

ELIOT TOWN CHARTER COMMISSION

MINUTES – December 17, 2014

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

Meeting opened at 700PM.

BUSINESS

1. MOTION by Edward Strong, 2nd Maryann Place to approve the Minutes of December 3, 2014 as corrected. VOTE: 9-0.
2. Public Comment: None
3. Correspondence:
 - a. Reply from the Planning Board to our letter of 12/2/14. [attached] The Chair will email Commission members a copy of this letter. The letter was read by the Chair which basically stated that they did not see the merits of having an “elected” planning board; that it could result in politicizing the board and deter qualified applicants from getting involved; those running might not meet the minimum qualifications of membership and the board would not have the authority to remove someone “for cause”. It was AGREED that we will have the Chair follow this up with a letter again inviting the members to our January 14th discussion on this issue. The Chair stated that the Board of Appeals meets tomorrow night and hopefully will talk about our letter.
 - b. The Chair contacted the Town Manager and asked for an accounting of what we have for monies. It showed that we have \$13,500 and have spent nothing.[attached]
 - c. Email from Robert Pomerleau with recommendations relative to public meetings of boards, committees, etc. [attached]
4. Review of Article 4 – Administrative Organization [12/03/14 draft]:
 - a. It was noted that we are awaiting some input from the Town Manager.
 - b. Article 4.9- Exempt Positions and Specially Classified Positions: Discussion centered on the use of the word “exempt” and whether it would be better to take out that word and just make a simple statement concerning who is covered by the personnel policies and who is not. Gary Sinden suggested that simply saying “every employee and town official is covered by the Personnel Policy Procedure Manual except as modified by an employee contract” would be sufficient, to which Rosanne Adams and John Murphy agreed. Edward Strong pointed out that that is exactly what is being said in what has been written

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- and felt that it didn't need to be changed, although the title may have to be. He also pointed out that the language was submitted by the Town Manager. Following further discussion the Chair suggested changing the title to "Specially Classified Positions", and move on to the next topic. If we don't like it then can revisit later. Gary Sinden pointed out that it still contains the wording "exempt" and saying that there are those who are exempt from the personnel policies which the town manager Dana Lee has already told us is not true. Rosanne Adams suggested that maybe we need to see a copy of these personnel policies, to which John Murphy agreed. The Chair again reiterated his previous suggestion to change the title, and then suggested adding a note "to be reviewed later with the updated personnel policies of the BOS" (which are being worked on currently). It was AGREED to do this and move on.
- c. Article 4.12- Job Descriptions and Qualifications: The list prepared by MMA was reviewed for accuracy and corrections made. It was noted that the Town Manager needs to review Parts D (Legal) and E (Appointed Officials). It was AGREED to wait for any further discussion of Article 4 until the input due from the Town Manager is received.
5. Review of Article 5 – Wastewater [3/10/14 copy]: The Chair reported that in reviewing our process that before we just let this drop he thought that we should give the Town Manager and Public Works Director an opportunity to see if they thought there was a better way to do it or if they thought there was something important enough to put in here to keep # 5 in the Charter. The Chair sent a copy to the Town Manager and Public Works Director explaining that it was the Commission's intent to remove this article and that if they had any ideas on this to let the Commission know by January 20th and discussion on it will be placed on the January 28th agenda. Dana Lee sent some ideas and said he was working on something for this and would submit it to the Commission.
- a. Edward Strong pointed out that there is a big difference between a Sewer Commission (that is spoken of in this article and statute) and a Sewer Committee which is what the town of Eliot has. Gary Sinden then read the State Statute regarding sewer systems and again pointed out that such a system is created by ordinance and that is where it should remain and not as separate in the Charter. Article 5 could be kept as "RESERVED" for later use if necessary and as was previously decided by the Commission. When questioned as to the purpose of bringing the subject up again the Chair said that he didn't necessarily believe that it should be included in the Charter but suggested we just see what comments they have.
6. Review of Article 7- Nominations and Elections [9/10/14 draft]:
- a. Article 7.2.C- Procedure After Filing Nomination Papers: There was discussion concerning the time period required to retain nomination petition papers. Maryann Place said she would check the statute and let Dennis Lentz know what the timeframe is.

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- b. Article 7.6.- Voting Machines: There was discussion on the wording and that it appeared to be much too complicated. Maryann Place said that all towns are using the same machines and she believes that the requirements of these machines are spelled out in State Statute. Gary Sinden offered to rewrite this article by using a brief description of what the law requires and a concise statement that the machines “will comply with the state law” or requirements of state Statute. Members AGREED for Gary to do this.
 - c. Article 7.7- Election of Officers: There was discussion on the procedure to appoint election clerks. Maryann Place offered to check on the wording of this to make sure the process is accurate and give this to Dennis Lentz to incorporate into the Article.
 - d. The Chair suggested to finish the review of Article 7 at the January 28th meeting.
7. Review of Article 1 – Powers of the Town [3/1/14 draft]:
- a. Article 1.5- Town Meetings:
 - i. Gary Sinden questioned whether there was a need to modify this section because of an upcoming vote on going to referendum voting on the town budget articles.
 - ii. There was discussion on proposed wording to forbid one town meeting to limit actions the next. John Murphy said this came out of the suggestion that one town meeting could control what the town could do at the next town meeting; that a decision made this year could not be taken up again the next. Gary Sinden pointed out that we have taken care of this (repeat petitions) elsewhere in the Charter. The Chair pointed out that such wording would prohibit a citizen from deciding to “move the article” (which is allowed, to be voted on, at any time during the proceedings) as provided by State Statute. Gary Sinden said that the legislative body should be in control of their own meeting and each town meeting is a separate act of the legislative body. The Chair polled the members and a majority AGREED that the proposed wording should be taken out.
 - iii. There was discussion on proposed wording that would prohibit limiting the floor time of the Town Manager, Selectmen, Budget Committee or Department heads presentations on the budget at a town meeting in order to “present, explain and defend” information they deem pertinent to the discussion. John Murphy explained that was written in response to placing limits on speakers as the first order of business at a recent Town Meeting. It was AGREED, by a majority of members, to take out this proposed wording.
 - b. Article 1.6- Elected Officers: The Chair suggested that it be discussed following the January 14th meeting when we will discuss elected vs appointed boards. Gary Sinden suggested that this section could go under Town Meetings in Article 7.

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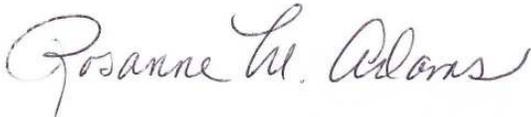
- c. Article 1.6.5 – Write in Candidates: There was discussion on the number of votes needed to elect a write in candidate (25). Maryann Place spoke to the issue of “declared write-in candidates”. She said that at the State level (21-A) only those who are declared write-in candidates have their votes counted and can be elected. She believes that the town should be consistent and make this part of their procedure. Dennis Lentz suggested that a statement could be made here about write in candidates and put the rest of the section under “Candidates” in Article 7. It was AGREED that there should not be a set limit.
 - d. There were some members who believed that the Article 1.6 and beyond should be placed in Article 7 - Nominations and Elections. Others felt they should not be moved. Dennis Lentz made the suggested changes to the Article and will send them out.
8. The Chair pointed out that the remaining articles to be reviewed include-
- a. Article 9 – Transition of Powers
 - b. Article 3 – Town Management section where we will need to look at any discrepancies between the Town Manager’s present job description and what is written in the Charter.
9. Press Releases: No report
10. Public Input:
- a. Donna Murphy questioned the use of the wording of “valid # of signatures” submitted to the Town Clerk on a petition since when they are submitted it is not yet know if they are indeed valid. She said she supported a citizen being able to petition to remove an elected position but could not vote for a charter that has a 35% signature requirement for this recall. [35% of voters voting in the last gubernatorial election] She believes this to be too high a number.
 - b. Robert Pomerleau addressed Article 7 and suggested that, unless Statute prevents it, the order of the names listed on the voting list be done by reverse order or lottery draw, rather than alphabetical order.
11. New Business: none
12. Commission Roundtable:
- a. Robert Fisher reported on the workshop he had attended at MMA in Augusta focusing on Labor Negotiations , Employment Law and FOAA and ADA compliance.

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- b. Gary Sinden had a procedural question with the Chair approaching the Town Manager and Sewer Department head for input on Article 5 – Wastewater Management, when we had already decided to strike that section. He felt that the Chair’s action implied that any member of the Commission could, once an issue had been settled, to approach people in the town and come back and cause it to be revisited. The Chair reiterated what he has stated before. Members expressed their opinion on this with Robert Fisher, Maryanne Place, Rosanne Adams and others saying they had no problem with getting more information/input but would have preferred that it be brought to the Commission and voted on before proceeding. John Murphy said that none of this is “fixed” until we “fix it” finally. Roland Fernald said that the Commission should decide who will be brought in for discussion. The Chair took a show of hands and there was consensus that we will accept the input.
- c. Roland Fernald spoke to using the word “AGREED” in the minutes. It gives a false impression that ALL members agreed when some do not. He suggested either using the word “consensus” (100% of the members agreed) or that there need to be an actual vote with numbers “for” and “against” listed. Discussion followed and other suggested wordings were “consensus by majority” and “agreed by consensus”. The Chair suggested, moving forward, that if we use “agreed by consensus” then there is no objection but if not then the Chair will call for a vote.

Meeting adjourned at 9: 45pm upon the MOTION of Robert Fisher, 2nd Edward Strong. VOTE: 9-0.



Approved: January 14, 2015

Rosanne M. Adams
Secretary

CC: Committee Members
Eliot Town Clerk