

ELIOT TOWN CHARTER COMMISSION

MINUTES – July 9, 2014

PRESENT: Charles Rankie, Jr., Gary Sinden, Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, John Murphy (arrived 7:18pm), Maryann Place, Edward Strong.

No members of the public present.

The Chair welcomed Gary Sinden back. The Chair referenced a newspaper article from the Portsmouth Herald that he had to us before our last meeting, but was not discussed, that dealt with an individual's appeal of their tax appraisal as it was pertinent to our discussion about the procedure for tax assessment appeals.

BUSINESS

1. MOTION by Roland Fernald, 2nd Edward Strong to accept the June 24, 2014 minutes as amended. VOTE: 7-0. Gary Sinden abstained as he was not present.
2. Review of Article 6: Financial Procedures. The Commission went through the Articles for any possible additions, corrections and discussion before releasing the document to the public, making minor changes. Discussion included the following:
 - a. 6.3- Budget Committee: There was discussion concerning how vacancies on the Budget Committee should be handled. Edward Strong referenced the May 1999 Budget Committee Procedures and Guidelines that states that "The Budget Committee may seek out, name and recommend to the Board of Selectmen, appointments to the Budget Committee where any vacancy exists..." It had already been agreed that any appointments would only be until the next election. It was AGREED to put a statement in parenthesis in red that this issue will be discussed again.
 - b. There was discussion about the use of "proposed budget" and "proposed final budget" used in Articles 6.5 (Budget Review Process and Schedule) and 6.6 (Select Board Action on the Budget)
 - c. 6.6B – Publication of the Budget: Rosanne Adams and the Chair felt that the article should be more specific as to when the town's final budget is made available to the citizens; perhaps immediately or within a week, two weeks. It was noted that it is not dependent upon its printing in the Annual Town Report and would be available after finalized. Upon discussion it was AGREED to leave the time frame "as per the Town Manager's schedule".
 - d. 6.8.E-Tax Anticipation Borrowing Guidelines: AGREED to add that the option to prepay would be without penalty.

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3. MOTION by Edward Strong, 2nd Roland Fernald to post Article 6, as amended tonight, on the Town Website. It being understood that we are reserving the right to continue working on it (it is still a draft). VOTE: 9-0. It was AGREED that Denny Lentz will remove the “draft” watermark to make it easier to read, and insert the word “draft” on each page. The Secretary will draw up a statement, borrowing from the FOAA statement, and put it on. It will then be sent to the Chair to put in PDF format and he will submit it to the Town Clerk.

- a. Denny Lentz asked if there should be a note with it acknowledging that we realize we haven’t included all the public comments given us. It was AGREED that the Secretary will do a write up for the website explaining the document and the use of public comment, welcoming written comments on this and reminding people we will also be having a public hearing.

3. Article 2: Select Board

- a. The Chair brought up the decision at a previous meeting to have a more definitive definition of moral turpitude (as cause for removal). Mary Ann Place said that Kittery has a legal opinion on this definition in the files and she will try and get a copy for the commission to the Chair to send out before the next meeting. The Chair asked if it might be good to also ask MMA. It was AGREED to also have the Chair ask the question of MMA.
- b. Discussion resumed with Article 2.11-Procedure. Minor word changes were made. The word “annotated” was removed; the word “closed (session) was removed and “closed session” was changed to “executive session”.
- c. It was AGREED to change the references to “Board” throughout the document to “Select Board”.
- d. 2.11B – Rules of Record Keeping: There was discussion on how detailed the records (minutes) should be, including verbatim transcription. It was noted by Jack Murphy that Maine Statute only requires the motion and the vote, time and place of meeting, although the present select board does include much more. The State Law reference at the end of the article references this. Rosanne Adams said she thought there should be some background to the decision being made so that anyone reading could understand what led to the decision and that otherwise you are only referencing statute and nothing else. Gary Sinden expressed that if you go away from Statute then you really would have to go to verbatim. Otherwise who is going to decide what will be included. Roland Fernald pointed out that the Selectmen have policies and procedures that spell out what needs to be in the minutes, etc. It was noted that the Selectmen decide upon these. AGREED to have Rosanne try and come up with some wording as to what we want to have in the minutes to look at for the next meeting. AGREED to change “journal” to “minutes” in this section.
- e. 2.11C – Voting and Quorum: There was discussion on the idea brought forward by Jack Murphy on having the need for at least 3 affirmative votes for any action of the Select Board to be valid. Comments included that the members are elected by the town’s people to do the business of the town and it could tie their hands; that it fits in 2.15

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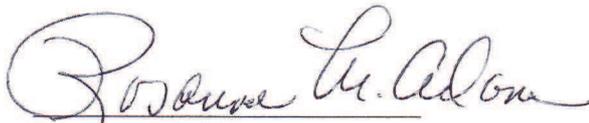
(Emergency Ordinances) but not here; that not having 3 affirmative votes could lead to decisions being made opportunistically allowing a vote of 2 out of 3 people to make important decisions; that regardless of the number voting, any action that didn't receive at least 3 affirmative votes could be brought up at the next meeting; that the instances where there might be 3 members present and voting would be very rare and so there was no need for this rule; that because this situation occurring is so rare wouldn't it be better to make sure there are at least 3 affirmative votes? **AGREED** not to put in this provision for the time being but will continue the discussion

- f. 2.12 – General and Administrative Ordinances: Members discussed ordinance procedure.
- g. 2.15 – Emergency Ordinances: Gary Sinden noted that the definition of what constitutes an emergency is stated in Maine Statute. It was questioned what the reasoning was behind a supermajority being needed to pass such an ordinance. There was discussion on this and it was noted that other charters have this provision. Mary Ann Place said the language of the Kittery Ordinance is much the same as the one we were looking at, and made copies for the members. It was **AGREED** to look at Kittery's Charter language and revisit this issue later.
- h. 2.16 – Authorization and Recording: **AGREED** to add the need for "signatures of the Select Board".
- i. 2.17 – Codification of Ordinances: There was discussion about how the ordinances are made available to the public. Mary Ann Place explained that the ordinances are now web-based and are updated regularly so the code is kept current. It is also available in loose-leaf form.
- j. Denny Lentz will make the revisions agreed upon tonight and send out for review.

4. Maine FOAA tracking form [attached]: The Chair passed out the form developed by the Town Manager and explained that whether a FOAA request is made in writing or verbally the form will be filled out so that the request can be tracked.

5. Press Releases: The Secretary stated that once our first Article (6) is up on the website she will make up a press release to announce it.

6. Meeting adjourned at 8:51pm.



Rosanne M. Adams
Secretary

Approved: July 23, 2014

CC: Committee Members
Eliot Town Clerk