

ELIOT TOWN CHARTER COMMISSION

MINUTES – April 8, 2015

PRESENT: Charles Rankie, Jr. (Chair), Gary Sinden, Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, John Murphy, Maryann Place, Edward Strong and 2 members of the public.

BUSINESS

1. Minutes of March 25, 2015 were handed out. There was a MOTION by Edward Strong, 2nd Robert Fisher to review for approval at the next meeting. VOTE: 9-0.
2. Correspondence:
 - a. Letter to Town Manager from the Commission requesting that the \$13,500 already approved for the Commission, or any remaining monies of that initial amount, be held over into the 2015-16 fiscal year. [attached]
 - b. Reply from the Town Manager to our funds request. [attached]
 - c. Recent article by Ralph Morang published in the Portsmouth Herald [attached]. The Chair noted a few errors in the article. The Chair asked, if there were no objection that he invite Mr. Morang, sometime before the public hearing to come sit at our meeting so he can ask questions of us. There was no objection. The Chair suggested that a thank you to Mr. Morang. The Secretary with thank him and invite him to come sit with us sometime before the public hearing date.
3. Review of Article 4.5 – Fire Department [using draft 3/25/15]: The wording submitted by the Fire Department at the last meeting was reviewed. Following discussion Robert Fisher made a MOTION, Dennis Lentz, 2nd to use this wording and to send the updated section to the Fire Chief and ask that if he/his department has any further comments to please let us know ASAP. VOTE:9-0.
4. Review of Article 7 – Nomination and Elections [using 3/25/2105 draft]:
 - a. Article 7.10 – Filling of Vacancies: Wording update was provided by Maryann Place. There was NO OBJECTION to the wording.
 - b. Article 7.11 – Forfeiture of Office: There was a long discussion on this section focusing on the listing and whether it should be included or not; the subject of “recall” (noting that “recall” occurs in Article 8.6.) and issues involving both these subjects; where and how these should be placed in the Charter. Gary Sinden read the definition of “Forfeiture” : fine, penalty; an act of forfeiture; something for which the right is lost; to lose or become

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liable to lose; to lose possession or right through a criminal act. It was asked if we have something in the charter that the Selectmen can initiate a recall to which it was replied that we do. The Chair asked to open the discussion to public comment and there was NO OBJECTION.

- i. Donna Murphy said that she fully supported leaving in the list of reasons a person would forfeit their office and that perhaps adding to the end of the introductory sentence “including but not limited to the following” might help address the issue that it is too finite a list.
 - ii. Robert Pomerleau spoke about recall and the need for a provision so that it can be accomplished either by a warrant initiated by the selectmen or by a citizen petition – wording for which he has already submitted. He said that most other charters state this and give a person 5 days to resign before the Selectmen initiate the process of recall. He said that he favored leaving in listing that is present in this article. That it would be guidance to the Selectmen to initiate a recall. He said that there is really only one reason a person should forfeit a position and that is because they have left town and that that reason could stand alone under the title of “forfeiture”.
 - iii. Gary Sinden suggested asking Mr. Pomerleau to work up something that would address the subjects of “forfeiture” and “recall”.
 - iv. The Chair ask that if there was no objection that the word “may” forfeit be changed to “shall” forfeit. There was NO OBJECTION.
 - v. Maryann Place asked that “including but not limited to the following” be added to the end of the introductory sentence, if there were no objection. There was NO OBJECTION.
 - vi. Donna Murphy noted that changing “may” to “shall” forfeit their office changed the meaning. There is now no choice; it is a given.
 - vii. MOTION by Rosanne Adams, 2nd Gary Sinden to ask Robert Pomerleau to write up some wording for “forfeiture” and “recall, that would clarify these issues, for the Commission to look at. The Chair asked Mr. Pomerleau, who said that he would do this for the next meeting. VOTE: 9-0.
5. Article 8.6 – Recall of Elected Officers: Discussion centered on the number of petition signatures needed to recall an elected officer. MOTION by Gary Sinden, 2nd Edward Strong that the number

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follows State Statute and be 10% of the number of votes cast in the town at the last gubernatorial election. VOTE: 8-1.

- a. Donna Murphy expressed her concern with paragraph 3 that says no new petition of the same person could be submitted until 180 days from the end of the previous filing period. The Commission voiced NO OBJECTION to inserting “for the same reason”.
 - b. There was discussion concerning a person being successfully recalled and then seeking another office and whether they should be prevented from doing so until after a period of time has elapsed. It was agreed that it is a citizen’s right to seek office and to vote and that these rights should not be forfeited.
6. Article 8 - General Provisions: MOTION by Gary Sinden, 2nd Robert Fisher to remove lines 222-225 which refer to the Budget Committee. The wording for the Budget Committee, that occurs in Article 6, was reviewed and this appeared to be unnecessary wording and it was placed wrongly in this article. VOTE: 9-0.
7. Public Comment:
- a. Donna Murphy questioned the wording in Article 6 under the Budget Committee - “but shall aid and co-operated with both [town manager and select board]”. She asked for an explanation of the meaning of this and noted that she has seen nothing in the Charter that the Selectmen will cooperate with the Budget Committee. The Chair asked that she put her thoughts in writing and send to the Commission to which she agreed to do.
8. The Chair noted that Article 3 will be saved till the next meeting where we will also discuss Article 7.11 (input from Robert Pomerleau); Article 8.8D.
9. Press Release: attached is the Article from the 4-8-15 Portsmouth Herald.
10. New Business:
- a. Robert Fisher expressed his appreciation to those members of the public who attend our meetings and give of their ideas and help us.
 - b. Charles Rankie noted that in speaking to the reporter he was asked about public input and in reply he had mentioned the Fire Department, Planning Board, and Board of Appeals and that the other input has come from Robert Pomerleau and Donna Murphy, who are strong contributors and attend almost every meeting.

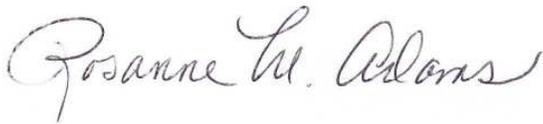
11. Commission Roundtable:

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- a. The Chair said he has copies of 2 letters from Robert Pomerleau to the Town Manager that speak about budget referendums that he will send out for members to look at.
- b. The Chair said he has also a note from the Town Manager to asking to meet to talk about having our attorney look over the Charter to see what we are doing is legal. The Chair asked if the Commission saw a need to do this at this time. It was AGREED that there was not a need to do this now.
- c. Rosanne Adams asked where we are with sending out for a legal opinion on citizen voting on the financial provisions union contracts. The Chair said that he would like a list of anything that we have decided to obtain a legal opinion on and make sure we agree before sending and we will review at the next meeting. There was NO OBJECTION. The Secretary said she would compile a list from the minutes.
- d. Dennis Lentz noted that the State Statute references will need to be verified after all our changes have been made and that we need to not forget to look at our list of public comments.

Meeting adjourned at 9:22 pm upon the MOTION of Robert Fisher, 2nd Roland Fernald. VOTE:9-0.



Approved: April 22, 2015

Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk