussion

Mr. Dunkelberger discussed using TIF funds to adjust the bond at Town Meeting.

It was agreed that could not be done.

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Mr. Dunkelberger suggested putting that amount on the TIF line, for the funds, on the earlier warrant article so that, if we can use TIF money, it's there; if we can't then we just reduce that article.

Discussion ended.

VOTE

4-0

Chair concurs

7:40 PM Mr. Dunkelberger requested the Board look at the warrant article that talked about the expenditure of TIF funds to consider increasing that article by \$846,000 in line with the Underwood figures. He added that once they got the answer to the question they could always lower that amount.

There was no Board consensus to do that.

7:43 PM Sewer Rate Review – Betterment Assessment and Other Fixed Rates

Mr. Moulton discussed the betterment assessments. He was looking to have Underwood assist with the ESR-10 to capture revenue to support the sewer system by establishing and updating fixed charges, updating the value of the betterment fee the Town would charge when people tie into the sewer, etc.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen authorize the expenditure of \$6,300 to accomplish the work of ESR-10 that has been presented by Underwood Engineering and born by sewer user rates and/or the Sewer Reserve.

VOTE

4-0

Chair concurs

7:46 PM I/I Letter to Residents of South Eliot

This was informational for the Board.

7:47 PM Pay-to-Throw – Quarterly Report/Update

Mr. Tessier discussed the completion of the 6-month trial of this program and the very positive results.

Mr. Moynahan said that the Board was waiting for this report to see if this would be implemented on a full-time basis.

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There was discussion regarding reduced taxes as a result of the revenue from this program for the Transfer Station.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen make the Pay-to-Throw Program a permanent and mandatory program for the Town of Eliot.

VOTE

4-0

Chair concurs

7:55 PM Old Field's Road Bridge Action Plan

This is informational.

G3. Public Safety

7:56 PM Fire Station Roof - RFP

Mr. Moynahan said that this was the request for proposal information.

Mr. Hirst said that the Town needed at least a 30-day notice of cancellation or material change in coverage added to the wording for insurance.

Mr. Hirst and Mr. Lee will work together on that.

7:58 PM Fire Department Report

This is informational.

8:00 PM Hiring of Harbor Master

Mr. Moynahan said that there was a letter from Mr. Rankie expressing an interest in the position and there is some information from the Police Chief asking the Town to consider doing something jointly with Kittery.

Mr. Lee said that he had expected to hear back from Chief Short today as he believed Chief Short had a meeting with Kittery today. He said that he had lunch with the Kittery Manager on another issue and got talking about this and she came across as not being completely filled in on it. He added that Chief Short said she had been a party to a number of conversations to it but there was a real hesitancy about the whole thing – that she didn't feel fully involved, hadn't really given it her blessing, etc. He said that Chief Short felt strongly that he would like to have somebody as Harbor Master who has been through some sort of police training or has the ability to summons people. He added that his concern was that Kittery had

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one harbor master with a couple of part-time folks; that Chief Short said that even if it was on an interim basis – we are fresh out of time on this one – Kittery is prepared to cover Eliot on an emergency basis, if you will. He said that this was difficult without the Chief here to speak to this.

Mr. Moynahan said that his concern was that this was just another level of law enforcement on the water that is redundant already; that we already have police patrol out on that river. He added that, in his opinion, it was a quiet waterfront; that they had someone who was interested in doing this but he didn't know about qualifications.

Mr. Lee said that even if the person hasn't been Harbor Master certified there is a year in which they can get Harbor Master certified. He added that Mr. Rankie because of his concerns with what appeared to be the ongoing plan offered to do the task. He added that this was kind of late to put it out to a job vacancy.

Mr. Rankie discussed the Eliot Harbor Master Ordinance. He said that it was rather specific and it gives the Harbor Master, given that he is given the position by the Town, authorities to do these things; that it also cites a State statute that gives the Harbor Master all the authority to do the type of job they were talking about.

8:07 PM

Mr. Hirst asked, since the Chief wasn't here to discuss this, if it would be appropriate to delay a decision tonight until the Board could hear from the Chief and make use of the people he has on an interim basis. He said that there was another issue in that Harold Place was unable to get insurance for his boat because it was used, in part, for a municipal function.

Mr. Lee said that given the situation and he would not normally suggest this they have a person willing to do it; that Mr. Rankie has laid out a very thorough, detailed approach in all the things that ordinance not only allows him to do but requires him to do; that for his part he thought they ought not to look a gift-horse in the mouth and proceed with Mr. Rankie.

Ms. (Donna) Murphy said that she knew another resident who recently inquired about this position with his interested in it and was informed that they were looking to merge it with Kittery. She added that she thought it would be unfair to simply appoint someone tonight.

There was discussion regarding the insurance issue.

Mr. Rankie clarified that the boat he was proposing to use would be exclusively for the Harbor Master position and part of the agreement he would probably be interested in making with the Town was that the Town insure his boat and the

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boat be used exclusively for Town business. He clarified that he believed Mr. Place used his boat to haul lobsters and was commercially fishing with the boat and that was probably the issue he ran into.

There was discussion regarding doing a temporary appointment to cover April and still put it out for advertising. It was important to some to keep the Harbor Master in the Town. Also discussed was under whose authority the Harbor master would be.

It was suggested having a Harbor Master Advisory Committee to help the Harbor master in the decisions he would have to make.

Mr. Rankie discussed this issue being in the paper and his detailed presentation to the Board maybe a month ago. He added that the Kittery Harbor Master, under State statute, works for the Port Authority and not for anyone else, no matter what it said, and that was why he was so strongly opposed to that at the time; that that was why in thinking about it longer he offered to do this for this year. He said that his proposal was to put things in order and see what we have; that ideally this position should be part of the Police Department so that they had an officer that could do it during this part of the season or something else; that it needs a better look. He added that it doesn't need to be handled out of Kittery – we're Eliot; that he thought it was an Eliot thing and should keep it in Eliot.

8:15 PM Mr. (Ben) Brickett discussed the changes in the waterfront issues over time; that he and several others had many years of experience on the water and knew the Piscataqua River inside and out. He suggested they find someone who could be a pinch-hitter for six months to a year; that most of the work would be administrative. He added that perhaps for the first year or two, based on Eliot's harbor Ordinance, it would be good to form a Harbor Advisory Committee, limited to 10 people, residents of Eliot, waterfront owners, recreational people and people who use the river who could assist the Harbor Master and then be involved with the future of the Harbor Master position. He said that he didn't understand why the Harbor Master necessarily falls underneath law enforcement; that we certainly didn't need another "gun boat" out there. He thought that they should keep it a harbor-friendly Town and encourage residents to use our beautiful waterfront.

8:18 PM Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen engage Charles Rankie as Harbor Master for a period of nine months for this calendar year.

Discussion

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Mr. Dunkelberger discussed his reasoning. He said that they could put it out for a few days and maybe get something but we would be further delaying and backing ourselves into a corner. He added that he thought that Mr. Rankie had prepared himself quite admirably to take on this position, at least for the short term; that by going to the end of the calendar year it would give us the opportunity to do it right; get good feedback on exactly what the position would require and put out an advertisement for it properly.

Mr. Beckert discussed his reasoning for supporting using Kittery in the interim. He said that Mr. Place issued moorings once a week on Wednesdays. He added that he didn't know how long it would take to review what the requirements are and properly advertise this. He said that there was no disrespect to Mr. Rankie but Kittery has a Harbor master that the Town could use in the interim to do issuing of moorings; that Kittery also owns their boat, which is insured. He added that it gets the Town out of a pinch for the time-being. He clarified that he was in no way saying he supported combining the Harbor master with Kittery but he saw it as an interim solution until the Town could properly review this position and advertise it properly. He added that he would not support anyone else as interim; that he thought that Kittery had a qualified person, they have an insured boat, and use the good neighbor policy and take them up on their offer for an interim service until the Town could do this right.

Mr. Murphy agreed they could do these simultaneously – advertising for our own while accepting Kittery's offer, if they were willing to do it under those terms.

It was clarified that, through State statute, the Town had to be ready to issue moorings by April 1st; that the State had to recognize who the Town has appointed as Harbor Master by a date certain to be able to issue moorings.

8:23 PM

Mr. Lee said that he sort of liked Mr. Beckert's approach. He suggested that they might ask Kittery to cover us in the interim, go through a hiring process, advertise it properly, let everybody have a shot at it (he encouraged Mr. Rankie to keep his application in) and then, in two or three weeks, we would be back before this body with some applications and, maybe, a recommendation. He added that he did agree with the view that Eliot should have its own Harbor Master.

Mr. Moynahan said that part of this discussion, here, is that we go to Kittery and it should be for a limited amount of time – give it 30 days – that put the onus on the Town to advertise for the position and put someone in place; that it was just for issuing moorings and they should have a cost associated with that, also. He added that it should be mapped out and defined where people would go to get their moorings registered.

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Mr. Rankie discussed his concern with using Kittery; that Eliot's Harbor Ordinance was more complex than just moorings and that he did not believe the Town would get the value from the Town ordinance from someone coming in from Kittery; that they would not do the ordinance, as stated, and that's why he put his name forward.

Mr. Moynahan said that the other piece we'll have to work with, and he was pretty positive, was that the Town Clerk could issue permits so, if we were looking for just a stop-gap for issuing permits, then this is a moot issue that we can resolve for inspections and all of that.

Mr. Lee added that, as of April 4th, the Town Office went short-handed; that they went down to three people in the office as they went into Town Meeting.

After a bit more discussion, Mr. Moynahan said that they did have a motion on the floor that was seconded and asked for the pleasure of the Board.

VOTE

1-3

The motion fails

Mr. Moynahan said that, in the interim, Mr. Lee had some things he could find out for the Board, advertise for the position; that they could work with the Clerk to issue permits for a short period of time.

Mr. Lee asked if the Board wanted him to approach Kittery on an interim basis.

It was the consensus of the Board to allow Mr. Lee approach Kittery for the short term, conditioned on Eliot finding a Harbor Master; that as soon as Eliot could find someone to replace Kittery, Kittery would be replaced, if Kittery would be willing to go along with that.

Mr. Lee clarified that no one would be overly invested in the arrangement beyond a 30-day window.

There was also discussion regarding costs and that a motion might be in order.

8:28 PM

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen engage with the Town of Kittery for interim harbor master services and that the interim harbor master work to the requirements of Eliot's Harbor Master Ordinance until such time as the Town of Eliot can advertise and hire Eliot's own Harbor Master.

Discussion

BOARD OF SELECTMEN'S MEETING

March 13, 2014 5:30PM (continued)

There was discussion regarding concern with Kittery working within Eliot's Harbor Master Ordinance and who the Harbor Master would be controlled by – the Eliot Police Chief or the Port Authority.

Discussion ended.

VOTE

3-1 (Mr. Dunkelberger)

Chair concurs with the dissenting vote.

A member of the audience asked if it was possible to have Mike Blake come here, kind of like Heather is doing for the Code Enforcement; that he doesn't really have anything to do with the Town of Kittery and is kind of coming here on a one-day-a-week, or whatever it is, and actually working for the Town and not be working for Kittery.

The Board agreed that Mr. Lee would have to work out those details.

8:32 PM Hiring of Two Police Officers/Budget Discussion

Mr. Lee said that this was an update for the Board; that this was a memo explaining some of the ongoing efforts to deal with the overtime issue and the staff shortage.

8:34 PM There was discussion about the potential need for step increases regarding a wage disparity that lured people away from staying in Eliot; that information provided by the union showed the officers were not underpaid but that there may be two steps that may be out of whack. There was discussion regarding getting more data as it related to step increases for all the employees; that there had not been any feedback from the Police Department, to-date; that there was a need to look at the whole package, not just wages.

8:36 PM Drug-Free Zone Ordinance Draft

This was to isolate six areas in Town that would be included in a drug-free safe zone and speaks to penalties, etc.

Mr. Beckert said that he could not find any ordinance for this in the current Code. He added that he questioned whether they needed an ordinance or does it need to be policy. He said that there was already an alcohol and tobacco policy for Town facilities and properties. He said that two of the areas Mr. Short was trying to regulate don't belong to the Town of Eliot; that they don't come under the ECSD.

Mr. Dunkelberger asked if one could dictate the increased penalties utilizing a policy.

BOARD OF SELECTMEN'S MEETING
March 13, 2014 5:30PM (continued)

Mr. Lee discussed the State statute for this; that it did have to be an ordinance.

The Board asked Mr. Lee to get more information around this ordinance, including whether it could be applied to private properties such as listed in the draft ordinance.

G4. Committees

8:40 PM Appointment: Jessica O'Donoghue, Comprehensive Plan Implementation

The Board agreed to take no action tonight and invite Ms. O'Donoghue in for a future meeting.

Old Business (Action List):

This was not taken up tonight.

1. Tax Increment Finance Program – Potential projects, next steps, schedule workshop
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/Recreation 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 – Selectmen's Policies; Consent Agreements; 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, goals, formats, etc. Department Head Workshop - BOS
9. Pay-per-Bag Recycling – 6-month trial, extended to April 30, 2014

BOARD OF SELECTMEN'S MEETING

March 13, 2014 5:30PM (continued)

10. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Dunkelberger, Mr. Hirst
11. Legal issues – Unfair Labor Practice Complaints – Mr. Lee
12. Sewer - User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
13. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews – Mr. Lee
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, Kid's Play – Mr. Lee
19. Planning Board – Review 1,000' language in ordinance; Review reducing 250' IWWF setbacks per DEP

Selectmen's Report:

8:41 PM Mr. Beckert said that they did receive the approval from the Fire Marshall's office to move the ECSD to the Eliot Elementary School. He added that the Town Manager has a draft RFP in process; that the Building Committee would meet on Monday to discuss the path forward.

Mr. Dunkelberger will invite the school to the meeting.

Other Business as Needed

There was no other business.

Executive Session

There were no executive sessions.

Adjourn

There was a motion and second to adjourn the meeting at 8:43 PM.

VOTE

BOARD OF SELECTMEN'S MEETING

March 13, 2014 5:30PM (continued)

**4-0
Chair concurs**

DATE

Mr. John J. Murphy, Secretary