

# ELIOT TOWN CHARTER COMMISSION

*MINUTES – MAY 14, 2014*

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

Also present: 2 members of the public

Meeting opened at 7:04 PM

The Chair announced that the Town Manager was expected to be at this meeting.

## BUSINESS

1. MOTION by Robert Fisher, 2<sup>nd</sup> Edward Strong to approve the Minutes of April 23, 2014 as corrected. VOTE: 9-0
2. The Chair reported that at the last Board of Selectman meeting the issue of several committee members of a committee being at a meeting together, even if not discussing committee business could be viewed on as a conflict of interest and this should be avoided. He also gave his thoughts concerning members being mindful of their actions either personally or professionally and what they do in public and how it could reflect on the Charter and the work we are doing. There was a brief discussion on each of these points.
3. Public Comment:
  - a. Donna Murphy addressed the Commission on an issue she had concerning the Chair of the Commission making a statement to the Board of Appeals (BOA) at a meeting on April 17<sup>th</sup>. The statement concerned the issue of the election vs. appointment of BOA and Planning Board (PB) members. She took objection to the statement he made, feeling that he was using his position as the chair of the Commission to suppress this issue and that he would speak to another board without the permission of the other members of the Commission. She expressed that she has no confidence that he is chairing the Commission in an open way.

She handed out her transcript of what Charles Rankie was reported to have said at that BOA meeting. Upon request of the Secretary Ms. Murphy said that she would get a copy of her statement to the Commission members. [Both will be attached to these minutes when received] Discussion: Robert Fisher clarified that this issue of elected vs. appointed regarding the BOA and PB was first brought up by Gary Sinden and not Mr. Rankie and that at that time Mr. Rankie took the position that he would have a problem with the committees being elected. Charles Rankie stated that he was not representing the Charter Commission, he was representing himself. Gary Sinden said he was troubled by the statement 'I will not let that discussion come up' and said that the Chair controls the flow of the meeting and not the content of the meeting and cannot require a vote for the members to raise an issue (for discussion). He felt he had overstepped his bounds (in making that statement). At the point that the chair no longer supports the effort of the charter he should step down. Rosanne said she had not seen the video and asked to first see (in

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writing) the comments that Ms. Murphy had made and that she was not prepared to comment until having time to review the statement and the transcript of what was said.

4. Receipt of the letter from MMA dated April 24, 2014 re: the advantages and disadvantages of election vs. appointment of members of the Board of Appeals and Planning Board. [attached] In the discussion following the reading of the letter Gary Sinden said that it was responded to by an attorney, but, did not cite one legal argument to her opposition to elected officials on the boards and was just an opinion. Denny Lentz agreed that there was no legal opinion and that it was just a personal opinion. Edward Strong asked where the question of election vs. appointed had been left by the Commission and the Chair replied that it was still up in the air (no decision has been made).
5. Poland, Maine Charter: Commission members had had the opportunity to look at this Charter and after some discussion concerning its strength and weakness and the format it was generally AGREED that we would continue working through the charter we are using and then go back and at that time add any pieces that we find helpful (as we would with any other charter).
6. Review of Article 4- Administrative Organization, using 5/7/2014 draft: Corrections were made to the wording as well as the following:
  - a. PART B- PERSONNEL ADMINISTRATION:
    - i. 4.8: AGREED to change the members of the ad hoc committee to review personnel policies to include 3 employees and 2 town residents.
    - ii. 4.9.C: There was a question concerning State/Federal rules for the Preparedness Defense Director and whether or not he/she should be included in “Exempt and Specially Classified Positions” (exemption from the personnel and policies procedures of the town). It was noted that we do not employ this person. The present Fire Chief serves in this role as chair of a committee and is not employed by the town as Preparedness Defense Director. It was AGREED to remove this position from the list for the time being which then removes 4.9.C in its entirety.
    - iii. 4.9. D: AGREED to add Tax Collector, Code Enforcement Officer, replace Community Development Director with Community Service Director and retitle Planning Assistant to list of “specially classified positions”.
  - b. PART C- ASSESSMENT ADMINISTRATION:
    - i. 4.11- Board of Assessment Review: AGREED to change title to ASSESSMENT REVIEW and that all reference to “Board of Assessment Review” will be stricken from the document. It was AGREED to spell out just how appeals of residents will be handled.
  - c. PART D - AGREED that the heading will be LEGAL
  - d. PART E –APPOINTED OFFICERS/OFFICIALS:
    - i. 4.13A: AGREED that Maryann Place will speak with Wendy Rawski, our town clerk, about what “qualifications” should be put in this section re: town clerk.
    - ii. 4.15B: AGREED to change the Animal Control Officer to be under the supervision of the Police Chief.

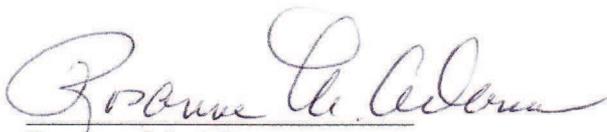
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- iii. 4.16B: AGREED that the Chair will ask the Town Manager to define the duties of Code Enforcement Officer
  - iv. 4.17- Fire Chief: AGREED that we should set aside a specific time to discuss the issues surrounding the Fire Chief (qualifications, whether under the direction of the town manager or not and other aspects of this article). Fire personnel, the Fire Chief as well as the citizen who expressed an interest in this should be invited in.
  - e. It was brought up that we have other appointed officials: AGREED that the Chair will ask the Town Manager for a list of appointed officials. Denny Lentz will then rework Article 4 with this list of appointed officials.
  - f. Article 6- FINANCIAL PROCEDURES: AGREED to discuss at the next meeting.
7. Publicity: The Chair reported that he had a call back to the Foster's reporter and has not seen the results of the information that he gave him.
8. New Business: none
9. Commission Roundtable: no comments
10. Denny Lentz was thanked by the Commission members for the great job he does with reworking the Charter language each week; that we would be lost without the work that he does for the Commission.
11. The Chair asked for any additions to the agenda for the next meeting. It needs to be out ASAP.

MOTION by Robert Fisher, 2<sup>nd</sup> Denny Lentz to close the meeting. VOTE: 9-0.

Meeting adjourned at 9:40 pm



Rosanne M. Adams  
Secretary

Approved: May 21, 2014

CC: Committee Members  
Eliot Town Clerk