

ELIOT TOWN CHARTER COMMISSION

MINUTES – May 13, 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.

Meeting opened at 7:00pm.

BUSINESS

1. MOTION by Robert Fisher, 2nd Edward Strong to approve the Minutes of April 22, 2015 as corrected. VOTE: 9-0.
2. Correspondence:
 - a. Email thread re: our question for a labor attorney. [attached]
 - b. Email sent to Town Manager with our question for a labor attorney concerning voting on proposed union contract financials. [attached] The Chair reported that the Town Manager said he would pass it to a lawyer at Burnstein and Shur.
3. Review of Article 3-Town Manager (using 4/22/15 draft): Review and discussion of Article 3.2.B.6-11 -The Appointment Process. The Commission reviewed the rewriting of this section by Charles Rankie bringing the process in-line with that which was used to find our present Town Manager. Several changes were made and agreed upon. Dennis Lentz agreed to re-do the wording and send out a corrected copy of the complete Article 3.
4. Review of Article 7 – Nominations and Elections(using 4/8/2015 draft): Review and discussion of Article 7.11- Recall, Forfeiture and Removal from office with the proposed rewording/reworking by Robert Pomerleau, as requested by the Commission. He combined parts of Article 8.6 (Recall of Elected Officials); moving them to Article 7.11. Changes to this proposed wording were made, including the following:
 - a. Article 7.11.2.D - : Insert “as defined in the Eliot Town Ordinance governing Boards, Commissions and Committees”. There was a CONSENSUS to remove the last part of the section wording.
 - b. Article 7.11.2. E- : There was discussion as to just what kind of crime or offense might be related to an elected official’s ability to serve and whether or not it was subjective, necessary to be included here. After much discussion there was NO OBJECTION to removing this section, noting that Article 7.11.2 at the beginning makes the statement that the “list includes but is not limited to...” and so citizens are free to bring their own issues forward if they feel they are grounds for recall.

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- c. Article 7.11.3 : There was a CONSENSUS to add the wording – “The Select Board may initiate a recall by warrant article.
 - d. Article 7.12.2.A: There was some discussion on the 180 day waiting period before another recall, for the same reason, can be brought before the voters again. Concern was expressed that it might be possible for those circulating the petitions to manipulate the process so that the recall petition does not meet the signature requirement/time frame. The petition would be declared invalid and dropped and thus not allow another attempt to get the required signatures. In this case 180 days would be a detriment to being able to initiate the process again. There was NO OBJECTION to making a note to revisit this provision again.
 - e. Dennis Lentz reminded the Commission that with the acceptance of the new wording for Article 7.11 the duplicate wording of 8.6 will need to be removed. Dennis agreed to rework the wording and clean up Article 8 as well and then email to the members.
 - f. Donna Murphy suggested a clarification of “days” in the Charter and noted we use “calendar days” in some places and “business days” in others. Several members spoke of the need for a glossary.
 - g. Maryanne Place said she would look up the State Statute to see if there is anything there about how many days an elected official has to respond to a notice of recall.
5. Article 6- Financial Procedures:
- a. The Chair noted that we previously decided that we will need to look at the “Budget Committee” section and “Purchasing Procedures”.
 - b. Donna Murphy read her suggested re-wording of Article 6.3, as requested and then submitted some questions she has on other items. [attached]
 - c. One of Donna Murphy’s major concerns was the wording that the “Budget Committee will co-operate with.....” without giving any directive that the Select Board cooperate with the Budget Committee in return. She noted problems the Budget Committee has had with getting answers to its questions and documents
 - d. Gary Sinden recommended that we consider keeping in “... shall act independently from the Select Board and Town Manager.” and take out the remainder of the sentence in question. There was NO OBJECTION.
 - e. The Chair suggested that this section be brought up at our next meeting for further discussion. There was NO OBJECTION.

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6. Press Release: The Secretary asked if there was anything the Commission would like reported. The Chair suggested urging people to attend and give the Commission their comments on what we have posted on the town website.
7. Public Comment:
 - a. Robert Pomerleau
 - i. Reminded the Commission that should either of the warrant articles on a referendum budget pass at the Town Meeting the Charter will have to deal with it since only in a Charter is the vote for a referendum budget binding on the Select Board.
 - ii. He noted that his suggested requirements for all meetings and hearings have not been dealt with. The Chair asked if he could send this out again to all members to which Mr. Pomerleau agreed to do.
 - iii. Felt a mistake has been made in taking out 7.11.E and that there are offences and crimes that would not rise to a felony and so would not be covered by the Charter should this be taken out. He noted that this is common language in other charters and asked for reconsideration.
8. New Business:
 - a. Robert Fisher asked that the next meeting on May 27th be changed due to the holding of the School Budget vote to be held that night. The Chair noted that Maryanne Place is excused from that meeting. Rosanne Adams suggested setting the meeting tentatively for Tuesday, the 26th. All but the Chair felt they could come to a meeting on that date. After discussion as to another date, the Chair said he would check to see if the room is available on May 26th and let everyone know.
9. Next Meetings: AGREED to June 10th and 24th
10. Commission Roundtable:
 - a. Dennis Lentz reminded the Commission that we will need to merge the files to make it into 1 document.
 - b. Rosanne Adams expressed the desire to have something available for the public at the Town election on Tuesday the 9th of April. She noted that this is a perfect time to get the document out to a great number of the people of the town, even though it is not a “finished” product. That we have not been successful in finding a way of “drawing people in”, as she had hoped for at the beginning; that we need to do something more than just have a “public hearing” before the Charter is voted on.

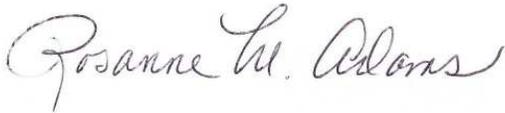
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- i. Discussion followed and suggestions were made to pass out copies; in lieu of passing out copies for residents that we make a printout with our letter that is in the town book and include the address of the town website where they can view the documents; print the Charter on CD's to hand out; have a display showing the town website page. Robert Fisher and Edward Strong agreed to help man a display. MOTION by Robert Fisher, 2nd Edward Strong to have Robert Fisher and Rosanne Adams set up a table display at the Town Meeting. VOTE: 9-0.

- c. The Chair noted that Article 6 – Financial Procedures will be on our agenda for the next meeting. He said that when looking at Article 4 – Administrative Organization , that it occurred to him that perhaps we might want to revisit Article 4.11.E (limiting how many committees one can be on) with the possibility that in the upcoming elections a person on the Planning Board might also be elected to the Budget Committee. There was NO OBJECTION to doing so.

Meeting adjourned at 9:05 pm

Approved: June 10, 2015



Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk