

ELIOT TOWN CHARTER COMMISSION

MINUTES –April 9, 2014

PRESENT: Charles Rankie, Jr., Gary Sinden, Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, John Murphy, Edward Strong (via video conferencing).

ABSENT: Maryann Place (excused)

Also present : Dana Lee who was invited to consult with the Commission re: Article 4 – Administrative Organization and 3 members of the public.

BUSINESS

1. Minutes: MOTION by Roland Fernald, 2nd Dennis Lentz to accept the minutes of March 19, 2014 as presented. VOTE: 8-0
2. Public Comment: Donald Webber, a member of the Eliot Fire Department, had come because he had been told we were going to discuss the fire department. The Chair explained that one of the Commission members asked to be present for that discussion so the topic will be put on a later agenda. Mr. Webber was invited to speak his thoughts about the fire department. He said that the ordinances now in place that concern the picking of the fire chief have worked well but he could see down the road a need for change. The town needs someone committed to the town (whoever is hired) and if employed have an employer who will allow him to leave at a moment's notice should an incident occur in this town. The person needs a job where he can get out of it fast. Selected Officers shouldn't hold a leadership role in the department if they are not able to make that commitment. When asked if he could put the history of the department aside and adopt new ideas for the department, he said he could but was not sure of others; that some of what we have is outdated. He doesn't see that we are ready now for a full time department and believes calls are down compared to other departments our size. The Chair thanked Mr. Webber for coming and asked him to leave his phone number so that when the subject is placed on the agenda he could be notified. Robert Fisher gave him a copy of the Eliot Fire Department Ordinance sent to members by the Chair. [see minutes March 19, 2014]
3. Review of Article 4 – Administrative Organization. Modifications were made to the charter language including, but not limited to, the following:
 - 4.A.1 Appointments: It was AGREED to strike reference to appointing Town Attorney and Town Auditor and the rest of the paragraph. Discussion on appointment vs. election of Planning Board and Board of Appeals members and the need for a provision that 'if necessary the Select Board could appoint and fill vacancies on elected boards and committees'. It was AGREED to strike the reference to the appointment of members of the "Planning Board, Zoning Board of Appeals changing it to read "... shall appoint members to the approved standing committees of the town". For the time being "Board of Assessment Review" was left in pending further discussion. The Secretary suggested that Damariscotta's charter seems to be much clearer. Jack Murphy noted that we need a recall provision in the charter and Gary

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Sinden spoke to the need for an employee grievance procedure for employees when discharged for cause. Grievance procedure and labor law issues were discussed.

- 4.A.2- Creation of Departments: Dana Lee brought up the subject of swearing in of appointees and elected officials. Why is it required each year, what is the standing in law? There was discussion about this with Gary Sinden explaining the importance of taking “the oath of office” and its legal standing. It was AGREED that it should be addressed in the Charter somewhere with the thought being that the oath would be administered once at the start of the person’s term and not each year.
 - 4.A.3 – Department Heads
 - 4.A.4- Duties and Obligations of Office: The Chair passed out pages from the Arundel Charter which gave more specifics to the appointed department heads. The commission went over these making modifications. It was noted that there is redundancy with the listing of the “compensation” clause which might better be stated either at the beginning or the end of the Article. Department heads which are not compensated (such as Civil Emergency Preparedness Director) could be moved to a different section. Dana Lee offered to follow up with MMA and see if there is a reason to list “compensation” in each of the positions. Denny Lentz will blend the Arundel portion just worked on with our working charter and send out for further review.
 - 4.A.5 –Bonds: It was noted that the ECSD handles money and it was questioned whether they also should be bonded.
4. Review and update of the Charter Timeline - The Chair asked if we should be looking at a time for a public hearing. It was discussed and AGREED that we would keep working and when we go back to refine some of the Articles and have something more concrete to offer the public we would then revisit holding a public hearing.
5. Press Releases – Rosanne Adams reported she has been contacted by a Foster’s reporter and is waiting for a call back.
6. Public Comment : Robert Pomerleau spoke to the issue of elected vs. appointed (Planning Board/Board of Appeals). He said that because they are quasi-judicial committees they should be elected not appointed in order to protect the public confidence and integrity of these positions. Those that might be appointed because of a vacancy should only be appointed until the next election. Donna Murphy suggested they be appointed only to complete a person’s term.
7. New Business :
- a. The Chair asked for input concerning his going ahead and inviting people to the discussions on topics where they might have some expertise. In specific he would like to invite the Town Manager at any time he thinks it would be useful to the commission. Denny Lentz said that he had no problem at all with bringing “experts” in but that perhaps it would be better for the commission to discuss the subject first among ourselves. Roland Fernald thought that it would be good to decide as a board, when something is coming up for discussion, who we might want to invite. Robert Fisher said

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that the Chair should invite the town manager whenever he felt that he would be a helpful contributor and the members concurred. The Chair asked that if anyone would like someone invited to let him know.

- b. The Chair raised the idea of having bumper stickers made up in an effort to keeping it before the town. He suggested that Janet Saurman might also have some ideas.

8. Commission Roundtable:

- a. Gary Sinden reported that there was a bill before the legislature to do away with the ability to SKYPE for municipal elected committees and that the Maine Municipal Association (MMA) has taken a strong position to oppose this.
- b. Denny Lentz reported that according to the charter schedule there are 7 meetings until August, when our Preliminary Report is due.

9. Meeting adjourned at 9:35 pm



Rosanne M. Adams
Secretary

Approved: 4-23-14

CC: Committee Members
Eliot Town Clerk