

ELIOT TOWN CHARTER COMMISSION

MINUTES – FEBRUARY 12, 2014

PRESENT: Charles Rankie, Jr., Gary Sinden, Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, John Murphy, Maryann Place, Edward Strong (via SKYPE from Florida).

2 members of the public in attendance

Meeting was called to order at 7 PM.

The Chair reported that Dana Lee, the new Town Manager, had planned to attend this meeting and formally present his memo re: his role as Town Manager but was unable to. The memo will be placed on the next meeting's agenda.

BUSINESS

1. MINUTES of January 28, 2014: Motion made by Robert Fisher, 2nd Maryann Place to accept, as amended. VOTE 7-0. Chair concurs. Jack Murphy abstained as he had not had the opportunity to read the minutes.
2. The Secretary stated that, for the record, the suggestions that Carol and Bill Selsberg had previously presented to the Commission were not noted in the January 17th minutes. They will be attached to these (February 12, 2014) minutes.
3. REPORTS –
 - The Commission has in place at the Town Hall a file cabinet. The Secretary will coordinate with the Town Clerk, Wendy Rawski to develop a filing system compatible with the clerk's.
 - The Town Clerk has also asked for original signed copies of our minutes which the Secretary will see that she gets.
 - Chair Rankie submitted our budget to the Selectmen with a cover letter (attached).
 - We received an email from Barbara Thain letting us know that our budget will be reviewed at the joint BOS/Budget Committee meeting on February 25th, 5:30pm. The Chair has asked Denny Lentz to join him as he was instrumental in putting the budget together.
4. Commission Ethics/Conflict of Interest policy – Roland Fernald referenced the policy re: conflict of interest and appearance of conflict of interest (page 6) found in the Board of Selectman's *Eliot Maine Ordinance Governing Boards, Commissions, and Committees*. (attached) This document, Roland stated, was voted on by the townspeople and signed by the Board of Selectmen. MOTION by Gary Sinden, 2nd by Ed Strong that we adopt these standards for the Eliot Charter Commission. VOTE: 8-0 Chair concurs.

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5. ELIOT CHARTER – After discussion it was AGREED that Dennis Lentz will take the corrections and additions that we decide upon and draw up a clean copy and distribute to members. Gary Sinden will give his marked up copy to Dennis to use. The Commission members then proceeded to go through Articles 1 and 2, editing our template.
 1. It was AGREED, on suggestion of John Murphy that the ARTICLES be referenced by a number rather than roman numeral and the sections numbered sequentially (1.1, 1.2...) thus making it easy to see what article you are referencing when on any given page in the document.
 2. Regarding “Town Meetings”, Maryann Place stated she had asked our Town Clerk for input on this section. The suggested wording, it was AGREED will be placed in our charter document.
 3. Jack Murphy suggested wording regarding one town meeting having no power over another. He AGREED to put this in writing for the members to look at.
 4. There was a MOTION by Edward Strong, 2nd Gary Sinden to change “Board of Selectmen” to “Select Board” as it occurs throughout the charter document. VOTE: 8-0. Chair concurs.
 5. It was AGREED to bring up the issue of Select Board members being liaisons to committees, etc. when we discuss elected and appointed boards
 6. The Town Clerk submitted her written thoughts on aligning the terms of the selectmen with the fiscal year in reference to Article 2, section 3. The wording she suggested, minus the fiscal year references will be worked into the charter document.
 7. It was AGREED to use “chair” and “vice-chair” throughout the charter document, thus making the document gender neutral.
 8. There was discussion concerning the VOTE of the Chair (of town committees and boards) and there was CONSENSUS that it would be good to have the Chair have a real vote rather than just when there is a need break a tie vote. It would also allow the public to see where ALL the members of the board, committee stand.
 9. It was AGREED that the voting for officers of the Select Board will be by ballot in keeping with Maine Statute.
 10. AGREED that it would be helpful to have the Town Manager’s job description as we proceed. The Chair has asked the Town Manager and Vickie Mills, who helped write our Town Manager’s job description, to look at the section in the town charter dealing with this. There was discussion as to whether or not the description of the Town Manager’s job should be in the charter or just an overview. Discussed also was whether it is the Select Board or the Town Manager who sets the Select Board’s agenda. (reference the Town Manager’s recent memo)
 11. There were several sections which were to be revisited including the “School Board”. The Secretary said she would get a copy of the SAD #35 Board of Directors Bi-laws to members of the Commission.
 12. AGREED next meeting to complete Article 2 and then move on to Article 3 and possibly 4.

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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

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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.

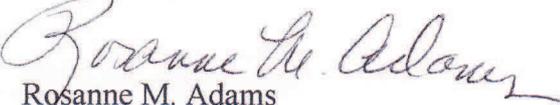
The Chair, in response, declined to name the source of the question. He stated that a question was asked and then he then fielded the question and made the call to MMA to find out what the guidelines were and get more information. He further stated that the inquiry, to him, was in the interest of transparency 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,


Rosanne M. Adams
Secretary

Date Approved: 2-26-14

CC: Committee Members
Eliot Town Clerk