

Charter Review Commission Meeting Minutes – September 11, 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, Dave McConnell, Mary Nelson, Richard Olson, Rachel Reed. Staff present were: Amy Lamontagne, Nathan Poore, Amy Tchao.

Council members present were: Caleb Hemphill, Claudia King, Amy Kuhn

Members absent were: Sean Mahoney

Item 1 – Approve minutes of August 21 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 Commission Draft Report and Vote on Items.

Item 1 - Unanimously accepted as written.

Item 2 - The Commission agreed by majority of 7 to 1 (Bill Lunt), to remove the word “involving” and adding in its place, “including, but not limited to, “in its place, and removing “property destruction,” and adding “then” in front of “the Council shall,” so that the Section would read, “If a Councilor shall cease to possess any of these qualifications or shall be convicted of what the Council deems a serious crime including, but not limited to, a crime involving fraud or dishonesty, serious injury to or death of another, then the Council shall, by resolution, declare the office of that Councilor vacant.”

Item 3 - Amendments changed to provide language of 204 to preserve context, and summary accepted unanimously.

Item 4 - Accepted unanimously.

Item 5 - Sec. 211 clarifying language about what happens if there is a vacancy on the council - accepted unanimously.

Item 6 - Sec. 213 amended to ensure no future conflict with another section of the Charter - accepted unanimously.

Item 7 - Sec. 213.1 is amended to eliminate the reference to the issuance of emergency bonds or notes - accepted unanimously.

Item 8 - Sec. 216 - amended to require the Town Council to enter into an employment contract of employment with the Town Manager - accepted unanimously.

Item 9 - Sec. 218 - amended to clarify the circumstances under which Councilors may communicate directly with Employees of the Town - accepted unanimously.

Item 10 - Sec. 219 - amended to correct a reference to State law - accepted unanimously.

Item 11 - Sec. 303 - amendment of this Section was eliminated unanimously.

Item 12 - Sec. 305 - amended to correct the reference to a Department of the State of Maine - accepted unanimously.

Item 13 - Sec. 401 - amended to clarify the beginning and end of a School Board member's term of office. This amendment of Sec. 401 is to adopt parallel language to Sec. 201 - accepted unanimously.

Item 14 - Sec. 402 - amended to exclude any Town or Falmouth Library employee from serving as a School Board member. This amendment of Sec. 402 is to adopt parallel language to Sec. 202 with the same language as was accepted this evening in our discussion of 202. Accepted unanimously.

Item 15 - Sec. 403 - amended to clarify that a vacancy on the School Board will normally be filled at the next regular municipal or state election. Section 403 is further amended to allow the School Board, in the event that a seat on the Board becomes vacant more than six months prior to the next regular Town election, to request that the Town Council have a special election to fill a vacancy in the office of the School Board. Accepted unanimously.

Item 16 - Sec. 404 - amendments accepted unanimously, but summary changed to clarify "moved into Sec. 405."

Item 17 - Sec. 405 - amendments accepted unanimously, summary changed to add that this section was changed to parallel the Council quorum requirements in Sec. 210.

Item 18 - Sec. 406 - amendments accepted unanimously, summary changed to include the change in the days required before the beginning of the budget year from 45 to 75.

Item 19 - Sec. 407 - amendments and summary accepted unanimously.

Item 20 - Sec. 502 - amendments and summary accepted unanimously.

Item 21 - Sec. 506 - amendments and summary accepted unanimously.

Item 22 - Sec. 508 - amendments accepted unanimously, summary changed to insert the word “only.”

Item 23 - Sec. 801 - amendments accepted unanimously, and summary changed to move the word “only” from one side of “act” to the other.

Item 24 - Sec. 901.2 - amendments changed to include language of 901 to preserve context, and first line of second paragraph changed to correct “of” to “or,” and summary accepted unanimously.

Item 25 - Sec. 903 - the amendment of the wastewater exception was approved unanimously by the Commission, and the second portion of this Item and the summary were accepted by a majority of 7 to 1 (Bill Lunt). Despite the magnitude of the change from \$1 million to \$2 million, it was felt by the majority that price increases for construction (due to the steady rise in the cost of raw materials), and the importance of the Council to be able to act properly on the Town’s behalf over the next 10 years (without taking each major expenditure to the voters as a referendum), made it necessary to facilitate this change. The minority presentation, however, that \$1 million dollars is a lot of money, and perhaps the point over which any item should go to the voters, caused the Commission to consider the possibility of splitting the second part of this item off on the ballot as its own item, and this was also approved by a majority of 5 to 3 (Mary Nelson, Dave Goldberg, Ned Kitchel). However, the ways in which this could be done, and the degree to which this is feasible, was vague. It was determined that the bundled Charter changes would be presented with the amount of \$1million, and then the particular Charter change to \$2 million would be presented as a separate question. The majority voted to rescind the vote (5-3, Goldberg, Kitchel, Nelson opposed) and then the majority voted to accept the Charter changes as a bundle with the \$1 million amount kept the same (6-2, Goldberg and Nelson opposed). And, then the majority voted to change the \$1 million to \$2 million (7-1, Lunt opposed).

Item 25 - Sec. 905.1 - amendments accepted unanimously and summary corrected from “or” to “of.”

Item 4 – Other Business

The final CRC report will be presented on Monday, September 24, in a joint meeting between the CRC and the Town Council. This item will be early in the agenda and committee members should be present by 7:00 pm. Karen will present a short PowerPoint before the Public Hearing.

Item 5 – Adjourn

Chair Farber adjourned the meeting at 9:25 pm.