

## **Eliot Select Board**

**Workshop of May 19, 2016**

### **Minutes**

Chairman Beckert, Selectmen Davis, Pomerleau, Murphy and Fernald; Town Manager Lee,  
Town Clerk Rawski and Denny Lentz

1. The Town Manager noted the need to formally vote to have the required budget public hearing on 5/26. A motion was made by Selectman Fernald and seconded by Selectman Murphy to issue notice of public budget information hearing on 5/26 at 6 PM. This was so voted unanimously.
2. The Town Manager asked about when would be the best time to announce the holder of the Boston Post Cane. The Board's feedback was not to include it in the Police Chief ceremony, but rather to announce it at a regular Board meeting.
3. The Chair announced the start of the workshop and turned it over to Selectman Murphy who read through a ten point bulletin of his concerns and remedies for the Ordinance Governing Boards, Committee and Commissions. (Please see attached.)

His concerns are principally to disallow appointment of members to empty seats on committees by the committee itself, and that there is a loophole that allows a seated Budget Committee member to run as a write in, quit their existing term and take the new three year term by write in (leaving their seat empty). Selectman Murphy reviewed the history of the Budget Committee. He said there is little legislative help in defining the roles of the Budget Committee, and that Eliot has not clearly spelled out their powers either.

Chairman Beckert pointed out that the Ordinance was last amended in 2013.

Town Clerk Rawski pointed out that the State now requires write in candidates to file. Under the Charter, we must conduct elections under 21a. She said that if there is no candidate nor a filed write in candidate that only then, will write in votes count for an undeclared write in candidate. Selectman Fernald asked if there are 3 openings and only two are formally running, would the third seat be filled by (undeclared) write in votes? Selectman Pomerleau said the Charter Commission rejected having to declare as a write in (but charter says we operate under 21A). It was decided that this question also needs legal review.

Selectmen Murphy related the events of last June with regard to Donna Murphy's position on the Budget Committee. Selectman Pomerleau and Town Manager Lee

both noted the suggested changes to the Ordinance would require a new Charter Commission. The Town Clerk noted that an error was made in not requiring the Select Board to formally accept Donna's resignation from her prior seat, in order to be available to take the write in seat. Perhaps the board would have rejected her resignation.

Selectman Pomerleau said he would not favor the changes being discussed, nor did the Charter Commission. Selectman Pomerleau agreed that the loophole was indeed an issue to be addressed, but the rest was not supportable by him. Selectman Davis said that the BC's by-laws says they make a recommendation to the SB, but that also comes with an expectation that the recommendation be accepted and approved. She also noted that Ms. Murphy did not attempt to end-run the process and had herself wished that the replacement could be selected by election.

The Town Manager noted that to make any change would require re-constituting a Charter Commission (18 months or so) and that he is maintaining a list of questions about charter implementation for the town's attorney.

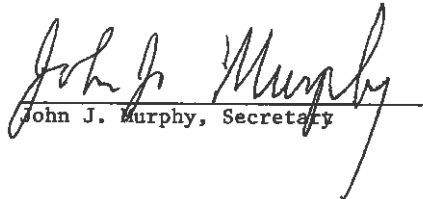
Selectman Murphy thanks the others for taking time to listen to his concerns. When and if a Charter Commission is convened. This could be revisited.

A motion was made by Selectman Pomerleau and seconded by Selectman Davis to adjourn the meeting at 6:48 pm

Respectfully submitted,  
Dana K. Lee

DATE:

June 16, 2016

  
John J. Murphy, Secretary