

ELIOT TOWN CHARTER COMMISSION

MINUTES - August 12, 2015

PRESENT: Charles Rankie, Jr. (Chair), Gary Sinden (7:06pm), Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, John Murphy, Edward Strong. Newspaper reporter and 2 citizens.

ABSENT: Maryann Place [excused – out of town]

Meeting opened at 7:00PM

Chair passed out a modified agenda to be used if no objection. NO OBJECTION.

BUSINESS

1. MOTION by Robert Fisher, 2nd Dennis Lentz to accept the July 7th Minutes, as amended.
VOTE:8-0.
2. MOTION by Robert Fisher, 2nd Roland Fernald to accept the July 21st Public Hearing Minutes as amended. VOTE: 8-0.
3. MOTION by Robert Fisher, 2nd Roland Fernald to accept the July 22nd Minutes as amended.
VOTE: 8-0.
4. OPENING AND AWARDING OF LEGAL REVIEW CONTRACT: The Town Manager provided a scoring sheet for use. The Commission received three (3) proposals [attached] which it then opened, reviewing the criteria that had been set in the RFP and discussing the merits of each. Two of the proposals did not have an exact cost for the work but rather an estimate and an hourly cost figure, leaving the final amount open ended. It was noted that the Commission asked for a total cost to be submitted. The merits of having a law firm familiar with our town looking at the Charter as opposed to one that is not familiar with our town were discussed. Upon the MOTION of Gary Sinden, 2nd Edward Strong the firm of Perti-Flaherty, at a cost of \$5000, was awarded the legal review contract. VOTE: 6-2.
5. Commission write-up for the Eliot Community Services Department Fall Newsletter: The Town Manager had suggested and the Secretary then wrote up an article for the ECSD Newsletter. Because it is not a news release it was felt the Commission needed to approve such a submission. The wording was reviewed and edited by members. After updating, the Secretary will send out a copy to all Commission members when it is sent to ECSD.
6. Budget Referendum – Review of lawyer suggested wording – Options A and B [attached]. Each of the options was read and there was much discussion around using “plurality” or “majority” when determining which determines the outcome of the voting. The lawyer suggested using “majority”. Several members found a problem with having a majority when there are 3 choices on the ballot. It was noted by Gary Sinden and others that “plurality” is how we decide our elections

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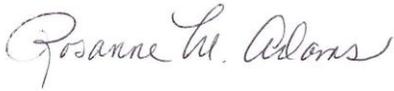
and that with 3 choices chances are very high that we won't reach a majority and would have to have another vote (as per the option). Both options provide for there to be one more referendum for articles that don't pass on that first town meeting referendum vote. If an article on that 2nd vote doesn't pass it would revert to last year's appropriation. Option B included the wording of the Citizen's petition that there be a "citizen's voted amount" if they so decide. It was felt by many of the members that this complicated the vote count even more with the addition of a 4th possibility for the ballot. It was noted that even without that addition the people will still have a budget by referendum, if put in the Charter, which is what they voted for. Robert Fisher noted that the citizen's petition actually received more votes than the ordinance. MOTION by Gary Sinden, 2nd Dennis Lentz to adopt Option A for the Charter with the removal of the sentence that the recommendation must receive a majority of the votes and replace with "a plurality of the votes cast". VOTE: 8-0.

7. The Chair suggested, with no objection, that Dennis Lentz will make the changes to the Charter document and then submit to the Town Manager who will then award the legal review contract to Perti Flaherty and attach the updated preliminary charter document for their review.
8. Review of "Critical Path Schedule":
 - a. The bid has been awarded and the opinion/suggestions of the lawyer will come back on August 25th. The Chair will ask the Town Manager to send it out to us upon receipt.
 - b. The Charter will be reviewed at the August 26th meeting with August 28th, if needed, to finish our review.
9. Review of Article 8.7.1.1E: Corrections were made to this.
10. Review of Article 8.7.B.2: Reviewed with no corrections.
11. PRESS RELEASE: The Secretary noted that an article she wrote did not make it into either the Portsmouth Herald or Fosters, possibly because another article had been written by the reporter. She has reworked the article for the Sentinel and has submitted it.
12. PUBLIC COMMENT:
 - a. Donna Murphy asked if we would need another hearing because of the substantial changes made to the document [budget referendum wording]. John Murphy replied that what we have is still not the final document and there will be another hearing, following the updating based on the legal review. Edward Strong noted that at the public hearing people were informed that it would be in the Charter, but the wording had not then been set.
 - b. Robert Pomerleau spoke in opposition to the choice of Option A and leaving it with 3 choices rather than a "yes" or "no" on each which is what is in the state statute. He spoke in favor of "majority" rather than "plurality". The Chair responded, explaining that if some other wording is submitted that is vetted by a lawyer and submitted to the Chair it will be brought before the Commission.

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13. NEXT MEETING – August 26th. The Chair suggested that the agenda will include, in addition to reviewing the legal opinion, review of the preamble and discussion on how we can promote the Charter.

Meeting adjourned at 10:25 pm upon the MOTION of Robert Fisher, 2nd Edward Strong. VOTE: 8-0.



Approved: August 26, 2015

Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk