

ELIOT TOWN CHARTER COMMISSION

MINUTES – February 25, 2015

PRESENT: Charles Rankie, Jr. (Chair), Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, John Murphy, Maryann Place, Edward Strong (via video-conferencing [Skype]). 2 members of the public

ABSENT: Gary Sinden (excused – out of town)

Meeting opened at 7:10PM

The Chair explained, for the public attending and those viewing the meeting via streaming media, that the agenda for meetings are posted on the town website and that public comment is placed at the beginning and ending of each meeting

BUSINESS

1. MOTION by Robert Fisher, 2nd John Murphy to approve the minutes of February 11, 2015 as corrected and that if any grammatical errors are later found by John Murphy then the minutes will be corrected by the Secretary. VOTE: 8-0.
2. PUBLIC COMMENT: None
3. CORRESPONDENCE:
 - a. Letter of February 15, 2015 from the Commission to the Fire Chief with proposed wording for Article 4 for his department's review and comment. [attached] In the email he was asked if he could give a time that we might expect a reply. (2/11/15 meeting)
 - b. Email, dated February 19, 2015, from the Town Clerk asking for an update on the status of the Commission's minutes (she had not received the December 17th minutes and the January minutes). The Secretary reported that these were sent to the Town Clerk on February 20th. Robert Pomerleau confirmed that they are up on the town website now.
 - c. Updated listing of citizen comments/suggestions for the Charter (as presented at the public hearing and Commission meetings and correspondence) compiled by the Secretary. The Secretary noted that any suggestions from the last meeting were not in the list and that the February 11th minutes need to be referred to. [attached]
 - d. Wording concerning the *Amendment of State Statutes* from Rosanne Adams, for consideration. (2/11/15 meeting) [attached]

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- e. Information from Robert Pomerleau on language clarifying “prohibitive acts” and “Vacancies – attendance and forfeiture of office”. (2/12/15) [attached]
 - f. Information from Robert Pomerleau concerning language of “recalls”. [attached]
 - g. The Chair reported that he spoke with the Town Manager who will contact Randy Stewart concerning obtaining the SAD35 formation papers (2/11/15 meeting)
4. Review of Article 4 – Administrative Organization [using 2/11/14 draft] beginning with Part E-4.12: Dennis Lentz noted that he had taken out the list of positions that we had decided to remove and then reworked the wording.
- a. Article 4.12 – Job Descriptions and Qualifications: The wording was reworked and there was CONSENSUS to insert “for all Eliot Town employees, as well as a list of all qualifications required by Maine State Law.
5. Review of Article 3 – Town Manager [using 3/19/14 draft]:
- a. Article 3.1- Appointment, Qualifications, Compensation:
 - i. There was discussion concerning the statement that current or former municipal officers may be appointed as Town Manager. It was noted that the wording says they would then have to resign their present position immediately if hired as Town Manager. Edward Strong spoke to this issue and said that it has actually happened in some towns.
 - b. Article 3.2- Appointment Process: Corrections were made and discussion, including the following:
 - i. CONSENSUS to use the word “may” rather than “shall” in both “A” and “B”.
 - ii. John Murphy said that he favored having a Selectman on the Search Committee since they have a broader understanding and would typically know more about how town government works. They should have a voice, but shouldn’t have a vote. Roland Fernald and Edward Strong also expressed their agreement with this. There was CONSENSUS to leave as written to have between 5 and 7 members and to say that “a Select Board member shall serve, as an additional, ex-officio member but have no vote”.
 - iii. Article 3.2.B.4: CONSENSUS to remove last part of the sentence concerning the secretary recording the minutes and insert “from its members”. The reason for this being that because the proceedings are done in executive session there are no minutes that would be taken.

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- iv. Article 3.2.B.5 [submitted by Charles Rankie]: Dennis Lentz questioned why the Search Committee would need the information re: the job description and job advertisement from the Select Board. Charles Rankie explained that the Select Board are the ones doing the hiring and they know what they want. An opportunity for the Select Board to provide a job description, which gives the Search Committee an idea of what the Select Board are looking for. There was CONSENSUS to leave this in as part of the process.
- v. Article 3.2.B.6: The Chair passed out a paper entitled “Knowledge, Skills, and Abilities” and “Minimum Qualifications Required” that the previous town Search Committee had developed upon which to make their decisions as they reviewed applications.
1. The Commission left this subject and proceeded to review the other sections of this article. Upon coming back to this Article there was discussion as to the appropriateness of putting this in the Charter since it is in the job description that now exists and if it was too specific which might necessitate a Charter amendment, should things change. Edward Strong and the Chair were under the opinion that if the description should change that it would not be a substantial change. Edward Strong had no problem leaving in because in his opinion it was not a job description but rather the minimum knowledge, skills and abilities that are needed by a Town Manager. Maryann Place suggested the town manager’s job description could be cited in 3.1. Rosanne Adams and John Murphy spoke in favor of putting this listing in, as it would give clear direction to the Search Committee and Select Board. CONCENSUS of all but one member present that this listing should be put in Section 3.1. John Murphy suggested changing the first sentence to start “A Town Manager is expected to possess the following....”
- vi. Article 3.2.B.7: There was a CONSENSUS that the Search Committee shall present to the Select Board a final list of candidates for the position of Town Manager, once they have conducted final interviews of qualified candidates and that the second sentence be re-written to say that “Once they have completed the final interviews of candidates, by majority vote, the Select Board will make their selection for Town Manager”. There was CONSENSUS to leave out just how many will be on that list and leave it up to the Search Committee.
1. Rosanne Adams questioned if the wording that was being reviewed in these sections reflected what we had done in the search for our Town Manager as she thought that is what the Commission was going to use in this section. The Chair replied that it did not and then explained some of the process.

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- vii. Article 3.2.B.8: John Murphy explained that in developing the questions to ask of the finalists there were questions used from several sources that had been developed by others. The Chair said that if anyone is interested he has that source information and that from those questions the ones particular to Eliot were chosen to be used. There was a CONSENSUS that the present wording provided for too much input from the Select Board during the process of finding a group of finalists and that questionnaires should not be used but rather there should be face to face interviews.
 - viii. Article 3.2.B.9: CONSENSUS to delete “reviewing questionnaires” and insert “interviewing candidates”.
 - ix. There was CONSENSUS for Dennis Lentz to re-work the wording in this article to reflect the absence of Select Board input in the process for selection, other than the final interviews and voting at the end of the process, so that it reflects the process that was used to select our present Town Manager and then the Chair will take a look at it and help to make it correspond to the process that was used by our Search Committee.
 - x. Rosanne Adams questioned saying “shall consult with Maine Municipal Association” in this article on the chance it might go out of business. She suggested putting in both A and B “consult with Maine Municipal or its equivalent”.
- c. Article 3.3 – Powers and Duties
- i. 3.3B: John Murphy suggested and there was no objection to strike the reference to Article 4, Part A, Section 2.
 - ii. 3.3C: CONSENSUS to change “adherence to execute” to “proper execution of”.
 - iii. 3.3D: CONSENSUS to change first part of sentence to read “serve in any legally permissible office”.
 - iv. 3.3G: CONSENSUS to take out the reference to the school department and wastewater department and insert “under his or her authority”.
 - v. 3.3J [submission by Rosanne Adams] : CONSENSUS to retain wording
 - vi. 3.3K: John Murphy suggested and there was no objection to replacing “Article VI” with “Financial Procedures”.

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- vii. 3.3.O: [from the Chelsea Charter]: CONSENSUS to leave in the Charter.

- d. Article 3.4- Removal: Dennis Lentz raised the question as to whether the Town Manager could be re-called. The Chair replied that he saw nothing in the Charter that would allow this and that the wording here gives the Select Board the power to remove the Town Manager.

- e. Article 3.5- Absence or Disability [submitted by Maryann Place]: CONCENSUS to leave in the wording

- f. Following the close of the Commission’s discussion of Article 3, the Chair welcomed public comment:
 - i. Donna Murphy noted that in some places, such as in Article 3.4 we use “manager” and in another place “town manager”. The Chair asked Dennis Lentz to make it consistent to read “town manager”. There was no objection.

- 6. Review of Article 9 – Transitional Provisions [using 1/18/15 draft]: The Article was read through with no changes being made.
 - a. Members reviewed the submission re: Amendment of State Statutes. There was CONSENSUS to place it in Article 9 with its own title. John Murphy suggested that the title of Article 9 could be changed to “Transitional Provisions and Amendment of State Statutes”.

- 7. PRESS RELEASES: Nothing to report. The Secretary asked if anyone had seen the notices that had gone out.

- 8. PUBLIC COMMENT:
 - a. Robert Pomerleau suggested that the Charter have a provision so that if a person is holding more than one office when the Charter takes effect, they would have to relinquish one position immediately in order to be in compliance with the Charter provisions. John Murphy said the way he read the charter that anything inconsistent with the Charter would have to be discontinued. The Chair thanked Mr. Pomerleau for this and following some discussion the Chair asked if John Murphy could wordsmith something that is very specific for the next meeting. There was no objection and John Murphy agreed to do this.

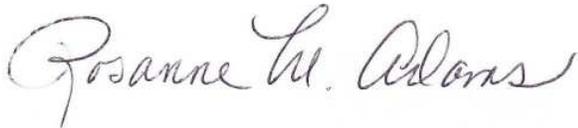
- 9. COMMISSION ROUNDTABLE:
 - a. Dennis Lentz questioned when we would go through the list of citizen suggestions to see where they might fit in. There was some discussion with a CONSENSUS that members would take the compiled list and come prepared at the next meeting to discuss the suggestions.

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10. NEXT MEETINGS: March 11th, March 25th

Meeting adjourned at 9:30 pm upon the MOTION of Robert Fisher, 2nd Dennis Lentz. VOTE: 8-0.

Approved: March 11, 2015



Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk