

ELIOT TOWN CHARTER COMMISSION

MINUTES – October 22, 2014

PRESENT: Charles Rankie, Jr. (Chair), Gary Sinden, Rosanne Adams, Roland Fernald, Robert Fisher, Dennis Lentz, John Murphy, Maryann Place, Edward Strong. 1 member of the public.

Meeting opened at 7:01 PM

BUSINESS

1. MOTION by Edward Strong, 2nd Gary Sinden to approve the minutes of October 8, 2014.
VOTE: 9-0.
2. Public Comment: none
3. Correspondence:
 - a. Chair thanked Dennis Lentz for a preliminary “table of contents” which he has prepared for the members to look at.
 - b. Article in the October 10, 2014 edition of the Portsmouth Herald regarding the Commission’s work.
 - c. Letter sent to the Fire Chief from the Commission asking for his and his members input and request to meet with him on Nov. 12, 2104.
 - d. Letter sent to the Board of Appeals from the Commission asking for input from the board re: the issue of election/appointment of BOA members.
 - e. Letter sent to the Planning Board asking for input from the board re: the issue of election/appointment of Planning Board members. Denny Lentz reported that the letter was handed out to Planning Board members at their last meeting.
4. Next Meetings: It was AGREED to have only one meeting in November on the 12th and that we will meet December 3rd and 17th.
5. Review of Article 8 – General Provisions (using 10/8/14 draft). Corrections were made including the following:
 - a. Article 8.1B – General Authority: AGREED to have the last sentence put in RED with note of relocating it to Article 2.14 and a question mark.
 - b. Article 8.3 – Swearing in Officers: AGREED to modify the beginning of the sentence to “No town officer or official will act or officiate until sworn...”Article 8.4C – Conflict of Interest: AGREED to correct last sentence to reference the “public’s confidence in the work of that board, committee, or commission.”

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- c. Article 8.4E – Conflict of Interest: AGREED to clarify the sentence to “Any official or employee of the town who fails to abstain due to a conflict of interest may be required...”
 - d. Article 8.8 – Public Bulletin Board, Website, Video-streaming: It was AGREED to add “or any other available broadcasting media” and to modify the sentence on Video streaming such that it will be scheduled where available. It was AGREED to make a note to come back and add definitions to the terms used in this section.
 - e. Article 8.10 – Planning Board Makes Warrant Recommendations: There was discussion on the intent of this article. John Murphy questioned whether the planning board was initiating these warrant articles. It was noted that whether put forth by the Select Board or the Planning Board, the recommendations of both the Planning Board and the Select Board shall be published and that here we demonstrate how the ballot would look.
 - f. AGREED that we will review the corrections at the next meeting before posting on the web-site.
6. Review of Article 4- Administrative Organization (using 9-10-14 draft): Members discussed the previous changes and added others, including the following:
- a. Article 4.1 – Appointments: There was discussion on the timeframe for the appointments to be made. John Murphy noted that in the present ordinance governing Boards, Committees and Commissions the time frame is covered. It was AGREED to add change the first sentence to read. “The Select Board shall, by majority vote, at no later than their third regular meeting following the Annual Town Meeting, review, appoint, renew....”.
 - b. Article 4.4 – Bonds: John Murphy agreed to see if he could find the actual name/type of the bonds being referenced by the article. Article 4.5 – Department Heads : AGREED that we insert “except the Fire Chief” at the end of the sentence.
 - c. Article 4.6 – Municipal Policy: The use of the word “fitness” was questioned by Robert Fisher and Dennis Lentz. It was noted that the wording may come from State Statute and that there are occupational qualifications for some jobs that require a certain level of fitness. It was AGREED to change the word “fitness” to “qualifications”.
 - d. Article 4.8 – Preparation and Presentation of Personnel Policies and Procedures: The members reviewed and discussed the provision for an adhoc committee to review personnel policies and its membership makeup. Rosanne Adams questioned the inclusion of “such other members” unless put at the end so it does not imply that they are not a part of the actual membership of the committee. This was agreed upon and then there was discussion about the actual makeup of the committee. Gary Sinden noted that it is the responsibility of management to develop and administer personnel policies and that they may be giving up this responsibility to others by involving others in this process. Gary proposed the Town Manager and/or Personnel Director, one Select Board member, one department head, 1 employee and 1 resident. Roland Fernald questioned whether having

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an employee (member of a union) would create a problem. The Chair suggested that the employee would be a liaison to the union employees. Gary suggested 2 residents instead of an employee which commission members agreed with. Gary Sinden questioned whether we should be doing this at all. That he didn't like management by committee. He asked "shouldn't personnel policies be generated by the Town Manager with the assistance of the Personnel Manager and affected department heads? They put together a policy and then it goes to the Select Board; is read three times at subsequent meetings and everybody can input at that point. After much further discussion it was AGREED to strike reference to the makeup of the ad-hoc committee and to leave it in the hands of the Select Board. It was AGREED to change "Personnel Director" to "Town Manager/Personnel Director" in the first sentence.

- e. Article 4.9- Exempt Positions and Specially Classified Positions: There was discussion on the need for this provision and what the implications of it are. Gary Sinden suggested using "written employment agreement" as opposed to "written contract" may imply something firmer. It was AGREED to change "an agreement in a written contract" to "written employment agreement".
- f. Part C – Article 4.10 – Assessor: Roland Fernald questioned listing the skills necessary for the job (A-F) because they are subjective and cannot be measured prior to appointment. It was noted that it already states they must perform all the duties and responsibilities provided under the law. It was AGREED to remove this skills listing and the wording leading to this.
- g. Article 4.11 – Assessment Review: Gary Sinden suggested and it was AGREED to change the end of the first sentence to read "with unsatisfactory results at the municipal level appeal the decision at the County Level". Discussed was the need for a "Board of Assessment Review". Previous discussion resulted in a consensus that we wanted the appeal to be brought to the County Level. It was AGREED to strike the provision for a "Board of Assessment Review".
- h. Part E- Appointed Officers/Officials: AGREED that the Chair will follow up with the Town Manager and get his input on this section.

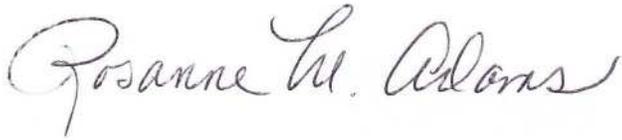
7. Press Release: The Secretary reported she had been called by a Foster's reporter who is writing an article and asked a few questions.

8. Public Comment:

- a. Robert Pomerleau suggested that in Article 4.6 - Municipal Policy – that it list only what you will NOT do and not what you are GOING to do. It was AGREED to take out the wording "on the basis of merit and fitness".

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Meeting adjourned at 9:26 pm upon the MOTION of Robert Fisher, 2nd Edward Strong. VOTE: 9-0.



Approved: November 12, 2014

Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk