

TOWN OF SEABROOK

SELECTMEN'S SPECIAL MEETING

FEBRUARY 1, 2013

Present: Brendan Kelly
Aboul B. Khan
Edward J. Hess, Jr.
Joseph Titone

10:00AM

Chairman Kelly opened the meeting at 10:00AM.

TOWN MANAGER POSITION

Mr. Kelly said the Board was asked at the last meeting the intent of each member to hire a Town Manager going forward. He said his position then was if it wasn't broke don't fix it. Mr. Kelly said on Monday interim town manager Joe Titone advised him he was not interested in pursuing the position. He felt with this information the position should be posted. Mr. Kelly said when they were looking to hire an interim town manager he assumed they would be going through the process. He said the other two Selectmen felt that Joe Titone would be the interim as he had done it before. He agreed to this not know anything about Mr. Titone. Since then he has gotten to know Mr. Titone and felt he did a tremendous job handling a lot of issues others did not want.

Mr. Khan said at the last meeting he gave his thoughts and what process he is looking for. He reiterated that he feels this should wait until after town meeting. He would like a committee formed that would consist of the Board of Selectmen, Town Clerk, Tax Collector, and Treasurer, Chairman of the Planning Board and Budget Committee and a Representative from Beach Precinct. He feels this would allow everyone to choose someone they agree with as in the past there has always been a board or committee that does not work well with the town manager. He does agree the process should start to select a town manager but shouldn't be hired until after the election as the new Selectmen would be the one to work with the town manager. Mr. Khan said it is the taxpayer's money that pays the salary and if the Board is not happy with the selection it is the taxpayer's money that has to pay for the buyout. Mr. Khan also thanked Joe Titone for his work and said he did a great job.

Mr. Hess agrees the process should be started. He said there is no intention to pick someone immediately and doesn't feel that there would be a selection before town meeting.

Eric Small asked why the meeting today and said it could have waited until the meeting on Wednesday. Mr. Kelly explained they would be posting the job for a length of time and will begin to weed out the applicants and start interviews. He said the position would be posted in the local newspapers and would not use an agency.

Eric Small said the Municipal Resources out of Manchester would assist with the selection of town manager. He said they have the expertise to do this type of work.

Mr. Kelly said there is nothing that says the Board of Selectmen shuts down sometime in November before election and that this situation occurred on their watch and need to continue with business as usual.

Eric Small asked the Board if they had any discussions regarding this matter before the January 16 meeting. Mr. Kelly said his discussions were with the Interim Town Manager. He said he didn't speak with either of the two other Selectmen.

AngelJean asked how the meeting came about and who requested the packet be put together. Mr. Kelly said he asked for the meeting. Mr. Khan said he requested the information and asked the Secretary to put it together for each Board member.

Robie Beckman commented that there needs to be more transparency from the Board of Selectmen. He said it seems as though things are discussed before they are addressed in public session. He said it cost the taxpayers \$129K for the last town manager and if they can spend that kind of money to get rid of a town manager they should be able to spend \$5-10K to hire a professional.

There was discussion on using an agency to help with the process. Robie Beckman commented that they need someone with a background in town government.

Mr. Khan said there is a settlement agreement with the last town manager and they cannot make any comments. Mr. Khan said there is 20% transparency from the Board. He apologizes to the voters if he did anything wrong. He said they can hire any agency to find candidates but he wants it open for more during the interview process and for candidates to apply.

Robie Beckman said if the last town manager was let go for cause there would have been no money paid out but the town did pay out \$129K. He asked the Board of Selectmen if they would admit they did wrong in the process. Mr. Khan said no it was due to the contract and he cannot discuss further.

Mr. Khan commented on the Board having an office with 3 desks and the possibility of having "chance meetings". In the future he is going to ask for the desks to be removed so to eliminate the possibility of "chance meetings". He said it may have been good for the past 25 years but not now.

AngelJean asked Mr. Khan about his comment regarding transparency and if he meant any other boards. Mr. Khan said he cannot speak of the other boards and it is his own observation.

Mr. Kelly said he finds the comment on the 20% transparency appalling and he has nothing to apologize for as there has not been any meeting to discuss the town manager position or to make a decision. He is open to any question and whenever possible brings things out in the open.

Mr. Hess said he is brand new to the board and they are going to have disagreements but they need to work together for the best interest of all town residents. He also disagrees with the 20% transparency. He said everyone is entitled to their opinion and sometimes only 2 of the 3 agree and he apologizes if people are upset over that. Mr. Hess said the misconception is the board is falling apart and he doesn't think that is true at all as he feels they are working together. He said there is a confidentiality agreement with the prior town manager so they cannot discuss. He said the agendas for the meetings are set by the chairman through the town manager.

Mr. Khan commented that he stands by his comment on the 20% transparency and Mr. Hess commented good for you. Mr. Khan said this is what he means he cannot make a comment without other Selectmen commenting.

Eric Small asked the Board if they have discussed the hiring of a town manager in non-public session. Mr. Kelly said he has discussed this with the town manager not with the other Selectmen. Mr. Khan said there has been a meeting. Mr. Hess said it was discussed in non-public with one or maybe both of the Selectmen present. Eric Small said that is not acceptable and this discussion should have happened in public session.

Ivan Eaton commented that it is hard for the Board of Selectmen to get together and have no discussions on town business. He said it is a fine line but the main thing is they make no decisions.

Eric Small feels the office for the Selectmen is the issue as well. He said no other town around has Selectmen's offices.

Robie Beckman asked the Selectmen to make a motion to use an outside agency for the hiring of the town manager.

Ivan Eaton commented that a desk for each Selectman is a must as he used his a lot as Selectman.

MOTION: Aboul B. Khan

To move the Interim Town Manager bring a list of agencies to the next meeting to use for the town manage position and to contact elected officials as previously mentioned to sit on committee for the selection process.

Robie Beckman said he would like it noted that they would hire an agency to complete this task.

Mr. Hess said he doesn't feel the committee is necessary and feels the Board of Selectmen can make the selection.

Mr. Khan said he is not asking for the committee to make the final decision just to have input so everyone agrees with the candidate.

Eric Small said the agency would want to talk with the Board of Selectmen who would be making the decision and they should wait until after the election process.

There was no second to the motion so motion did not pass.

MOTION: Brendan Kelly

To post the position of Town Manager.

Mr. Khan asked what the process would be. Mr. Kelly said to place an ad for the position and see who applies, determine who is qualified and start the interview process.

Mr. Kelly commented that they already have applications for the position but not sure how many. The question was asked if there was someone who applied for the job that they want. There was discussion on this question. It was determined there was at least one application for the position that all three Board members knew about.

Mr. Kelly said the posting would be for the same length of time as the last posting for town manager.

Eric Small asked what expertise they have to make this decision and feels it would be wiser to hire someone to do this for them.

AngelJean asked to clarify the discussion as it is very confusing. She asked if anyone has applied or expressed an interest in the position who works for the town. Mr. Kelly said he doesn't think so, Mr. Khan said yes and Mr. Hess said no he hasn't spoke to anyone.

Nancy Rineman asked how the meeting was notified to the public as the past town manager always notified the press of upcoming meetings. It was noted the meeting was posted on Tuesday at the Town Hall and Post Office as legally required.

There was no second to the motion so motion did not pass.

MOTION: Brendan Kelly To seek a town manager in the
Second: Edward J. Hess, Jr. same manner as the last time
Opposed: Aboul B. Khan when the town manager was
hired.

Mr. Khan said this would not serve the purpose of the taxpayers. He believes they have someone in mind and the other two Selectmen will choose that person.

There was discussion on the timeframe to have the process begin.

MOTION: Aboul B. Khan To start the process after
the election process.

No second to this motion so the motion did not pass.

Eric Small said the new Selectmen are not being included and that is very important.

Mr. Khan asked Mr. Titone if would be staying on as interim town manager during this process. Mr. Titone indicated that he would continue until they found someone.

Eric Small said he heard that privatizing trash pickup was a discussion. He feels this is the wrong move and said we have a great crew doing the job.

Mr. Khan commented that this is always a discussion at the budget meetings. Mr. Kelly said he doesn't believe that any member of the Board of Selectmen agrees with privatizing trash pickup.

AngelJean asked about the Board of Selectmen receiving a copy of RSA 91-A dealing with the public meeting law. She questioned the sealed minutes and said at some time those minutes are released to the public. She said things are being sealed that shouldn't be. Mr. Khan said the Selectmen should have a discussion to determine what can be discussed and sealed. AngelJean explained per the RSA what can be released to the public.

Eric Small suggested having the Local Government Center to go over the right to know law.

There was discussion on the minutes, agendas and emails being posted under the right to know law. Mr. Hess said the minutes were missed but the Secretary has been very busy working on the town warrant and town report and said it is not very often that this happens. He said she should be given credit for her hard work during this time.

Mr. Khan said the school deliberative session is Monday, February 4; the town deliberative session is Tuesday, February 5 and the Selectmen's meeting is Wednesday, February 6.

NON-PUBLIC SESSION

MOTION: Aboul B. Khan To go into non-public
Second: Edward J. Hess, Jr. session at 11:30AM under
Unanimous RSA 91-A: 3, II, (a)
personnel.

Roll call:
Mr. Kelly - yes
Mr. Khan - yes
Mr. Hess - yes

Board reconvened in public session at 11:50AM.

MOTION: Brendan Kelly To adjourn the meeting
Second: Aboul B. Khan at 11:50AM.
Unanimous

Meeting adjourned at 11:50AM.
Minutes taken by Kelly J. O'Connor

Approved and endorsed

Edward J. Hess, Jr., Clerk

Date: _____