

ELIOT TOWN CHARTER COMMISSION

MINUTES - MARCH 7, 2014

PRESENT: Charles Rankie, Jr., Gary Sinden, Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, Maryann Place, Edward Strong (tuned in via SKYPE at 6:50pm)

ABSENT: John Murphy

Also attending: Robert Pomerleau, Donna Murphy, Sam Davis (6:50pm), Rebecca Davis (6:50pm)

Meeting opened at 6:10pm

The Chair announced that Rebecca Davis has been invited to the meeting and is expected.

BUSINESS

1. Minutes February 26, 2014: MOTION by Robert Fisher, 2nd Dennis Lentz to accept as presented.
VOTE: 7-0
2. Public Comment: Robert Pomerleau offered some wording concerning the Budget Committee and copies of the LD1 Statute. (see attached) He was thanked by the Chair for the information which will be considered during the appropriate time. Maryann Place volunteered to make copies.
3. The Chair stated that he had invited Rebecca Davis [who is the present Chair of the Budget Committee] to attend tonight's meeting to participate in the discussion on Article 6 *Financial Procedures*. She will be speaking as an individual. He has asked Selectman Michael Moynahan, Vickie Mills (former member of the Town Manager Search Committee), and Town Manager Dana Lee to join the discussion on March 19th when we will be discussing *Town Manager and Administrative Organization*. As time then permits we will continue with Articles 3 and 4.
4. Secretary Report: Rosanne reported that the Commission has received a submission from Anne Sweeney concerning "Local Food and Community Self-Governance" and wonders if it might be something to include in the charter. (attached) Copies will be sent to all commission members to review.
5. Review of Article 5 – Wastewater Department: Dennis Lentz said it was suggested that line numbers be put on the charter to make it easier to follow along. He will attempt to do this for the future revisions. It was questioned why this would be in a town charter. The Selectmen would be authorized to do this under State Statute. Discussion followed. It was generally AGREED that if it was necessary or advisable to put this in the charter it might be better discussed under the "Boards and Committees" section and would come under Public Works.

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6. Review of Article 6 – Financial Procedures: It was noted that Article 4- Administrative Organization would be done with the discussion on Article 3 – Town Manager and that the Statute references would need to be checked to make sure they are accurate.
- Editing was begun including Section 6.2. There was discussion about how specific the information to be provided in the budget process needs to be. MaryAnn Place read the corresponding Kittery Charter reference and it was suggested that we might want to look at other charters also. This section will be looked at again to clarify some of the wording, possible with input from budget committee, town manager and selectmen.
 - Edward Strong was logged in on SKYPE as Ms. Davis arrived at 6:50pm after the discussion had started. Chairperson Rankie explained that Rebecca was invited to meet with the commission as a private citizen and she was not speaking for the budget committee, but as a subject matter expert. Rebecca agreed. Ed Strong was then logged in and present at the table via SKYPE. Chairperson Rankie resumed the discussion by stating that Rebecca Davis was now seated at the table. That she was sitting as a subject matter expert, a private citizen and is speaking for Rebecca Davis only. He further explained, for the public who may be watching or listening that sitting at the table were Robert Fisher, Rosanne Adams, and Edward Strong and Rebecca Davis, who were members of the Budget Committee and everyone but Rebecca Davis were sitting at the table as members of the Charter Committee and Rebecca Davis was here as a private citizen. She was asked to attend because of her expertise in the budget process. Donna Murphy raised objection to having Ms. Davis at the table, that she had talked about this with the Town Manager and that it would be seen by the public as Rebecca Davis sitting here as the chair of a committee [budget]. In addition that there were now 4 members of the budget committee sitting at the table participating in a discussion which constitutes a quorum of that committee, so in in fact this is a budget committee meeting that has not been given public notice. The Chair stated that he believed as he had just explained it that Ms. Davis was attending as a private citizen and that the others were sitting as members of the charter commission and that they are also members of the budget committee is an added benefit; that the public could hear what he said and would understand it clearly. The discussion continued.
 - Rebecca Davis asked for clarification as to how the commission works. That although she has been on the budget committee for 2-3 years there are other former and present members that have knowledge and questioned why she was the only one asked to meet with the committee [commission]. She asked if there will be the opportunity for other people to come in and add to this later and if so what is the structure for doing that. The chair replied that every citizen has the opportunity to add anything at any time and that it does help to have specific information in advance and that adding another voice to the table is a starting point for discussion. Robert Fisher stated that although he is a member of the Budget Committee he was sitting at the meeting as a member of the Charter Commission. He confirmed that although Rebecca happens to be the chairman of the Budget Committee that the Budget Committee had not voted to have her sit at the

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Commission meeting and represent the Budget Committee. The next best way to do it is to have her here as a citizen knowing what the Budget Committee really does and she is very knowledgeable of budgets and how it works.

- Gary Sinden volunteered to rework Article 6.3- Budget Committee. Gary noted that “the Budget Committee is a sub-committee of the legislative body” and is an independent body. Edward Strong noted that the rest of the duties in the Budget Committee are in a following section. Rebecca Davis suggested that rather than use the word “co-operate” might be worked to reflect “in cooperation with” and that there be wording concerning the printing of the Budget Committees recommendations be included which it was suggested by others may fit in Article 6.5- Budget Review Process.
- Re: 6.4 – Submission of Budget and Budget Message: Discussed was the timeline of the entire budget process and specifically the date when the Budget Committee receives the final recommended budget from the Town Manager. Robert Fisher suggested that the Town Manager be asked when we meet with him what the proposed timeframe is for the budget process. It was AGREED for the time being to choose a January 1st date. Concerning the annual audit it was AGREED to ask the Town Manager is there is any law governing how soon after the close of the year the audit needs to be done or if he could suggest a reasonable timeframe. It was also suggested that we check the present contract with the auditors. Rosanne Adams read the corresponding article from the Gray town charter
- Re:6.5 – Budget Review Process: Discussion on the budget process that is presently taking place and what is proposed in the charter. It was noted that the Budget Committee needs enough time to make its recommendations following the approval of the budget by the Selectmen and that a timeline of this process would be helpful coming from those who are presently involved in the process.
- Re:6.6 – Board Action on the Budget: It was noted that until the final figures of the budget are approved by the Selectmen the Budget Committee has nothing to make a final recommendation to the public on. There was discussion on providing for the printing of more explanation on Budget Committee recommendations on the warrant articles. Roland Fernald and others noted that this opportunity is provided for at the town meeting as well as through a mailing or handout, if needed. Rebecca Davis brought up the issue of ballots and having such further explanation on these and it was noted that it might better be looked at in another section regarding referendums. 6.6D will be revisited when we meet with the Town Manager. Edward Strong has written up some wording on the Budget Committee’s responsibilities which he will get to Denny Lentz to incorporate at the proper place and be looked at later.

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- Re: 6.7- Administration of the Budget: Rosanne Adams offered the wording from the Gray, Maine charter which seemed to make this section clearer. It was AGREED that it would be important to have the sentence “He or she may revise such allotments during the year if he or she deems it desirable, and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made.” included in this article. Denny Lentz will insert the wording from the Gray charter and the proceeding sentence so it can be looked at again.
 - Re: 6.8 – TAN: It was AGREED that the word “all” be taken out and that “local banks” should be changed to “lending institutions” so that various kinds of avenues can be considered. Suggestions will be incorporated into the next draft for further consideration.
 - Re:6.9- Voter Authority: It is noted that it is part of “Robert’s Rules of Order”. State statute requires that the “Maine Moderators Manual” be used at the town meeting and it is based on “Robert’s Rules”. There was discussion as to whether it should be left in or taken out; the rights of citizens and in specific to the connection to the LD1 cap vote and the possible need to revisit articles to reduce them. The vote on one article can also affect another and require that changes need to be made. It was noted that this can only occur when the residents vote that they agree to reconsider a previous decision. AGREED to change “require” to “request” and then look at with the understanding that it might want to be placed somewhere else in the charter.
 - Re:6.10 – Public Records: No change
 - Re: 6.11- Lapse of Appropriations: standard wording. Rebecca Davis brought up the issue of the Selectmen approving the rolling over of funds from one year to the next for departments and committees. Rosanne Adams said that she had seen wording on the rolling over of funds and will check and see if there is wording in another charter regarding this. Roland Fernald noted it may already be a procedure of the town and that it was important that there be wording that the Selectmen, on the recommendation of the Town Manager may do this.
 - Re: 6.12- Annual Audit: there was discussion about putting a date certain. Maryann Place read the corresponding article from Kittery’s charter. It was AGREED to get input and ask the question as to if there is any timeframe specified in the law from the town manager and what is a reasonable period to expect the report.
7. Press Releases: The Secretary asked for anyone seeing the publication of our meetings to please give her a copy.
8. Public Input – none

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9. Rebecca Davis was thanked for her attendance

10. New Business

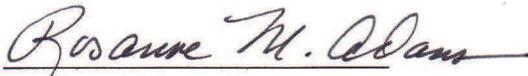
- Chairperson Rankie reported that the Commission had received a Freedom of Access Act (FOAA) request from citizen Donna Murphy. The request was read as well as the reply from Chairperson Rankie and the pertinent documents. It came via the Town Manager on March 4th who instructed that the Chair send him the pertinent document(s) and send a copy to Ms. Murphy. The original correspondence and attachments were given to the secretary for the Commission's files. (attached)

11. Commission Roundtable

- a. Maryanne Place suggested that as a common courtesy the commission ask for all cell phones to be silenced during the meeting. There was AGREEMENT to do this.
- b. Denny Lentz presented some suggestions for our bulletin board display. He will send them to Rosanne to give to Janet Saurman who is working on the display. (attached)
- c. Gary Sinden presented an editorial that he had written to the *Journal Tribune* which they then published as a guest column in the paper. It concerned the Freedom of Information Act and was entitled "Public's business must be conducted openly". (attached) He urged the members of the commission, if they had not already done so, to become certified. This can be done by reviewing the materials on this that are at the state website and filling out the certification form and then place copies of these forms in our files.
- d. Charles Rankie said that he and Robert Fisher had just attended the MMA training on the Freedom of Information Act and that the Town Manager has the power point that was used in the training and has offered to do the presentation for the SAD35 school board and town residents.
- e. Edward Strong requested that the previously updated charter had not reached him. Denny Lentz said he would send Articles 1 and 2 again to him.
- f. The Chair stated that he has requested that official town email addresses be given to himself and the secretary of the Charter Commission so that all official business is conducted this way. Gary Sinden said that all the members of the commission should have such addresses for the sending of minutes, and other communications.

Meeting adjourned at 9:04 pm

Approved: 3-19-14



Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk