

attachment to 3/7/14

Complete
Ms Murphy
FOIA - 2-25-2014
Am of Access Act.

heaton.lodge@comcast.net

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From : heaton lodge <heaton.lodge@comcast.net>

Tue, Mar 04, 2014 05:56 PM

Subject : Re: Request for document

1 attachment

To : Town Manager <townmanager@eliotme.org>

Cc : Donna Murphy <donna_murphy@comcast.net>, Wendy Rawski <wrawski@eliotme.org>, Charles Rankie <heaton.lodge@comcast.net>

Dana

There has been nothing said or recorded about cell phone use at Charter Commission meetings at our January 28, 2014 meeting or any other meeting. Under Agenda Item 3b "Charter Commission Rules" - "Other" at our January 28 meeting, I raised a concern relative to texting by members during meetings. The minutes of that meeting record the extent of the written documentation regarding both my conversation with Attorney Seal at MMA and the question of texting.

At our February 12, 2014 meeting Commission member Sinden revisited the texting issue during our closing roundtable. A summary of this discussion can be found in the official minutes.

I have attached the following:

- The January 28, 2014 Charter Commission Agenda
- The January 28, 2014 Charter Commission Minutes relevant to the texting issue
- The February 12, 2014 Charter Commission Minutes relevant to the texting issue

No other Charter Commission written records relevant to this issue exist. Should Ms. Murphy require official copies of the above attachments they would be available at our Town Clerk's Office.

clr

From: "Town Manager" <townmanager@eliotme.org>
To: "Donna Murphy" <donna_murphy@comcast.net>
Cc: "Charles Rankie" <heaton.lodge@comcast.net>
Sent: Tuesday, February 25, 2014 8:33:28 AM
Subject: RE: Request for document

Donna,
I have cc'd Mr. Rankie in my response to you.

Charles,
Could you please provide a copy of those / that document(s) so that they may become public records, and if possible, cc Donna when e-mailing them to me?
Thank you.

Dana

From: Donna Murphy [mailto:donna_murphy@comcast.net]
Sent: Tuesday, February 25, 2014 7:32 AM
To: Town Manager
Subject: Request for document

On January 28, 2014 at the Charter Commission meeting, Mr. Rankie brought forth an issue that was not on the agenda. Mr. Rankie cited a complaint regarding use of cell phones during meetings. He reported that he had spoken to an attorney at MMA and received legal advice on this matter. No documents for the public were presented at this meeting. I am writing to request a written copy of both the complaint and the attorney's advice regarding this issue. Thank you.

ELIOT TOWN CHARTER COMMISSION

Charles L. Rankie Jr. Chairman
Gary Sinden Vice-Chairman
Rosanne Adams Secretary
Roland Fernald Member
Robert Fisher Member

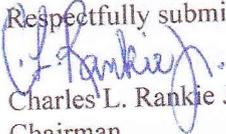
Dennis Lentz Member
John Murphy Member
Maryann Place Member
Edward Strong Member

MEETING AGENDA

January 28, 2014, 7:00PM @ The Eliot Town Hall

- 1.) Review and approve the minutes of the 1-17-14 Commission meeting.
- 2.) Public comment relative to items not on the agenda.
- 3.) Charter Commission Rules:
 - a. Review the York County Code of Ethics, Section 3.7 A-E, with the intent of adopting it as rules for our Commission.
 - b. Other.
- 4.) Budget review
 - a. Through June 2014
 - b. July 1, 2014 through June 2015.
- 5.) Review the Rockport, Maine, Charter with the intent of adapting it for Eliot.
- 6.) Discuss item(s) for "Press Release".
- 7.) Public comment.
- 8.) Commission Member Roundtable.
- 9.) Determine the location of our next regular Commission meetings scheduled for February 12th & 16th, 2014.
- 10.) Adjourn

Respectfully submitted,


Charles L. Rankie Jr.
Chairman

CC: Committee Members
Eliot Town Clerk

FOIA
2-25

ELIOT TOWN CHARTER COMMISSION
MINUTES - JANUARY 28, 2014

PRESENT: Charles Rankie, Jr., Gary Sinden, Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, John Murphy, Maryann Place, Edward Strong.

Meeting opened at 7:05PM

BUSINESS

1. Minutes: MOTION by Fernald, 2nd Strong to accept the Minutes of January 17, 2014 as written. VOTE: 7-0. Chair concurs. 1 abstention – Jack Murphy (had not read the minutes).
2. Public Comment: none [2 members of the public present for the first 20 min. of the meeting]
3. Conflict of Interest: Discussion of the “York County Code of Ethics” (YCCE) produced by the York County Commissioners for possible adoption of the Commission and for the Charter. Ed Strong stated that he had checked the Town of Eliot Manual of Personnel Policies and the BOS Rules and Regulations and Policies and had talked with town clerk Wendy Rawski. Ed found only one paragraph that addresses “conflict of interest” and which applies to town employees.

Denny Lentz felt that the statement in YCCE document doesn't go far enough and it would be good to look at the whole policy of the YCCE when drafting a statement for the Charter. Gary Sinden felt also that it should be more precise and extensive as it applies to the Charter. Roland Fernald noted that we should look at State law/Statute also. In regards to the Commission it was CONSENSUS that it was hard to see just what conflicts of interest would arise for a member; that we could all agree that if anyone felt they might have a conflict of interest and/or others raised the question that it could be brought for discussion (and subsequent decision) to the members of the Commission. Members AGREED to move on, but that we will look at it in relation to the Charter at a future time.

4. Texting during meetings: A Commission member and a citizen had approached the Chairman with a concern that there was texting going on during the meeting by a commission member. The Chairman contacted MMA and talked with senior attorney Rebecca Warren-Seal and asked about this and if this violates any statute. Rebecca replied that there is no statute, but that the texting could be a part of the record because it occurs during the meeting and that the person could be asked to show what they were texting .

The Commission member maintained that he was not texting, but using the Tablet and looking at documents under discussion.

There was CONSENSUS that unless it was distracting during the meeting it shouldn't be a problem. MOTION by Fisher, 2nd Place to cease discussion. VOTE: 8-0. Chair concurs.

ELIOT TOWN CHARTER COMMISSION

MINUTES – FEBRUARY 12, 2014

13. Dennis Lentz AGREED to update the “Index”, and make the corrections agreed upon. A DRAFT watermark will be put on the document and distributed to Commission members before the next meeting, for review.
14. AGREED that DRAFT copies, [when authorized by the Commission] will be given to Wendy to put up on the Town Website for the public to view.

6. PUBLIC COMMENT –

a) Robert Pomerleau

- spoke to the issue of Selectmen not holding other positions on boards, committees and commissions. He cited wording “holding no other position as a public official”.
- expressed concern with the idea of “one town meeting having no power over another”. He felt, in its interpretation, it had the potential of being abused.
- suggested some type of wording concerning a time frame for reconsidering referendum issues.
- said that there should be a clear separation re: the responsibilities of the selectmen and the town manager.
- felt the commission should make every effort to make the document “gender neutral” (see - 5.4 and 5.7, above).

b) Donna Murphy

- said it would be nice to have a copy of the updates as we go along so that she could see what is being developed (*Note – the Commission had discussed placing DRAFTS on the town website – see 5.14, above)
- spoke to the issue of filling vacancies in town committees/boards and that it would be better to be able to fill a vacancy by appointment or special election sooner than the 120 days mentioned in the charter.
- spoke to making the document “gender neutral”. (Denny Lentz responded by asking her to help by pointing out places where it is not as we go along rather than waiting till the end. – see also 5.4 and 5.7, above)

9. Commission Roundtable:

- Gary Sinden brought up the “texting” issue that was brought up last meeting. Gary directed his comments and questions toward Chairman Rankie, bringing up two points. First the concept of the Commission’s decision to take public input and that the source be identified. Gary objected to the Chair not being willing to disclose the source of what he felt was an accusation directed toward him. Secondly Gary questioned the handling of this and felt that the Chair had exceeded his authority in contacting MMA. That although he did go back and check and that at a previous meeting he actually had received a text from a family member and made reply and had also received a message at another time

ELIOT TOWN CHARTER COMMISSION
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that he didn't reply to, that the Chair had no right to question what he was doing, citing Freedom of Speech and Right to Privacy law.

The Chair, in response, declined to name the source of the question. He stated that a question was asked and then he then fielded the question and made the call to MMA to find out what the guidelines were and get more information. He further stated that the inquiry, to him, was in the interest of transparency by the Commission in the eyes of the public and that is the way he presented it. That he did not accuse Gary of doing anything. He brought the question forth and it was talked about, in the open, by the Commission and it was determined by everyone at the table there was not a problem with members texting during meetings. As far as he, the Chair, was concerned it's finished and is not an issue.

10. MOTION by Robert Fisher, 2nd Jack Murphy to adjourn. VOTE: 5-3. Chair concurs.

Meeting adjourned at 10:10 PM

Next meeting: Wednesday, February 26, 7:00PM

Respectfully Submitted,

Date Approved: _____

Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk

FOIA
2-25-2014