

# ELIOT TOWN CHARTER COMMISSION

## MINUTES – June 16, 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: Town Manager, Dana Lee and one resident.

Dana Lee was invited to participate in the discussion on Article 6: Financial Procedures

### BUSINESS

1. MOTION by Robert Fisher, 2<sup>nd</sup> Maryann Place to accept the minutes of May 21, 2014 as corrected. VOTE: 9-0.
2. Public Comment: none
3. Correspondence: Copies were given to the Secretary to file. [attached]
  - a. Letter, 17 May 2014 from Rosanne Adams
  - b. Letter, undated, from Melissa Magdziasz-Horner

Each member offered his/her comments on the substance of the letters. Maryanne Place expressed her concern that because we were waiting for a copy of Donna Murphy's statement to us at the May 14, 2014 meeting that it would not be discussed and she felt that it should be. Members expressed their thoughts on that also (see "b").

- a) Letter from Rosanne Adams

Comments included the following:

The video that we have of meetings is a valuable tool to get a firsthand and real impression of what transpires at meetings; the Chair should have discretion on how long people speak but not whether they can speak or not; all decisions need to be made by the Board and not by individuals; public input on the Charter itself is important; if we allowed everyone to speak, be it 2 or 50, we would not get our work done; previously the decision was made that we would open discussion up to comments before voting; a judgment call is made by the Chair as to whether accepting a comment would be disruptive [during the meeting]; we are more in a workshop mode and are not yet voting on articles; confidence was expressed in the Chair's ability to make a decision as to when to take comment during discussion; if there is comment at the end about something already discussed then we could go back and discuss it; suggestions for the Charter should be required to be written down so that the commission has them in the way the speaker intends them to be considered and can think about them; that if the audience listened long enough they might find by the end of the meeting that we have talked about what suggestions they might have wanted to make.

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b) Issue raised by Donna Murphy on May 17, 2014:

Comments included the following:

What was presented by Ms. Murphy was not what was heard by listening to the video; the statement made by Mr. Rankie was made out in the open talking to those who knew more about the subject than anyone else; there is a need to ensure that at the end [of the Charter process] the discussion over this issue won't be censured by the Chair of the Commission; the Chair's personal opinion should not be advocated to others before the Commission has even had a discussion on this issue; the Chair has no authority to "allow" a certain discussion; should the Chair find he could no longer support the Charter he should step down as Chair; members need to be careful when talking with people and expressing personal views or misgivings; we need to wait to see what will be brought to the table for discussion on issues such as these; issues such as these need to be put before the public at the public hearing.

c) Letter from Melissa Magdziasz-Horner –

The Chair explained that this letter came via the Town Manager to the Commission. It was unrelated to the first letter. The Chair then asked for comments. Gary Sinden thanked the writer for such a well written letter and also noted a correction that needed to be made in what she had written and had attributed to him as saying.

Roland Fernald asked that we make a decision as to whether we will or will not take input from the public, no matter how many people attend our meetings, during our deliberations on the articles of the document. The Secretary also asked for clarification before moving on with the agenda.

Gary Sinden noted that public input at the beginning and end of the Commission's meetings is important and although we had initially talked about taking input for each of the segments we really don't have defined segments as it is a flow of work.

Members then, going around the table, each AGREED that we would continue to take public input at the beginning and end of the meeting and that during our work on the articles the public, having made their notes, could present them at the last formal public input session. At that time, if need be, the Commission could then go back and consider that input. The Chair could also ask input of someone attending if they have expertise on a particular issue.

4. ARTICLE 6: Financial Procedures: Discussion and changes made to the articles including the following:

- a) 6.6.D.1 – Select Board Action on Budget – Adoption: There was discussion on just what this section was actually trying to say. Dana Lee thought it was authorizing the transfer of balance amounts between departments as long as the total amounts appropriated are

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- sufficient to cover all departments. It was AGREED that we did not want that to be able to happen. It was AGREED to remove 6.6.D.1
- b) 6.6.D.2 – Dana Lee noted that it is important that the amount of the tax levy should be certified, creating a formal document, before presenting to the Tax Assessor who then sets the mil rate. He agreed to work on clear language and present to the Commission before leaving tonight. Denny Lentz will then replace the current language with this.
  - c) Robert Fisher questioned where the provision for departments to carry over funds not used into the next fiscal year might go. It was noted that 6.11 deals with that.
  - d) 6.8 – Tax Anticipation Borrowing Guidelines: It was AGREED to keep in the language for that with a few changes.
  - e) 6.12 – Annual Audit: AGREED to accept the wording presented with addition of “public” when speaking of the accounting firm.
  - f) 6.9 – Voter Authority: It was AGREED to move this to Article 1 – Powers of the Town – Town Meeting

At 8:15PM Dana Lee excused himself from the meeting. Before leaving he submitted the wording for 6.6.D.1 which Denny Lentz will add to the document.

- g) 6.6.D.3 is now 6.6.D.2: Wording for this was submitted by Jack Murphy. After much discussion it was AGREED to change some of the wording to try and make it clearer.
- h) 6.10 - Public Records: AGREED to let the wording stand as is.
- i) 6.6.D.2: Wording from Dana Lee was reviewed and it was AGREED to accept.
- j) 6.3 – Budget Committee: Copies of the May 1999 *Eliot Budget Committee Procedures and Guidelines* were passed out for those not having it. [attached] It was AGREED to take out the last paragraph. Rosanne Adams offered some additional wording concerning their responsibilities which she agreed to integrate into this section and send to Denny Lentz. There was discussion on the outlined procedure and how it works for the Budget Committee.
- k) 6.4 – Submission of Budget, Budget Message and Budget Schedule. AGREED to insert “and Budget Committee” at the end of the last sentence after the word Select Board.
- l) 6.5: There was discussion on just how this section helps to define the Budget Process and possible modifications. Minor changes were made.

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4. AGREED at next meeting will discuss 6.3 and 6.6.D.2.
5. JULY MEETINGS will be July 9<sup>th</sup> and 23<sup>rd</sup> at 7:00PM
6. NEXT MEETING – Tuesday, June 24, 7PM

7. Maine Freedom of Access Act releases of Commission work in progress:

The Chair spoke of our previous decision not to release any of our drafts until we were close to finishing. As reported at the May 21, 2014 meeting he had denied a request from Donna Murphy for copies of our drafts. When a formal request was made he said it would be released in written form [paper]. He explained that the Town Manager had forwarded to him an email from the Maine Assistant Attorney General Brenda L. Kielty who said if in digital format it has to be released, however because she did not cite any authority, the Chair did not take it on face value. He then contacted Attorney Michael Staltz at MMA who cited Title 408A Paragraph 7 “Electronically Stored Public Records” and so had no choice but to release current copies of all articles we have worked on. He released the documents but before doing so asked the Secretary to put a note on the top before release – ***This document is intended for informational purposes only. It is a working draft of the Eliot Maine Charter Commission, has not been voted upon and therefore does not represent the views of the Commission. It is released in accordance with FOAA statute.***

Gary Sinden expressed his problem with the releasing of the drafts because they are not public record until we vote as a final matter. He was concerned that a 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> party will read these as final and not as a work in progress.

The Chair further explained the law and that anytime drafts are sent online they are put in PDF from with the draft date on them. The Chair and Robert Fisher talked about some of what they had learned at the FOAA class given by the Maine Municipal Association (MMA)

8. Press Releases: Rosanne Adams reported that the releases are out there.

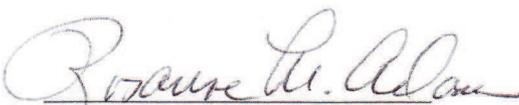
9. Public Comment: None

10. New Business: None

11. Commission Roundtable: Jack Murphy passed out an article from Maine Townsman, May 2014 *What are the Duties of Our Budget Committee?* The Chair confirmed with Jack Murphy that Commission Correspondence for him will still be sent to Barbara Thain at the Town Hall.

MOTION by Robert Fisher, 2<sup>nd</sup> Edward Strong to adjourn at 9:40 pm

Approved: June 24, 2014



Rosanne M. Adams, Secretary