

BOARD OF SELECTMEN'S MEETING
May 8, 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 April 23, 2014, as written.

VOTE
4-0
Chair concurs

Motion by Mr. Beckert, seconded by Mr. Hirst, to approve the minutes of April 24, 2014, as amended.

VOTE
4-0
Chair concurs

Public Comment:

5:35 PM Mr. (Ed) Cielezsko, 12 Spinney Creek, discussed the change to the video-conferencing in the Selectmen policies to be voted on. He expressed his very strong concern that members would be removed from the proceedings as they would not have to be physically present at the particular meeting.

Mr. Moynahan said that the Board had a public hearing coming up on May 14, 2014 for this.

Mr. Dunkelberger said that, related to that topic, the Maine Legislature is working with a proposed rule that could eliminate any video-conferencing ability within the State, with the exception of water districts.

Department Head/Committee Reports

G1. Committee Reports

5:37 PM 1) BOA: Recommendations for Amending Consent Agreement Policy

Mr. Cielezsko, BOA Chair, said that his board felt that Paragraph F negated all the parameters that are set up to keep Consent Agreements (C.A.) as a very conservative instrument, as a last-ditch instrument to be used by the Town. He added that, if the C.A. was not used very conservatively, a future Board could use this paragraph to evade any restrictions put on the Selectmen and completely ruin the original intent of the all the BOA's work and former Selectmen's work of putting the C.A. parameters together.

5:40 PM Mr. Murphy gave a history of the development of the current C.A. He discussed the difference in the application and understanding of the C.A. by the BOA versus the BOS. He said that he would not agree to remove Paragraph F because that was the one thing that let the BOS do things above and beyond the limited cases that come through the BOA.

Mr. Moynahan said to Mr. Murphy that concerns started with C.A.'s; that the BOA had expressed some concerns and the BOS forwarded on the C.A. guidelines to the BOA for their review. He added that he didn't think the BOS has always followed those guidelines because it isn't something that has been formalized. He said that he thought the BOS was looking at making it a policy and were looking for some feedback from the BOA; that he thought that was what the BOA was doing was giving the BOS their thoughts.

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5:50 PM Mr. Cielezsko said that this came from a workshop the BOA had with the BOS and, at the end of that workshop, the BOA was under the impression that they and the BOS would be having another joint meeting after reviewing the C.A. guidelines, right or wrong in that impression; that when no meeting occurred they decided to just make a recommendation; that the BOA was not telling the BOS to do anything but was just a recommendation.

5:52 PM Mr. (Bill) Hamilton, BOA, explained that the BOA became involved in this because of an understanding from Attorney Vaniotis' workshop the BOA attended that it was very clear that C.A.'s by the BOS may only be considered in the case of a violation. He added that there may be other agreements that the BOS can meet with other towns about various other issues but the word 'consent agreement', which is what Attorney Vaniotis was describing, was really an issue of violation by someone in Town who had done something in violation of the zoning ordinance. He said that the usual procedure is that, if someone comes to the BOA and asks for a variance or administrative appeal and is denied, then the applicant's next course of action is to go to the Superior Court. He added that the BOA noticed that, in several instances, the applicants were actually going to the BOS and asking for a C.A., which sort of denied the appeal process that had already been initiated through the BOA. He said that the authority the BOS has is a punitive authority to level fines if the Superior Court determines that, perhaps, a C.A. should be reached by the offending applicant and the BOS; that it is then the BOS' authority to determine some sort of violation; perhaps a fine or the removal of the violating structure but, in no case according to Attorney Vaniotis, were the BOS allowed to proceed without a violation being present at the beginning. He added that it wasn't a question of making terms with other towns on some property; that this was a question of a C.A., which is directly related to a zoning violation, and that was the only thing the BOA wanted to bring out. He said that the idea of eliminating that paragraph to the BOA really opened the door to other avenues which shouldn't really be part of a C.A. and what the word 'consent agreement' means; that there should be some other agreement between towns to determine some other agreement but not considered a C.A. He added that what the BOS was proposing he thought was an issue of due process which denies the applicant who has been denied by the BOA the right to appeal to Superior Court and the right of all the abutters to challenge that in Superior Court. He added that that avenue is not allowed through a C.A. with the BOS as that was not appealable and he thought that abutters would be denied due process; that the only appeal an abutter would have is to take the Town to court.

