

ELIOT TOWN CHARTER COMMISSION

MINUTES – April 23, 2014

PRESENT: Charles Rankie, Jr., Gary Sinden, Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, John Murphy, Maryann Place, Edward Strong.

Also present: 3 members of the public and Portsmouth Herald Newspaper reporter.

Meeting opened at 7:00pm.

BUSINESS

1. Minutes of April 9, 2014: MOTION by Edward Strong, 2nd Roland Fernald to approve as corrected. VOTE: 8-0 [Maryann Place abstain- not at the meeting]
2. Public comment: none
3. Listing of Commission member's primary objectives
 - a. Edward Strong – Clarifying Town Manager duties
 - b. Dennis Lentz- Town Manager qualifications are weak; Budget Committee duties weak
 - c. Gary Sinden – the issue of citizen recourse; separating out the quasi-judicial (Board of Appeals and Planning Board) from the executive; recall procedure
 - d. Maryann Place-placing in our Charter a reiteration of the Maine Statute regarding that those elected and appointed as municipal officials should be residents. Maryann referenced the statute and offered to make copies; Fire Department – placing the Chief under the town manager
 - e. Jack Murphy – need to get the structure set and then begin to go back and modify and adjust the document
 - f. Roland Fernald – responsibilities of the Budget Committee need to be worked on some more.
 - g. Charles Rankie- Nail down a timeline for the BOS to approve the Warrant Articles so that the budget committee has adequate time to look at it; set audit completion deadline; Fire Department reporting to the Town Manager.
 - h. Robert Fisher- addressing the time of annual town meeting in the charter and if changing to give a year's notice to the residents – 1 year lead time
4. Review of public comments: The Chair handed out a note from the Town Manager (who went home sick) and copies of the Poland Maine Charter. [both attached] Jack Murphy read the Town Manager's note suggesting the Poland Charter might be a clearer charter to work from.
 - a. AGREED that the Secretary will send out a list of Charter member suggestions along with the public comment list for review.

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5. MMA requests: The Chair handed out 2 letters to the Maine Municipal Association for review, one for the Planning Board question and the other for the Board of Appeals question as to whether there is anything in the Statute prohibiting these boards from being elected rather than appointed. [attached] AGREED to send out.
6. Review Article 7 – Nominations and Elections The members reviewed and made corrections/modifications which Denny Lentz will incorporate into the document and then send to members for further review. The following issues were brought up during the discussion –
 - a. Robert Fisher – the reconsideration of a secret (written) ballot vote during Town Meeting should not be allowed. AGREED to put this with the discussion of “Town Meetings”. Gary Sinden offered to work on some additional language for this.
 - b. Jack Murphy noted that we do not have a “Board of Assessment Review” (BAR). We now rely on the County Commissioners should a resident have a dispute with their Assessment that cannot be resolved. It was suggested that perhaps the Commission might want to look to see what is in the Poland charter and also to have this particular issue brought up at a public hearing to see what the feeling is to having a Board of Assessment Review. Gary Sinden explained the procedure for taking an issue before the County Commissioners and the recourse after that to take it to Superior Court. AGREED to leave out this department for the time being.
 - c. Article 7.4.C.1: Assessor – The members discussed the need for making a provision in the charter for a “shared assessor”, hiring of a firm to do the work, etc. AGREED that there should be a note in the charter letting residents know that the next step would be an appeal to the County Commissioners when they have a dispute that cannot be resolved.
 - d. 7.4.D: Town Attorney – There was discussion as to the need for this in the charter. It was noted that we don’t have a “town attorney”; we hire on an as needed basis. It was AGREED that it might be more appropriate to have it worded that the Select Board will “retain” a legal firm as needed. It was suggested that this section would be more appropriate in the Select Board duties article.
7. Press Releases: The Chair talked with Ralph Morang (Portsmouth Herald reporter) about who we are and what we have been doing. Ralph will be writing an article. The Chair has a return call in to the Foster’s newspaper reporter also. The Secretary reported that she submitted a notice to Deborah McDermont of the Portsmouth Herald along with letter to let her know that our submissions to the “calendar” have not been printed.
8. Denny Lentz raised concern with Article 4 and how it was changed following the input of the Arundel Charter pieces. Part B was dropped and generally it is now in a

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disorganized state. Rosanne Adams passed out the same article from the Damariscotta Charter for review suggesting that the lay out may help to bring an order back to it. The Chair said he would put it on the agenda for the next meeting.

9. Meetings: AGREED that May meetings will be on the 14th and 21st at 7:00pm

10. Commission Roundtable:

- a. Edward Strong – questioned if there should be wording in the charter re: a Board of Assessment Review (BAR) that states that the town can create, by ordinance, such a board? It was AGREED that the town, by State statute, can create any Board it wishes to and so to state this is probably not necessary. It was suggested that we might want to talk about it during a public hearing and to state why we didn't put it in.

Meeting adjourned at 9:10pm

Approved: May 14, 2014



Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk