

**ELIOT TOWN CHARTER COMMISSION**  
***MINUTES – June 10, 2015***

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

Meeting opened at 7:00 pm.

**BUSINESS**

1. MOTION by Edward Strong, 2<sup>nd</sup> Dennis Lentz to accept the minutes of May13, 2015 as corrected. VOTE: 9-0.
2. PUBLIC COMMENT: None.
3. CORRESPONDENCE:
  - a. Agenda
  - b. Email cancelling May 26<sup>th</sup> meeting from Chair. [attached]
  - c. Letter from attorney Linda McGill re: town voting on labor contract financial aspects. [attached]
  - d. Resent email from Robert Pomerleau re: public meeting language.
4. REVIEW ARTICLE 4.11, part E-Appointed Officers/Officials [3/25/15 draft]:
  - a. The Chair suggested we talk about the intent behind the wording” No elected Town Officer or Official shall hold appointed office in the town unless the law or ordinance creating the appointed office so requires or allows”. He said he believed that at the time this was discussed the Commission was referencing the Selectmen and not all elected officers/officials and that perhaps we might want to exclude the Budget Committee members or School Board members.
  - b. Dennis Lentz noted that in the August 23, 2014 minutes we addressed the Select Board members concerning this in Article 2.2.
  - c. During the discussion several members said they also remembered that this exclusion was only talked about in reference to the Select Board members.
  - d. MOTION by Edward Strong, 2<sup>nd</sup> Gary Sinden to strike this sentence. VOTE: 8-1.

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- e. Rosanne Adams questioned the wording in the first sentence “the following officials shall be appointed by the Town Manager...” given that the Commission previously removed the list and qualifications of these officials.
    - i. Following discussion there was a CONSENSUS to change this to read “those officials, as required by State law, shall be appointed by the Town Manager subject to confirmation by the Select Board.
    - ii. Dennis Lentz agreed to rework 4.11 Part E to be looked at next meeting.
  - f. Article 4.12- Job Descriptions and Qualifications; CONSENSUS to change “all Town of Eliot employees” to “all Town of Eliot appointed officials”.
5. Review of Article 6.3-6.5 – Budget Committee [7/9/2014 draft]:
- a. The Commission reviewed the suggested wording from citizen Donna Murphy for Article 6.5 – Budget Review Process and Schedule. Following discussion there was a poll taken and all 9 members AGREED to insert the wording presented as paragraph 3 of this section.
  - b. There was additional discussion as to how Budget Committee vacancies should be dealt with.
    - i. Several members spoke strongly in favor of having an election/special election and were opposed to having an appointment to deal with a vacancy on this Committee. Comments noted that we say that the “Budget Committee shall act independently of the Select Board”; that there is a conflict with then the Select Board making appointments to this committee.
    - ii. Public comment was taken with Robert Pomerleau urging the Commission to make a provision for vacancies when it is needed. Donna Murphy noted that such an appointment would only be until the next election/special election.
    - iii. Edward Strong read the wording that had been previously suggested and made a MOTION, 2<sup>nd</sup> Gary Sinden to adopt this wording to be added to Article 6.3.  
VOTE: 5-4.
  - c. Dennis Lentz commented that there should be something in the Charter saying that the Budget Committee is represented at the Town Meeting.
6. Issue: Town residents voting on financial aspects of labor contracts. The Chair passed out copies of the letter from attorney Linda McGill of Bernstein Shur which was then discussed. Comments included:
- a. Gary Sinden: she mentions “pursing other approaches” but doesn’t explain what they are. The only approach he could come up with concerns the makeup of the negotiating team.

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- Perhaps to get the legislative body included in the negotiating process it could possibly involve a member of the budget committee being added to the team.
- b. Robert Fisher: There should be room in the Charter for saying who is on the negotiating team and it should not include supervisors (as it has in the past). In his experience as a union negotiator supervisors have never been on the team, representing the employees.
  - c. Maryann Place: Suggested that there be a citizen on the team rather than Budget Committee person. There was some discussion about confidentiality, experience, and the rules of negotiating to which Gary Sinden pointed out that each side Caucus but only one person is the spokesperson for each side.
  - d. Roland Fernald asked why we have to put another person on the team. Charles Rankie replied that it would solve the angst of the legislative body. Gary Sinden said it would bring a viewpoint into the room that otherwise might not be heard. Rosanne Adams said that everyone in that room has a vested interest but the common citizen, who also has a vested interest, is not there to give their voice. Gary Sinden reminded that they wouldn't have vote, just a voice and a member of the Budget Committee would already be someone the citizens have chosen. John Murphy suggested that adding a Budget Committee member would do no harm.
  - e. John Murphy spoke in favor of asking Ms. McGill to explain what those "other approaches might be".
  - f. Dennis Lentz felt that because it was only a tentative agreement that was being voted on that it would be hard for a court to challenge asking the town to vote on it. He didn't think there would be a problem.
  - g. Gary Sinden explained that a tentative agreement is essentially the contract pending ratification by the full board who has the authority to do so. McGill made the point that the Town Meeting is too isolated from the process to rule on the agreement.
  - h. The Chair asked for public comment –
  - i. Robert Pomerleau said that after reading the letter from McGill he came to a different conclusion – that she is not saying "no you cannot do this", but rather is saying "yes you can do it but you may be challenged"; that the court case she pointed to is not pertinent to what the Commission is discussing since we are not talking about an entire contract, just the cost of that contract. Regarding her statement "to pursue other approaches" that it may be possible to exert influence before or after the contract is ratified. This might involve taking a town vote before the negotiations begin giving cost direction to the town negotiators such as "not to go over 2% of ----". Gary Sinden said that he felt that such a vote before ratification of a contract would absolutely be challenged since the people at the table have to have the authority to come to an agreement.

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- ii. Donna Murphy suggested that there should be wording that “no member of the negotiating team shall be on it who is related to an employee of the town”.
  - iii. Edward Strong said he would research just as to where to put something about a member of the Budget Committee being part of a labor negotiations team. There was NO OBJECTION.
7. Discussion on the recent election and the adoption of a referendum budget vote. Edward Strong AGREED to see how section 6.6-Select Board Action on the Budget might need to be modified/changed. There was NO OBJECTION.
8. Edward Strong asked if the Fire Chief had replied to the wording that he had suggested and we had then inserted. The Chair said the Chief had been sent a copy of the revised article but had not replied and that he would check with the Chief. There was NO OBJECTION.
9. The Chair said he would put Article 3- Town Manager (for a quick review) and the suggestions from Robert Pomerleau re: public meetings on next meeting’s agenda. There was NO OBJECTION.
10. There was general discussion about the timeline going forward.
  - a. The Chair reported that the Town Manager has said that clerical assistance is available.
  - b. The issue of a “glossary” was raised to which the Secretary said that she had started one and would send it out to members.
  - c. The Chair reaffirmed that Article 5 is being noted as “Reserved” to which all said “yes”.
  - d. The Chair then took the process, looking backward from a November vote.
    - i. It was noted that the final report for the vote needs to be done and distributed before the November election. [Ballots are prepared 1<sup>st</sup> September and absentees accepted beginning October 2<sup>nd</sup>]
    - ii. It was suggested that we need to double up on meetings in July to which there was NO OBJECTION. The Chair will contact Melissa Albert to set this up.
    - iii. It was AGREED that the process going forward will be:
      1. Roundtable with the Board of Selectmen for input
      2. Printing of preliminary report and distribution for public hearing
      3. Public Hearing
      4. Tweaking report based on public hearing
      5. Submission of Report to lawyer for review
      6. Final Report issued and distributed [before October 2<sup>nd</sup>]
      7. Vote – November
    - iv. The Chair noted that sitting down with the newspaper reporter will also be included in this process, as previously agreed upon. There was NO OBJECTION.

### 11. PRESS RELEASE:

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- a. Robert Fisher noted that we received some great press by having a table and being at the Town Election, on both Tuesday and Saturday. He talked to many people, some who didn't know we were working on a charter and others who did. Rosanne Adams thanked the members of the Commission who were available to help her and Bob at the booth – Roland Fernald, John Murphy, and Edward Strong.

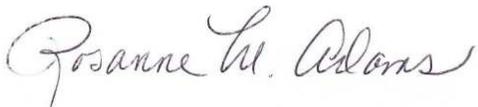
## 12. PUBLIC COMMENT:

- a. Robert Pomerleau noted that now that the town has voted for a budget referendum that the wording in the Charter will need to be worked on. He suggested either wording that states a budget referendum “as provided for in the ordinance” or incorporating the wording of the ordinance, in its entirety, into the Charter.

## 13. COMMISSION ROUNDTABLE:

- a. The Secretary brought up the need to review the Citizen's suggestions. The Chair suggested and the Secretary AGREED to check and see where they might go in the Charter and report back.

Meeting adjourned at 9:45 pm upon the MOTION of Robert Fisher, 2<sup>nd</sup> Edward Strong. VOTE: 9-0.



Approved: \_June 24, 2015\_

Rosanne M. Adams  
Secretary

CC: Committee Members  
Eliot Town Clerk