

ELIOT TOWN CHARTER COMMISSION

MINUTES – September 10, 2014

PRESENT: Charles Rankie, Jr. (Chair), Gary Sinden, Rosanne Adams, Roland Fernald, Robert Fisher, John Murphy, Maryann Place, Edward Strong. 2 members of the public.

ABSENT: Dennis Lentz (excused)

Meeting opened at 7:00pm

BUSINESS

1. Minutes of August 27, 2014. MOTION by Robert Fisher, 2nd Maryann Place to approve, after the Secretary checks the video tape and amends the statement by Gary Sinden made during the roundtable discussion. VOTE: 8-0.
2. Minutes of August 13, 2014. MOTION by Robert Fisher, 2nd Maryann Place to approve and file with the town clerk. VOTE: 8-0.
3. Public Comment: None
4. Correspondence –
 - a. Email from Town Manager confirming the Select Board vote to extend the time for Charter Commission through 11-6-15. (attached)
 - b. Copy of article in Portsmouth Herald dated 9-8-14 on the Charter Commission and its work. (attached)
5. Review Article 2 – Select Board: Minor corrections were made. AGREED to have the secretary make the minor corrections, insert the disclaimer and submit to the town clerk for posting on the website.
6. Review Article 8 – General Provisions (using 8/23/14 draft):
 - a. 8.1B – General Authority – Initiative and Referendum- Referendum: The Secretary presenting some wording from a citizen on time limits for the same referendum item to be brought up a second time (repeat petition). It was AGREED to have Maryann Place insert the wording in RED for the members to look at and discuss.
 - b. 8.3 – Swearing in Officers – Oath of Office: Maryann Place presented the wording from the Kittery Charter. It was AGREED that it seemed more concise than what we presently are working with and that Maryann will rework this section using some of Kittery’s wording and present for further discussion.

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- c. 8.4 – Conflict of Interest: Gary Sinden read from the County Commissioner’s statement on this. It was AGREED that statements in this section that presently reference only the Select Board members should reference all “officials and employees” because this article deals with “General Provisions” and not just the Select Board members. Maryann Place will reword the appropriate places in the article (including 8.B, C, D, E, and F).
- d. 8.4A.1- Financial Interest: It was agreed that having ANY financial interest should be construed as conflict of interest. AGREED to revise wording of this section to reflect that.
- e. 8.7 – Public Bulletin Board: There was discussion as to whether we might want something more specific on the places where the information is posted. No decision was made at this time.
- f. 8.8- Recall of Elected Officials: After discussion it was AGREED to use 35% of the number of votes cast in the Town at the last gubernatorial election, as the number of signatures needed on a petition to recall an official.
- g. 8.9 – Planning Board Makes Warrant Recommendations: York Warrant Articles were presented for review and it was AGREED that to make it clear just what needs to be put on the warrant (to include the recommendations of the Planning Board and the Board of Selectmen and their vote counts) it would be good to put an example. It was AGREED to use one of the examples from the York Charter.
- h. 8.10- All Appointed Committee and Board Service:
 - i. AGREED to strike “All” in the title of this section.
 - ii. There was discussion on the recommendation of a citizen that there be a residency requirement for appointments to serve on town committee and boards and whether it is needed in the Charter or just kept in an ordinance as it is presently. Because of the importance of this requirement it was AGREED to add to section 8.10.A. a second definition requiring those serving to be residents.
 - iii. There was discussion on the input from a citizen that members of board and committees serve on only 1 board/committee at any given time. Some reasons given against having a limit included: that we have few who volunteer as it is for appointed committees; that when selecting people the Select Board may then have to overlook qualified individuals in order to meet this requirement; some people may just want to serve for the prestige of it; it may not belong in the Charter at all. Reasons given in support of limits included that it would give the opportunity for new people to serve and broaden the viewpoint of that committee; that serving on more than 2 at one time spreads a person’s level of real involvement very thin; it prevents a number of committees having on them the same people and therefore reflecting only those same viewpoints. Maryanne Place explained Kittery’s process of dealing with people asking to serve on more than 1 committee. Maryann said that Kittery has put this into an ordinance and she agreed to bring in

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a copy of the wording for members to look at. It was AGREED to place a note in RED at the bottom of the section “limit the number of committees, boards and commissions”, and review the Kittery ordinance.

- i. 8.10.B.1a: AGREED to switch wording of sentence and place “copy submitted to the Town Clerk” at the end of the statement.
- j. 8.10.B.2a: AGREED to change “manage” to “lead”.
- k. 8.10.B.2d: AGREED to change “run” to “conduct”.
- l. 8.10.B.2f: AGREED to take this statement out completely
- m. 8.10.D: AGREED to change heading to “Elected Boards” and take out first statement “Excepted from this section are:”

n. 8.10.D.2: Roland Fernald presented the work he had done on this section. AGREED that pending the discussion on the election of the Planning Board and Board of Appeals it may or may not belong in this location. Maryann Place will make the changes.

o. Gary Sinden asked to revisit the provisions of 8.8 -Recall and questioned why it should be limited to just elected officials and should it also extend to appointed officials? It was pointed out that this section refers to citizen recall. The Chair said this could be revisited at some point which was agreeable.

7. Review of Article 4 (draft 5/7/14)- Administrative Organization: Maryann Place noted that she had two drafts – one 5/7/14 and the other 5/14/14. Members did not have the most recent draft. Rather than make copies for the members it was AGREED to review later. In looking it over it was determined that the Commission needed to have the list of appointed officers/officials in order to proceed. It was AGREED that the Chair will contact the Town Manager for the list.

8. Article 7- Nominations and Elections (draft 4/23/14):

- a. 7.2 – Nomination by Petition: Maryann Place clarified that the reference should be Statute 30A which applies to local elections and not 21A which applies to state elections. AGREED to correct this.
 - i. There was discussion about the nomination of citizens who own property here and pay taxes and their ability to serve on a committee but may not be a registered voter which then limits their ability to serve and have a say in the town.
 - ii. 7.2.C – Procedure after filing Nomination Papers: Maryann Place she will check on the schedule for the disposition of petitions and place in this section for review later.

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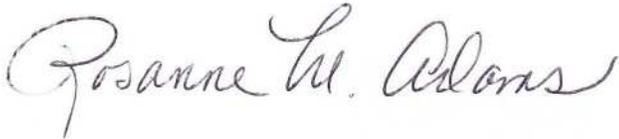
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- b. 7.4 - Determination of Election Results – Plurality: There was discussion about the procedure to be followed when a tie occurs. It was AGREED to insert “In the event of a tie the candidate(s) will have the right to withdraw” to clarify this section.
 - c. 7.5 – Ballots for Ordinances: It was AGREED to clarify that any current ordinance that will be modified or superseded by this ballot shall be clearly identified by its title and code number.
 - d. 7.6 – Voting Machines: It was AGREED that Jack Murphy will draw up some language for this section that is clearer.
 - e. 7.7 - Election Officials: There was discussion and clarification on the procedure; the differences between a Warden for a state election and a Moderator for town meeting. The Select Board appoints the Warden and the citizens elect a Moderator. The Town Clerk nominates a Warden. AGREED that Maryann Place will contact our Town Clerk and get her input on this section.
9. Press Release: AGREED to have the Secretary send a thank you from the Commission to Mr. Morang for the fine article he wrote in the Portsmouth Herald.
10. Public Comment:
- a. Robert Pomerleau spoke to petitions and that he had checked and state law does not require that people circulating a petition personally witness the individuals who sign the paper. Verification is done electronically. Maryann Place stated that there is a difference between nomination petitions and petitions for referendum. Whoever is circulating the petition signs an affidavit that they are the circulator of that petition.
11. New Business:
- a. The Chair asked members to think about how we want to approach discussion about the Fire Department. We know we want the Fire Chief to attend the meeting and the member of the public who expressed interest. The Chair suggested that we might want to develop some questions and things we want to talk with him about before the meeting so he can think about his reply. Edward Strong said that we might want to ask the Town Manager what he would like to see. Gary Sinden asked if anyone had talked with the volunteer members of the fire department to ascertain their feelings as to their feelings about the status quo and what they might like to see. Robert Fisher said that he was sure you would find some who liked things just as they are; they have their job because of the recommendation of the Chief and are subservient to him; they may want some change but are apt not to come forward. The disrespect that was shown to the Select Board by the Chief during a meeting did not set well with him and others in the town and produced bad feelings. Maryann questioned just what the Commission was looking at. She said that she felt the Chief should come under the supervision of the town manager but that the firemen should be able to elect their officers. Roland Fernald agreed and cautioned that people (the

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members of the fire department) rely upon the expertise of those elected to make sure things are done correctly in fire situations. There was agreement by members that the fire department should elect their own officers but that the Chief should report to someone and in our case it would be the Town Manager. Gary Sinden suggested that we should touch base with the Town Manager and find out if by changing the reporting of the Chief to the Town Manager would we then be changing the status of the fire department members from volunteers to having them become employees? The Chair noted that the Fire Chief is a paid employee. It was AGREED that the Town Manager will be invited to the meeting as well. Roland Fernald cautioned that there may be something we don't understand about the Fire Department and that we need to have the Fire Chief come in and explain [the organization]. Jack Murphy offered that it might be psychologically wrong to require the Chief to fill out a questionnaire and should be done in a personal way. Let the suggestions come from the Chief himself. AGREED to place this discussion on our next meeting's agenda.

Meeting adjourned at 8:44 pm



Approved: September 24, 2014

Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk