

rendered itself invalid. He thinks that Ms. Dam should resign from the commission and reapply for the position.

Mr. McIntire addressed the board regarding the validity of the bylaw. He served on the bylaw committee and a bylaw remains valid unless amended. Regarding the Kopelman and Paige opinion, the opinion was changed based on receiving all the documentation including the job descriptions. He feels that there is no legal reason why a commissioner can not hold both positions. The question is - as a board do we feel comfortable with that and if we are then we can have confidence that we are not breaking any laws. Mr. Elliott suggested that we appoint Sandra until May on an Interim basis and then we can advertise and have her give her 30 days notice. We need her more than she needs us and she is doing a really good job and we need the continuity. I suggest we appoint her as interim/permanent until May.

Ms. Dam addressed the board and said that if the concern of the board is that they want to hire her on a permanent basis and that she not rerun when her term as elected commissioner is up then she would certainly consider that. She stated that she has difficulty not fulfilling her obligation as an elected official and thinks the board has the ability to allow her to fulfill both commitments. If the appointment were just one or two months then she stated that she felt like she was being used. It was noted that Kopelman and Paige recommends a bylaw adjustment.

Mr. McIntire motioned that we eliminate the bylaw that allows a commissioner to serve in both positions and we can do it as of this May or grandfather her in until her term expires and the board would have that option. Discussion.

He motioned that Ms Dam come on as a permanent employee and then it would be tied to his next motion for a bylaw change. Ms. Mckissick attempted to restate the motion which was lengthy. No Second.

Mr. McIntire motioned that a bylaw change be made that will eliminate the possibility of future conflict of interest and that a commissioner can not serve as both a commissioner and an employee as of May 2008. Mr. Elliott seconded. This would be our recommendation to Town Meeting. Ms. Dam suggested that the Sewer Use Bylaw Section 10 be added for clarification. Mr. McIntire and Mr. Elliott for and Mr. Gagner against. Ms. Mckissick abstained. Motion passed.

Mr. McIntire motioned to appoint Sandra Dam as acting Water/Sewer Adminsitator permanently at a rate of \$22.00/hour. Mr. McIntire was questioned why the rate increase. His feelings are that original person was coming in at the base rate and that Ms. Dam is a skilled individual and she should be higher than the base rate. The position is 32 hours.

Mr. Elliott seconded pending approval from the personnel board. A question was addressed about appropriations. There has been numerous weeks unpaid and that there should be enough in the budget. Mr. McIntire clarified the motion to include retroactive to September 25th. Mr. McIntire and Mr. Elliott for and Mr. Gagner against, Ms. Mckissick abstained. Motioned passed.

Mr. McIntire motioned that if the bylaw changes in May of 2008 that Ms. Dam be grandfathered in until her term expires in May of 2009 - at that point she would have to abide by the bylaw. Ms. Dam was asked her opinion. She said she would absolutely abide by the bylaw. Mr. Elliott second. Mr. McIntire, Mr. Elliott, Mr. Gagner for and Ms. Mckissick abstained. Motioned passed.

Ms. Mckissick requested a motion that we change the bylaw at the next meeting that we include both positions so a board member can be paid to do both jobs. Ms. Dam stated that the board just voted to change the bylaws so as not to allow it. Ms. Mckissick wants the bylaw changed to allow someone to serve on an interim/temporary basis in case of need. Discussion on the boards understanding of the bylaw change which was to eliminate the

position. Mr. McIntire said that we could adjust the bylaw to include immediate need if we wanted to.

No motion made.

Ms. Dam said she thought the number one priority in the office is to get the sewer billing up and ready as it will be late. She requested a budget of up to \$1000 if necessary in order for training or consulting such as the previous department assistant for help to get the bills out in a timely manner.

Mr. McIntire moved that Ms. Dam be allowed a budget of up to \$1000 for training for her or department assistant in relation to the sewer billing. Mr. Elliott seconded. Mr. Elliott, Mr. Gagner and Ms. Mckissick for. Mr. Gagner abstained.

Mr. Gagner motioned to reconsider hiring Lissette Rivera as we now have an administrator. Ms. McKissick second. She expressed concern that the reporter called her directly and that she had received a call from Ms. Rivera. Mr. McIntire expressed concern about her experience and that Ms. Dam be allowed to have had input. He felt that we should re-advertise. Mr. Gagner for, Mr. Elliott abstained, Mr. McIntire against. Ms. Dam abstained as she did not participate in the second interview of Ms. Rivera. Ms. Mckissick voted in favor. Motion passed. Ms. Dam to contact Ms. Rivera.

Mr. Elliott motioned to adjourn Mr. McIntire seconded. Unanimous Meeting adjourned 8:00 p.m.

Approved

_____	_____	_____	_____
Cheryl McKissick	Date	John Elliott, Sr.	Date
_____	_____	_____	_____
Sandra Dam	Date	Paul Gagner	Date
_____	_____		
James McIntire	Date		