

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 .
Gary Sinden asked who it was that was accused of texting. The Chair stated that it was Gary. Gary asked who the member of the public was and the Chair refused to reveal the name. Gary replied that IF he had been texting “it would be no one’s business by my own’ and further stated that he was not texting, but using a 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.

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5. Charter Commission Budget: The Chairman presented the letter to the Selectmen (attached) asking if our funds from now until the town meeting in June come from the existing legal budget AND will the Selectmen be budgeting for legal expenses for the charter review ? The answer by the Selectmen was NO on both counts; that the Commission should budget for its own needs and present a standalone budget to the town.
- Denny Lentz presented an updated Budget Sheet for each of the 2 phases (final is attached to these minutes):

January 2014 to June 31, 2014 – The Chairman stated that legal opinions we might need as we go along we could get from MMA as long as they were presented in writing and through the Chair (but not the final review). Robert Fisher reminded that we make sure the questions are framed properly and precisely. Maryann Place said that we needed to be sure to get a written response. The Commission made additions/corrections. MOTION by Place, 2nd Fisher to accept the budget, as modified, as a “best estimate”. VOTE: 8-0. Chair concurs.

June 31 2014-June 31 2015: Note: this budget will be voted on at the Town Meeting June 2014. The Chairman reported that he had contacted the town manager of Chelsea, Maine and that they used Arundel’s as a basis and had a lawyer on their Charter Commission. Their legal fees were \$500. Maryann Place said that Kittery had done theirs so long ago that she couldn’t get their figures. Jack Murphy made the suggestion that we contact the Town’s attorney and ask if he does not have the expertise to do the legal review that he perhaps could recommend someone who does and then we could get an estimate from that person. Corrections and additions were made to the draft including:

- MOTION by Sinden, 2nd Fernald to put \$10,000 for legal fees into the budget. VOTE: 8-0. Chair concurs.
- MOTION by Sinden, 2nd Place to set the total budget for this period at \$13,500. It being understood that this is a best estimate. VOTE: 5-0. Chair concurs. 3 abstaining – Robert Fisher, Edward Strong and Rosanne Adams, members of the Budget Committee for the town.
- AGREED, the Chairman will receive the revised figures from Denny Lentz and then he will send to the Selectmen with a cover letter explaining that the figures are “our best estimate”.

Ed Strong reminded the Commission that the BOS will be taking up “Boards and Committee” budgets at their meeting on February 5th.

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6. DRAFTING THE CHARTER: General discussion re: how to proceed, using an approved Charter as a template. Options included taking one article at a time; members working in teams on sections and then presenting. Denny Lentz offered to make a worksheet with the Articles on them and then send to each member for markups. AGREED to start at the beginning working on an Article at a time. Denny Lentz will "eliotise" the document and get to us by the end of next week. We can send our corrections/comments to him and he will revise for discussion at our next meeting on February 12th. If there is time we will go on to the next article.

7. Press Releases – this will be kept on the agenda so that it is not forgotten.
 - a. AGREED that the Secretary, with oversight by the Chairman, will draw up an announcement to be put on the website explaining what the Commission is doing and schedule of meetings/topics (presently: "Powers of the Town").
 - b. MOTION by Adams, 2nd Lentz that whenever we have specifically scheduled meetings that we draw up and submit a press release for them. VOTE: 8-0. Chair concurs. At a minimum notices will go out to the Portsmouth Herald, York Weekly and the Sentinel.

8. ROUNDTABLE DISCUSSION
 - a. Edward Strong – will be Skyping with us from Florida and if he is not able will watch the video streaming to keep up to date.
 - b. Rosanne Adams – suggested revisiting the idea of having a display at the Town Hall where agendas and other information could be available for the public. Janet Saurman has agreed to work with Wendy on this and she offered to also help. AGREED that Rosanne will contact Wendy and Janet about this.
 - c. Maryann Place thanked Rosanne for the work she does on the minutes.

9. Next Meetings February 12th and 26th.

Meeting adjourned at 8:40 PM.

Approved: 2-12-14

Respectfully Submitted,


Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk