

ELIOT TOWN CHARTER COMMISSION

MINUTES – July 8, 2015

PRESENT: Charles Rankie, Jr. (Chair), Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, John Murphy, Maryann Place [arrived 7:15 pm], Edward Strong. 2 members of the public.

ABSENT: Gary Sinden [excused]

Meeting opened at 7:00pm

Chair handed out a revised agenda for this meeting.

BUSINESS

1. MOTION by Edward Strong, 2nd Robert Fisher to accept the minutes of June 24th as corrected.
VOTE: 8-0.
2. PUBLIC COMMENT: none
3. REVIEW of LEGAL Request for Proposal DOCUMENT:
 1. The Chair explained that in going over the document with the Town Manager a few suggestions for corrections were made. He went over these corrections: # of copies returned by firms reduced from 7 to 5; Questions to be submitted no later than August 16th; change “the assumed # of hours required and rate/hour” to “total cost”; added “copy of preliminary copy of charter attached”.
 2. The Chair explained that when the bids are opened the Town Manager will be at that meeting. The date to be returned is August 11, 2015 at 2pm; they will be put in the safe to be opened at our meeting on August 12th.
 3. John Murphy made some grammatical suggestions and wording clarification.
 4. Robert Fisher made a MOTION, 2nd Dennis Lentz to have John Murphy work with the Town Manager to resolve any grammatical issues and make corrections and to approve the corrections to the RFP as suggested by the Chair. VOTE: 8-0.
 5. The Chair said he would send a notice to Dana tonight.

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6. Dennis Lentz noted that the Charter doesn't go out until July 28th so that changes can be made to it. The Chair noted that the updated Charter will be ready by July 13th.

4. ORDER OF DOCUMENT – AGREED

- a. Cover Page
- b. Table of Contents
- c. Glossary
- d. Preamble
- e. Articles 1-9
- f. Index

5. REVIEW of ARTICLES 1-9 with citizen input.

a. ARTICLE 1- Powers of the Town:

- i. Dennis Lentz questioned taking out “officers to be elected” and put in Article 7; felt it should also be in this article as it is a very strong power town has; also there was a passage that was taken out previously “Although Eliot representatives to the School Board serve in accordance to State law and the by-laws of the aforementioned board, they are elected to represent the interests, concerns and public education- oriented ambitions of Eliot residents. As such these representatives should be responsive to concerns and requests for information and dialog with Eliot’s Select Board, Town Manager, committees and boards”. School board piece is missing. It was suggested and AGREED to place this wording in a new article 1.6 “Elected School Board Members”.

AGREED to put as part of Article 1.5 (at the end):

The offices to be filled by the voters shall be:

- A. Town Meeting Moderator
- B. Select Board
- C. Budget Committee
- D. School Board (Eliot Representatives)

b. ARTICLE 2 – Select Board:

- i. Chair brought up conflict in Article 2.2. He suggested to make change from “current” to “No former Select Board member shall hold any compensated town office...” and Take out next sentence “When a current municipal officer....” There was NO OBJECTION to the changes suggested.
- ii. 2.8.C Suggestion to strike “C” Interference with Elected Boards”. – AGREED that it is not necessary and to strike.
- iii. 2.9.b5 – AGREED to change to “Failure to attend 3 consecutive regular meetings
- iv. 2.10 – AGREED to add the word “comprised” [of its own members].
- v. 2.15 “Council” changed to “Select Board”.
- vi. 2.14 – Petitions for Warrant Articles: A MAJORITY AGREED to place 2nd

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paragraph “If an issue has been submitted to the voters by referendum, either as a citizen’s initiative or by the Select Board, that issue, if substantially the same, may not be resubmitted to the voters for one (1) year from the referendum vote regardless of the outcome of that vote”.

- vii. Several minor changes in grammar, spacing made and correction of statute references made.
 - viii. Robert Pomerleau – re: referendum articles being able to be brought back he suggested there be wording that it can only be brought back provided it was a valid vote. The Chair suggested that if he feels strongly about this to bring it up at the Public Hearing.
- c. ARTICLE 3 – Town Manager:
- i. 3.5 AGREED to replace the beginning of the last paragraph with “After (6) months of the Town Manager’s inability to continuously perform the duties of Town Manager,..”.
- d. Article 4 – Administrative Organization:
- i. 4.8 – AGREED to change word “regular” to “annual” in first sentence.
 - ii. Several minor corrections were made.
6. Article 5 – no change
7. Article 6 – Financial Procedures:
- a. 6.3 – AGREED to change second paragraph to read “Vacancies of the Budget Committee members, other than anniversary term expirations, shall be filled by the budget committee as soon as possible, after posting the vacancy for 14 days. Each appointee shall serve until the next Town election”.
 - b. 6.6.C – AGREED to leave in “Voted upon at Town Meeting in accordance with the Town of Eliot Referendum Budget Ordinance” (in red) until hear from the attorney.
 - c. 6.6.D2 – AGREED that the wording concerning authorization of funds if town meeting is delayed needs to be consistent with what is in the town warrant. Dennis Lentz will use this wording to amend this section of the Charter.
8. Article 7 – Nominations and Elections:
- a. Minor wording corrections.
9. Article 8 – General Provisions:
- a. 8.4 and 8.4B – Conflict of Interest: Members looked at wording prepared by Rosanne Adams re: preventing nepotism, hiring and supervision of family members, etc. which included new addition of “domestic partner” as is in other charters. The changes were discussed, reworked and resulting wording was AGREED upon by the members.
 - b. 8.7.B.2 – It was suggested and AGREED to insert that the Chairperson on all boards, commissions, and committees shall vote on all matters using the wording under the Select Board chair duties to make it consistent.
8.7 – to place as second paragraph in this section - The Planning Board and Board of Appeals, which are quasi-judicial boards whose responsibilities are derived by action

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of the State Legislature and, as such, do not serve at the pleasure or direction of the Select Board except removal for cause as provided for under, Section 4.

Membership, subsection B, Removal of Members, of the Town of Eliot Ordinance Governing Boards, Commissions and Committees.

- c. 8.8 – It was AGREED to add that notices (not legal notice) of meetings will be submitted to the newspapers.
- d. Minor formatting and grammatical changes made.

10. Article 9 – Transitional Provisions:

- a. 9.4.B3 – AGREED to replace word upon “adoption of this Charter” to “implementation”.

11. The Chair asked for volunteer to pick out some of the things that are being changed by a Charter. He asked if Roland Fernald would do this for the public hearing. Mr. Fernald AGREED to do this.

12. CITIZEN INPUT not yet discussed. The Secretary suggested going over each of them. The general disposition of each is given below:

- a. Regionalization and shared employee costs – changes due to circumstances from time to time and doesn't belong in a Charter
- b. Ethics and the ability to prohibit member of committee, etc. who has not paid property taxes from voting – appears to be unconstitutional
- c. Where law requires Political party and gender representation – could be unconstitutional.
- d. Local Food and Community Self Governance – should come about by an ordinance, rather than the Charter
- e. Bonding of major construction on town buildings – this is already required by the Select Board and has been covered in the Charter
- f. Definition of amending and revision in the Charter – covered by State Statute and we have something in the Charter already

e. Citizen access to meetings and allowed to speak – Suggested wording by Robert Pomerleau added to Article 8.7B.1 to read “all meetings shall be open to the public except as otherwise provided by statute and any person must be permitted to attend. Any member of the public shall be allowed the opportunity to speak on any subject, motion or vote at such proceedings”.

AGREED to use wording which becomes 8.7B.1e: “Public notice shall be given for all public proceedings. This notice shall be given within 5 days of the public proceeding, except that for regularly occurring meetings or unusual and sudden circumstances, when a minimum of 3 days notice shall be provided. In the event of an emergency meeting, a minimum of 2 days notice must be provided using all means of available communication to the public and local media”.

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13. PUBLIC HEARING LEGAL NOTICE - The Secretary reported that Robert Fisher has arranged for us to have the John F. Hill Grange Hall for the hearing. The Town Administrative Secretary Melissa Albert will place the legal notice in the Portsmouth Herald but because we could not meet the deadline of the Sentinel it will not be a legal notice there but will perhaps be more timely. The Secretary said she would be preparing an article for the newspaper. The Chair reported that he spoke with the reporter and that we will be sitting down with him at some point. The reporter will be preparing an article to go out before the hearing.

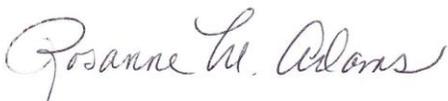
14. PUBLIC COMMENT:

- a. James Tessier thanked the Commission for the time it has spent and encouraged us to make a strong point, at the hearing, that even if people don't totally agree with everything in the Charter that it gives control to the town as to how we do business as opposed to the state.
- b. The Chair thanked Mr. Tessier and Mr. Pomerleau for taking the time to go through the document and come and share their thoughts with the Commission and encourage them to come to the hearing.
- c. Robert Pomerleau again suggested that the Commission present an overview to show the changes especially for those who won't read the whole document.

15. COMMISSION ROUNDTABLE:

- a. Secretary will arrange for the video-recording
- b. Agenda for July 22nd meeting will be to review the Charter based on the comments at the public hearing.
- c. Dennis Lentz will make all corrections from tonight; make all line numbers consecutive; remove diagonal watermark; insert disclaimer and date of draft at the top of the document and then send out to the Town Manager for distribution and to Commission members.

Meeting adjourned at 10:15 pm upon MOTION of Robert Fisher, 2nd Edward Strong.



Rosanne M. Adams
Secretary

Approved: August 26, 2015

CC: Committee Members
Eliot Town Clerk