

ELIOT TOWN CHARTER COMMISSION

MINUTES – July 22, 2015

PRESENT: Charles Rankie, Jr. (Chair), Gary Sinden, Rosanne Adams, Robert Fisher, Dennis Lentz, John Murphy, Maryann Place, Edward Strong. 3 members of the public.

ABSENT: Roland Fernald (excused – family business)

Meeting opened at 7:00PM.

The Chair passed out the agenda.

Dennis Lentz expressed how proud he was to be working with such a diverse group of personalities with so much wisdom, skills and expertise.

BUSINESS

1. PUBLIC COMMENT: none
2. The Chair asked if there was no objection that the format be kept loose [allowing for input from the public when they wished to speak]. There was NO OBJECTION.
3. CORRESPONDENCE:
 - a. Town Manager's memo concerning the 6 law firms sent the RFP [attached]
 - b. Input from Finance Manager – Rebecca Bergeron [attached]
 - c. Note from newspaper reporter asking about any further information coming from the recent public hearing and the reasoning behind placing a Budget Committee member on the labor contract negotiating team. Chair replied. [attached]
4. The Chair suggested that we go only through Articles 1-9 tonight and leave the glossary, preamble and index until the next meeting. There was NO OBJECTION.
5. The Chair noted that the next meetings are scheduled for August 12th (to open the RFP bids) and August 26th (review from Attorney due back). There was some discussion on the schedule to which the Chair said he would re-check the dates on the timeline. He recommended that we reserve August 28th for a meeting if needed. There was NO OBJECTION.
6. REVIEW OF PUBLIC HEARING, FINANCE MANAGER, TOWN MANAGER, COMMENTS/ CONCERNS:
 - a. Edward Strong suggested including the definitions of “charter revision” and “charter amendment” in Article 9 also. There was NO OBJECTION.

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- b. The Commission went through each article, noting the input from the public hearing and others; making a decision on each suggestion/concern. Many minor wording changes were made and there was discussion and subsequent additions/changes concerning the following:
- i. Article 1 – Power of the Town
 1. Because we will not necessarily be having another meeting after the June election/referendum it was AGREED to put in “*and may adjourn to the date, time, and place certain, within (5) five days following the second Tuesday of June for the purpose of considering and acting upon any remaining business.*”
 - ii. Article 2 – Select Board
 1. Reconciled the filling of vacancies of the Select Board (2.3) and of all elected officials (7.10) by making the cut off period 180 days.
 2. Added wording to make clear that members must not act individually as a representative of the board. (Article 2.7)
 3. Added wording to note that a person may request a public or private hearing in the process of “removal for cause”. (Article 2.7B)
 4. Wording needs to be consistent for “forfeiture of office”. AGREED to replace 2.9B with a reference to Article 7.11.
 5. Concerning issues submitted again after a period of 1 year- that they meet the voting requirements under 2.12. AGREED to reference Article 2.12 in Article 2.14.
 6. Language was clarified concerning vote on emergency ordinances - Article 2.15.
 - iii. Article 3 – Town Manager
 1. Made reference to the town’s purchasing policy. (Article 3.3G)
 2. Removed reference to the Statute. We reduced times of procedure for removal of town manager. (Article 3.4)
 - iv. Article 4 – Administrative Organization
 1. Discussed removal of Fire Chief. It was AGREED that any change as to how the Fire Chief should be removed would be better served by either amendment to the Charter or a change in the Ordinance and not in the Charter itself. Robert Pomerleau expressed his objection to not dealing with this issue in the Charter.
 2. It was AGREED that an annual review of personnel policies is not excessive. It is calling for review and not change.(Article 4.8)

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3. Richard Norek spoke to the Assessor; the setting of the mil rate and how to empower the Assessor. Gary Sinden pointed out and others concurred that the job of the Assessor is under State Statute and specifics as to who is responsible for the assessment comes under the State and is not appropriate for the Charter to take up.

v. Article 6 – Financial Procedures

1. Tax Anticipation guidelines were discussed. All but one member agreed that doing this on a yearly basis was not unreasonable; it is not that time consuming and it done by businesses all the time. John Murphy talked about the probability to having to shift banking from one place to another each year. The regular accounts are involved in over weekend sweeping and the TAN are involved in that. Suggested we need to talk to the Town Manager about this. Edward Strong noted that the Town Manager has not said anything to us about this. Dennis Lentz noted that the Finance Director was not saying don't put it out for bid, but to just not do it so frequently. Robert Fisher spoke about the recently proposed bonding of the sewer system where we shopped around; found out where we could get the best interest; didn't do it with the bank that has our money. Gary Sinden noted that there is a difference between having a bank account and with borrowing money on a note; that we may not even be borrowing from a bank. The Chair suggested to Mr. Murphy that if Dana can provide us with something that might persuade us then just get it. Robert Pomerleau spoke in favor of examining it yearly. Edward Strong made a recommendation that we don't do anything; maybe look at again when it comes back from lawyer. The Chair asked if he could add that if the Town Manager could send us something that he strongly urges us and can outline why that we will take a look at that. Mr. Strong had no objection. There was **NO OBJECTION** by the members to leave and move on.
2. There was discussion on whether vote counts should be included for the Budget Committee as they are for the Planning Board and it was **AGREED** to place in 6.6C a statement concerning the placement of vote count numbers as well as dollar recommendations in the budget warrant in accordance with the budget referendum ordinance. There was a split of feeling concerning whether to limit any commentary that might be added to the warrants by the Select Board or Budget Committee.
3. There was discussion on what needs to be inserted concerning the budget referendum. It was **AGREED** that general and not specifics need to be included. The members rejected the attorney's suggestion to include parts of the town meeting ordinance because it was felt he did not fully understand the situation. We have a citizen's initiative and town meeting

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ordinance to reconcile and it is not clear just when/how that will be done. It was AGREED to make mention of the town budget referendum ordinance in 6.6C - The budget adoption process shall be guided by the Town Charter and any adopted budget referendum ordinance.

vi. Article 7 – Nominations and Elections

1. The Commission dealt with the filling of vacancies on the School Board in Article 7.10 by adding the exception of the School Board which will be filled by the Select Board until the next election.

vii. Article 8 – General Provisions

1. Article 8.4.A3 – after discussion and referencing the original charter document used as a template it the Chair took a roll call and it was determined that the title “predisposition” should be changed to “bias” with one objection that it should be taken out altogether.

viii. Article 9 – Transitional Provisions – no changes

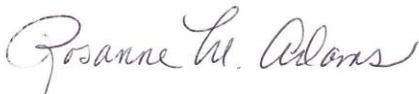
7. PUBLIC COMMENT:

- a. Robert Pomerleau noted that the wording that was agreed upon regarding citizen participation at meetings has not been included. The Secretary said she would see that Dennis Lentz gets it and it is included. Mr. Pomerleau spoke in appreciation of the work of the Commission.

8. COMMISSION ROUNDTABLE:

- a. The Secretary offered to work with John Murphy in writing a final report for the Charter. John Murphy agreed to work on it with her.
- b. Maryann Place announced that she would be unable to attend the first August meeting as she will be on vacation.
- c. The Chair said, if there was no objection, he will ask for an update accounting of the Commission’s monies now available. There was NO OBJECTION.

Meeting adjourned at 11:00 pm on the MOTION of Robert Fisher, 2nd Edward Strong. VOTE: 8-0.



Rosanne M. Adams
Secretary

Approved: August 12, 2015

CC: Committee Members/Eliot Town Clerk