

Charter Review Commission Meeting Minutes – July 31, 2018

Chair Farber called the meeting to order at 6:02 pm.

Roll Call

Members present were: Karen Farber, Dave Goldberg, Ned Kitchel, Bill Lunt, Sean Mahoney, Dave McConnell, Mary Nelson, Richard Olson. Staff present were: Amy Lamontagne, Nathan Poore, Amy Tchao.

Members absent were: Rachel Reed

Item 1 – Approve minutes of July 24 meeting

Bill motioned to accept and Richard seconded. All in favor.

Item 2 – Public Comment (3 minutes per person)

No public comment.

Item 3 – Review Charter Article I-III, with additional sections (time permitting)

Chair Farber began the review and asked for feedback by section. A discussion summary is below:

- Introductory Statement – No changes.
- Article I – Grant Powers to the Town – Sec. 101 – No changes.
- Article I – Grant Powers to the Town – Sec. 102 – No changes.
- Article II - Town Council - Section 201, Number, election term – Nathan discussed some proposed language that would clarify the start and end of Council terms. There is some confusion about a Town Councilor's term – does it begin when elected or sworn in? Does it end when a new Councilor is elected? Who certifies election results – is it the “old” Council or the “new” Council? Historically, it's always the “new” Council. Karen had a question about an emergency that might (hypothetically) occur after an election/before Council is sworn in. Is the “old” Council responsible or is it the “new” Council? What happens if a “new” Councilor can't attend the Organizational Meeting? Dave M. suggested tearing down this section and rewriting it. Mary provided some information about the state legislative process and timeline including legislators not working until their January swearing in date. Karen suggested adding that the Notary Public should be a

designee of the Town Clerk. Currently, the wording makes it sound like “any” Notary can complete the swearing in process and that is inaccurate. Nathan will confirm state law and how it relates to the Town Council certifying elections. Bill said that he did not recall having this discussion during the last two Charter Commissions. Karen would like the group to think about this section and have more discussion – perhaps Amy T. and staff have additional ideas? Richard said we need a beginning and ending of Council terms and that is referenced in Section 206. There was also extensive discussion about Council being “deemed qualified.” Commission members wondered... who qualifies them? Mary used a hypothetical example of a Councilor being elected and then moving out of town but showing up to get sworn in. It is the Council’s responsibility to make sure that person is qualified to serve. Dave G. inquired if the duty to judge the new Council qualifications was the duty of the sitting Council after the election but before the swearing-in process? Amy T. confirmed that the sitting Council decides the qualifications of new members. Sean made some recommendations for draft language and Dave G. agreed. Sean’s edits included deleting Nathan’s proposed language and other small adjustments. Staff will revise as directed.

- Article II - Town Council - Section 202, Qualifications – Amy T. reminded the group about the legal opinion regarding this issue as well as the conflict because the Town Council sets the compensation for the School Board. Richard supported adding school employees to this section. Karen suggested adding the Library... although it is not a town department, the Library receives money from the town. The Council appoints two members to the Board of Trustees. Bill and Ned supported the addition. The commission supported eliminating the Fire/EMS Department, and adding that no Town, School, or Library employees shall be a Town Councilor. Dave M. would like to strike the last sentence in the section. There was a general discussion about moral turpitude – is the term antiquated or still relevant in 2018? The group agreed that “convicted of a crime” should remain but how to change it? Add felony? Town staff will work on this section.
- Article II - Town Council - Section 203, Powers and duties – No changes.
- Article II - Town Council - Section 204, Enumeration of Powers -
 - 204.1 - Amy T explained that the Town Manager can be removed without cause but others in this section need cause. The commission agreed to some language edits as well as a typo correction that changes “217” to “216.”
 - 204.2 – No changes.
 - 204.3 – No changes.
 - 204.5 – No changes.
 - 204.6 – No changes.
 - 204.7 – No changes.
 - 204.8 – No changes.
 - 204.10 – No changes.
 - 204.11 – No changes.

204.12 – No changes – minor discussion, Bill likes language as written.

- Article II - Town Council- Section 205, Compensation – Discussion about legal hourly rates. The Council doesn't approve an annual list of rates but does approve the annual legal budget. Nathan suggested an annual engagement letter with rates (from all attorneys used by the town). This process could be added to the Town Council Organization meeting. The group agreed with this process.
- Article II- Town Council- Section 206, Induction of Council into office – No changes.
- Article II- Town Council- Section 207, Council to judge qualifications of its members – No changes.
- Article II- Town Council- Section 208, Meetings – Karen questioned the meaning of the last sentence. Mary explained that the sentence was added in 2008 – during the last commission. Nathan provided background about the rationale for the language addition but does not support removing it. The group agreed.
- Article II - Town Council- Section 209, Chairperson- No changes.
- Article II - Town Council - Section 210, Quorum – No changes.

Item 4 – Other Business

The review ended with Section 210 and the commission agreed to skip the review of section 213 until August 14. The delay will accommodate Amy T's absence on August 7 and provide time for a Planning staff review.

Item 5 – Adjourn

Chair Farber adjourned the meeting at 7:57 pm.