5:55 PM Mr. Moynahan said that in the guidelines there is a public hearing. He added that the BOS is trying to make a policy so that they were following it because they have not had public hearings because it is just guidelines; that they were trying to formalize it so that they were doing things right.

Mr. Lee said that he did attend the BOA meeting and told them that he had never seen a BOS enter into a C.A.; that that doesn't mean there are opportunities to do so but he agreed that they should be a very rare circumstance and he did agree that public hearings have to be a part of that process, to, that it is being considered.

Several BOA members agreed it was a good policy, except for that one paragraph.

Mr. Moynahan said that the BOS would certainly use the input as they move forward with the policy discussions; that they were waiting for some input from the BOA so that they could have more conversation.

5:58 PM Mr. Beckert thanked the BOA for their input and would take it under advisement, adding that the paragraph the BOA recommended taking out was, as Mr. Murphy said, put in there by the Town attorney. He added that each and every C.A. in that binder was thought out on each individual case, reviewed by the Town's attorney, and they had followed the procedures recommended by the attorneys at the time. He said that the BOS was trying to hone the policy to make it user-friendly in the cases where they have to use it but he thought that they used it as a last resort; that it was not always a zoning issue they signed a C.A. for so it goes beyond the purview of the BOA and felt the public needed to understand that.

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Ms. (Nancy) Shapleigh said that she thought that putting guidelines into the C.A. narrows down what the Board can do and, as Mr. Beckert said, it's not always zoning issues. She discussed how hard it was to meet the four criteria for hardship with the BOA; that she thought the Board should go by the minimum, whatever the State law is, and use their own discretion because it is certainly not a pleasure, and certainly comes under a hardship, she would think, for many people to go to court against their neighbors. She added that there were too many laws and too many rules and no common sense and she thought that the policy on C.A.'s narrows too much the authority/ability of the BOS.

6:03 PM

Mr. (Tony) Manero discussed his position on the C.A. proposed policy. He said that he concurred with the C.A. guidelines, feeling that they represented the balanced best interests of the Town. He discussed his own experience in a C.A. settlement with the Town and, thus, his familiarity with it and, out of that experience, he recommended an addition to the C.A. guidelines. He said that if the Town has also contributed to the violations being considered for a C.A., great care should be taken by the BOS to assure that the Town appropriately shares in any penalty expenses. He clarified that when the Town becomes party to, or has been involved in, issues where they have also made mistakes, and the record is clear on the mistakes that were made by the Town, then the Town needs to be very, very careful to be sure, for equity purposes, that they apportion whatever fines, penalties, etc. are incurred between the Town and the other people who were also possible violators.

Mr. Moynahan thanked him for his input, adding that the BOS would certainly utilize all the input as they move forward with any policy change.

6:08 PM

2) Committees: re: Quorums/Open Meetings

Mr. Moynahan said that it was brought to his attention that there was a Town employee invited to a meeting and at that meeting there were four members of a committee with Town budget books there, which led to the perception that they could be holding a meeting so, he thought the BOS might want to send a letter of caution and reminder to any board or committee of the appearance of holding private meetings as opposed to public or scheduled meetings. He added that it was kind of concerning to hear that and there was a Town employee that was invited to attend so it wasn't like it was just a private gathering at that point. He suggested that, if the Board was not opposed, they draft something that would remind all boards and committees of the requirements. Additionally, Mr. Moynahan said that he watched a BC meeting the other evening and one of the BC members stated, "This is why we should hold the meetings in private so they don't know what we are planning." He suggested that the BOS should put a note together to the BC that all meetings will be public and don't need to have those types of comments because that was going to give a bad perception to that committee.

Mr. Murphy said that they seemed to be acting that way since they're withholding all information about the reasons for their change to the BOS budget until they make a publication to the public and the BOS at the same time nearer the election.

Mr. Moynahan clarified that the BC didn't have to come up with a recommendation, they don't have to justify; that Mr. Lee was looking for some input on that, as was the BOS, as to what those potentials were going to be.

Mr. (Charlie) Rankie asked the Board that if they had an issue with a particular committee, commission, or board that the Board direct that to that committee, commission, or board and not send a letter to all the committees, commissions, or boards but to the particular person or party or board that has violated, or perceived to have violated, a Town rule – sort of like spanking all the children if one was bad.

Mr. Dunkelberger said that he agreed with Mr. Rankie because it sounds like, in both instances, what Mr. Moynahan was talking about related to one committee.

Mr. Moynahan agreed that they did.

Mr. Dunkelberger said that he thought, then, that the Board needed to focus and, maybe, have a meeting with the BC to kind of verify the type of rules they needed to be

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operating under. He added that he was concerned with Mr. Moynahan's comment that they don't have to justify because they (BC) have been holding the BOS up and department heads in justifying their budgets; that he was looking for that same quid pro quo from the BC as part of this working together, this collaborative relationship, and he wasn't feeling that right now from the BC.

Mr. Moynahan said that that was 3) the timeliness of information. He said that what he was struggling with is what are we (BOS) providing; that they have had joint budget meetings (with BC) with each department and out of those came very few questions to the departments, adding that he was the one coordinating the questions to the departments and there were very little; that there were questions later in the process and, now, they have more questions as it relates to the budget. He asked what the Board could do to streamline this more or what weren't they providing the committee to answer those questions early on; that he was not sure why, at this point in time, they had so many more questions unanswered; that they struggle and he feels bad for them.

Mr. Dunkelberger said that he didn't feel bad for them (BC) because the Board has provided them probably more information than they have ever had; that the Board has met, if not exceeded, all of their (BC) requirements as far as laying all of the books out there, trying to break out all the costs that they possibly could; that the level of detail was, he actually found, daunting, having worked on it. He added that they had the individual department meetings; again, very few questions and he knew that the offer was put out there for follow-up meetings that, at least to his knowledge, has not happened with department heads unless they are having these little private get-togethers; that he found this kind of troubling and was wondering why the Board was not holding the BC to the same standard that the BC has been trying to put to the Board.

Mr. Moynahan suggested they get some feedback from that committee as far as what is not there, what is not sufficient to have some of these things done for the Town in time; that there may be some that are struggling and he did not know; that the Board got criticized over not providing information all the time and he knew that over the last two years he had provided an assortment of information for all boards and committees.

6:16 PM

Mr. Beckert said that the BC, as an elected committee, in some instances hide behind that fact that they are an elected committee and they feel they don't have to provide the BOS the things asked for; however, their duty to the citizenry of this Town, as an elected committee, is to provide that information and to follow through with it in the timelines that are required to meet the printing of the Town Book to have the information ready for the BOS to review, the department heads to review, and the citizenry to review; not to withhold it until the eleventh hour before Town Meeting and then issue it. He said that the fact that the BC didn't have all of their recommendations, or are going back and looking at changing recommendations that were printed in the Town Book, or not, is reprehensible; that they still have to follow the guidelines of what is the timeline to put the budget together to have it ready for the June Town Meeting and referendum votes, period, regardless of whether they are an elected committee or appointed committee; that to do anything otherwise is dereliction of duty.

6:18 PM

Mr. Fisher, speaking as a citizen of the Town (not as a BC member), said that the BC received the BOS' last thing two weeks ago (Thursday) and the BC had to have the whole budget prepared by that Saturday following, working over the weekend to get it done because the BOS didn't get it to the BC, really, soon enough. He said that the BC was working on it and disappointed that it seemed they didn't move fast enough; that he hoped the BC would get a report together before they went to Town Meeting. He added that Mr. Lee has been very, very helpful. He reiterated that he was disappointed that the BC didn't move faster but, with seven members, it was kind of time-consuming with everyone having different ideas but they have done a lot of progress and he didn't see why the BC couldn't give the Board what they had done already; that he would take that up next time they (BC) had a meeting and see if they couldn't expedite it some.

6:20 PM

Mr. (Bob) Pomerleau said that he didn't know if he had heard such a combination of baseless attacks on the BC in the three or four years that he had been involved with it. He added that he thought that they had done the most outstanding, difficult, hard work in their role as representative of the citizens. He added that they are responsible and elected by citizens, and that's not an alibi, that's the law; and they are there to represent

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the citizens that don't answer to the BOS and that is exactly the way we citizens want it. He added that we don't want them to be a rubber stamp of the BOS' policies and budgets. He said that Mr. Lee recommended some sort of reconciliation; that there was a lot of refinement that needs to be done about timelines to get all this done in a timely fashion as everybody would like to see it. He added that, clearly in his view, they've been backed right up against the wall every single year at the eleventh hour getting any information from the BOS and, then, there has been one series or another of erroneous information...keep getting updated...backing further and further behind the timeline. He said that a reconciliation meeting was a good proposal but that was something that has to be done before the warrants are issued. He discussed his strong repudiation of what took place at the supposed meeting and that it was a blatant lie.

Mr. Moynahan said that it was just the appearance; that that was the reminder that goes out; that no one was blaming but reminding of the appearance; that if you read what the policies are, it is the appearance that you are conducting business. He added that when a Town employee comes back and says something it was his job, as the position he held on this Board, was to remind any board or committee that the perception is there.

Mr. Pomerleau rebutted Mr. Moynahan's comments, then attempted to end the conversation.

Mr. Moynahan said that Mr. Pomerleau said the folks didn't get the information until the eleventh hour and yada-yada-yada; that they (BC) are provided the same information the same time this Board is and this Board gets their work done. He added that he didn't understand the comments all the time with this.

Mr. Lee said that the reason there was an appearance is because, as he was leaving the meeting, the Chairman had the budget book on her lap as he was leaving. He added that he didn't know if they did, or did not, discuss but the budget book was sitting in her lap...open.

Mr. Moynahan said that they would send out a reminder and, hopefully, Mr. Fisher will take back to the BC some thoughts from this meeting tonight, as far as timelines and that sort of thing.

Mr. Dunkelberger said that they started out with a discussion of whether it should go to just one board or all the boards and he thought it should go to just one.

The Board agreed.

Mr. Moynahan said that they would collectively draft something for one board (committee).

G2. Administrative Department

6:22 PM 1) Town Manager Activities Report

This was informational. Included was a newsletter that will be going into the Sentinel that talks to the budget and upcoming voting.

2) Municipal Wage Report

This was informational.

3) Update: Knowles Violation

This was informational.

Mr. Dunkelberger suggested that since this seemed to be a seasonal issue they put this on a watch list for next winter.

Mr. Lee agreed.

Ms. Pelletier will update the Murphy's and other neighbors regarding this issue.

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6:27 PM 4) Asst. Planner Wages/CEO

Mr. Moynahan said that some discrepancies in the wage scale was brought to his attention so he had pertinent minutes in the packet that showed how the Board planned to do the temporary CEO coverage. He added that there is a plan in place to solidify the CEO and get wages back to where they were but that was not ready yet. He wanted to remind the Board that there were plans in place to increase the rate of pay for Ms. Pelletier temporarily taking over for CEO coverage. He added that Mr. Lee would keep them up-to-date on this.

5) Update: Asst. ECSD Director – PPC Complaint

Mr. Lee said that the settlement was signed and the check gone; that it came from the ECSD budget, which did have enough in it to cover it because of the vacancy.

6:30 PM 6) Confirmation of Harbor Master (Hiring)

Mr. Lee thanked the appointed panel of people who helped him with this. He discussed the interview process and said that the recommendation of the panel, with his full concurrence, was that Richard Philbrick be appointed as Eliot Harbor Master for a term ending June 30, 2015 and further recommends that Thomas Phillips III be offered a position as Deputy Harbor Master on a voluntary basis for a term ending June 30, 2015.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen appoint Richard Philbrick as Eliot Harbor Master for a term ending June 30, 2015 and Thomas Phillips III as Deputy Harbor Master on a voluntary basis for a term ending June 30, 2015.

VOTE

4-0

Chair concurs

The Board thanked the panel for their work.

7) Update: Public Hearings

This was informational.

6:31 PM 8) Update: Consolidation of Accounts

Mr. Lee expressed his disappointment that they were not further along with this. He said that they did have a phone conversation and that signature cards are en route, the remote check reader is due here on May 16th, they (bank) are preparing all the paperwork and they will be doing sub-accounting for the Town, which will properly apportion interest to the appropriate sub-accounts.

6:34 PM Update: Sale of Tax-acquired Property

Mr. Lee said that they had finalized the sale of the mobile home back to Mark Phillips; that at this point Mr. Phillips was not interested in the other mobile homes that are in his park. He said that the property owned by the lady in Texas is progressing. He added that the other letters have not yet gone out; that they will go out early next week and will talk about the October 15th date.

10) Award Revised Roofing Bid (Bond/Additional Insured)

Mr. Hirst clarified that this was a payment bond, which simply assures that a contractor will pay his subs and, if any sub is not paid by the contractor and makes a claim against the Town, then this will take care of that.

Mr. Lee said that the performance bond was included in the packet.

Mr. Hirst confirmed that the cost of \$1,350 was for both bonds.

Mr. Lee said yes.

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There was discussion regarding whether the performance bond covered the full 20 years. The Board asked Mr. Lee to confirm with the surety company that this was a 20-year performance bond.

Mr. Beckert moved, second by Mr. Dunkelberger, that the Board of Selectmen award the roof work to Williams Roofing, Inc. for the sum of \$38,979, contingent upon the ability to obtain a 20-year performance/warranty bond on the roof.

VOTE

4-0

Chair concurs

Mr. Lee said that the minutes should reflect that that is subject to a written confirmation of a 20-year roof bond.

6:40 PM 11) ECSD Space Renovation Bid

Mr. Lee said that they only received one bid and that bid was very close to what they had for a total budget. He said that their budget was \$29,000 and the bid was \$29,635; that the bidder put in his own electric sub and plumbing sub. He added that they have had some very generous offers from members of the public to help with that at cost. He said that the bidder did not want to work with other subs but wanted his own. He said that four contractors were at the pre-bid meeting and discussed why three didn't offer bids.

6:42 PM Mr. Beckert discussed his concern that, with generous offers from Mr. Fisher and Sturgeon Creek to save the Town money, the Board was not going to insist that Mr. Robinson work with these contractors.

Mr. Moynahan said that the contractors would not submit with the local offers but would submit their prices as an all-or-nothing package.

Mr. Beckert said that, when they had offers up-front, it was the Building Committee's understanding that the Town was going to go with those offers.

Mr. Hirst agreed that was their understanding from the beginning; that he didn't understand why a general contractor would refuse to do business with two legitimate and insured sub-contractors in the Town.

Mr. Moynahan said that he won't do any of his projects without his sub-contractors.

Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen enter into a contract with Bill Robinson & Son of Kittery, Maine for the price of \$29,635 to complete the Eliot Community Services Department renovation project.

VOTE

4-0

Chair concurs

The Board thanked Mr. Fisher and Mr. Dupuis for their generous offers.

6:47 PM 12) Personnel Policy Workshop Date

Mr. Lee will schedule this for an off Thursday in June at 5:30 PM.

13) Proposed Investment Policy

Mr. Lee said that, in doing the consolidation of accounts, they have been collecting proposed investment policies and he was asking the Board to review these documents. He added that as they develop a full set of financial policies this would be a piece of it.

Mr. Dunkelberger discussed the Maximum Maturities paragraph. He quoted "...the Town will not directly invest in securities maturing more than one year from date of purchase." and said that his concern was that he thought this would be too limiting with some of the large reserve accounts the Town has. He suggested that the above quote

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could be for normal operating accounts but for longer-term reserve accounts there should be some flexibility built in for long-term returns.

G3. Public Works

6:53 PM 1) Sewer Operation/Maintenance Plan – Underwood Engineering

Mr. Lee explained that this was an authorization to proceed for the required operation and maintenance plan; that this would be for recommended activities for the basis of budgeting for the pump stations, the collector sewers, the force mains, how to document emergency procedures, facility inspections. He added that the cost was \$7,900 and they have about \$152,000 in the Sewer Reserve, from which this project and the next would come.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen enter into ESR #12 with Underwood Engineering for the sum of \$7,900 to come out of the Sewer Reserve Account.

VOTE

4-0

Chair concurs

2) I/I Repairs Cost Estimate

Mr. Lee said that this was a cost estimate from William Shapleigh Construction in the amount of \$10,420 to perform a deep excavation and repair two sewer laterals. He added that the DPW Director also received a quote from BLD Services in the amount of \$5,500 to perform three less intrusive lateral repairs. He said that they were recommending the Board authorize \$15,920 to do these I/I repairs and that the money come from the Sewer Reserve. He added that these repairs would effectively remove 70,000 gallons of water per day from needing to be treated and opens up future allocations.

Mr. Moynahan asked if this was an emergency situation.

Mr. Lee said no.

Mr. Moynahan asked if this had gone out to bid.

Mr. Lee said that his understanding, in speaking with the DPW Director, that early and often he has said or has been instructed that to the greatest extent possible they try to use local contractors. He added that it was his understanding that the William Shapleigh Construction was the only one around that had the shoring and other equipment need to do the deep excavation; that the DPW Director left it to a single, local vendor with the proper equipment. He said that there was no rush and could be bid out.

Mr. Moynahan said that the bid process did speak to that; that one didn't always look for the lowest bid but try to keep local contractors. He added that he thought they had been pretty consistent with requiring the bid process to occur with purchases and repairs. He said that he was surprised this wasn't done prior to.

6:57 PM Mr. Hirst discussed the 70,000 a day in I&I leakage and the substantial cost to the Town. He added that that would be the only reason he might consider abandoning the bid process.

Mr. Murphy moved, second by Mr. Hirst, that the Board of Selectmen accept this quote for repair of the sewer system, as outlined in the Town Manager Memorandum.

There was more discussion around getting more bids.

7:01 PM Mr. Lee said that his only concern was that the pricing has been discussed in open meeting and, as a result, the bid process has been corrupted. He respectfully added that part of the reason he put these packages out a few days early was that, hopefully if that was the case, someone would say not to mention prices because there may be a problem with this.

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Mr. Moynahan said that, moving forward, he thought that all department heads should be reminded of the bid policy the Town does have.

VOTE

4-0

Chair does not concur

7:05 PM 3) Update: Old Field's Bridge

Mr. Lee said that this was another cost estimate for just the installation of the culvert; that this doesn't cover everything and behind that proposal are the estimates that were put together by Eliot's DPW Director and the DPW Director in South Berwick. He said that South Berwick has told him, point-blank, that they refuse to repair the bridge; that it will be replaced or they won't work with Eliot. He said that they were trying to refine and reduce the prices for this project and get it ready for Town Meeting.

7:10 PM 4) Update: MDOT Dover Road

Mr. Lee discussed the issues around this project.

Mr. Dunkelberger asked that Mr. Lee ask if local roads will be used and, if so, they needed to pursue the bond.

G4. Public Safety

7:12 PM 1) MAP Bargaining Unit Labor Contract

This is to be discussed during executive session.

7:13 PM 2) Command Staff Consolidation Proposal (Police Lieutenant)

Mr. Lee explained that this was a proposal by Chief Short to be considered by Kittery and Eliot; that it would be a money-saving step for Eliot and Chief Short has provided a bunch of information. He added that he spoke with the Kittery Town Manager as they (Eliot and Kittery) were supposed to conduct a one-year review in June of the original consolidation of the Police Chief proposal; that both Town Managers and Chief Short agreed they would not ask either Town to act on it in any way until such time as that review of the current structure and performance taking place under that structure to find out how it is working out before they expanded more combined positions in the police departments. He said that this is really a briefing to have the Board thinking about it and whether it was a good direction.

Mr. Moynahan said that they might see a \$54,000 savings for the Town of Eliot, as long as it was truly a savings, then he was for that. He added that, much like the Chief, it would be year-by-year to see if it was working, not obligating forever.

Mr. Dunkelberger said that it wouldn't hurt to have the Chief come in and brief this Board on how he expects that this would work with the departments.

It was agreed to have the Chief in later in June to discuss this proposal.

7:15 PM Mr. Pomerleau said that he would like to understand where the Chief got the authority to enter into these background negotiations.

Mr. Moynahan said that the Chief was not entering into any conversations; that he presented this to both Eliot and Kittery for their input; that he has put this proposal together on his own accord. He added that this Board has given the Chief the direction to do whatever he thinks is in the best interest of the Eliot community from a safety standpoint and a cost standpoint; that if the Chief is providing something like this for Mr. Lee's review and this Board's review then good for him.

Mr. Beckert said that the only difference in this than any other department head bringing any proposals forward that would affect their department is the fact that the Chief is working for two communities and he has two authoritative boards that he has to present the proposal to for consideration. He added that it was no different than the

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DPW Director bringing a proposal forward, or any other department head, so to allude he is going outside his authority and nobody has directed him to do so was ludicrous; that he is doing what a department head does when they have a proposal they want to bring forward for consideration; that it was as simple as that.

Mr. Lee said that almost from the time he got here we knew we were in trouble with the police and admin budgets; that right away he began discussions with the Chief on how to reduce the police budget by reducing a position, not filling a position, sharing a position. He added that he was glad the Chief had the initiative to go out and look for ways to do this. He said that the way town government works is that administration can propose but it is up to the Town Meeting to dispose of the issue.

3) 25 Safest Communities in Maine

Mr. Moynahan said that this lists Eliot as #1; that he was told, though, that whoever did this survey was incorporated in 2014.

New Business:

There was no new business.

Old Business

There was no old business.

Selectmen's Report:

Mr. Beckert reminded the Board that next week was the Senior Citizen Luncheon, Wednesday, May 24th, and that the Selectmen are expected to cook a turkey.

7:24 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.D – labor negotiations.

VOTE

4-0

Chair concurs

8:00 PM

Out of executive session.

Mr. Dunkelberger moved, second by Mr. Hirst, that the Board of Selectmen accept the agreement between the Town of Eliot and the Maine Association of Police for the Eliot Police Department and charge the Town Manager to work with the union on correcting some administrative mistakes but accept the framework of the contract.

VOTE

4-0

Chair concurs

Other Business as needed

Mr. Dunkelberger moved, second by Mr. Beckert, that the Board of Selectmen abandon the Prohibited Practice Complaint and issue corrective pay to the affected members of the proposed Public Works union, contingent with the signing of a new contract between the Town of Eliot and that union.

VOTE

4-0

Chair concurs

Adjourn

There was a motion and second to adjourn the meeting at 8:01 PM.

VOTE

4-0

Chair concurs

DATE

Mr. John J. Murphy, Secretary