

**Town of Chelsea
Charter Commission Public Hearing
February 11, 2013, 6:30 PM
Chelsea Elementary School**

Members Present:

Barbara Skehan, Charles Skehan, Peter Hanson, Richard Danforth, Scott Ludwig, Ben Smith, Maria Jacques

Members Excused: Elizabeth Larrabee, Elizabeth Cousins

1. Call to Order

The Hearing was called to order at 6:35 p.m. by Ben Smith, Chairman. Members of the Charter Commission introduced themselves.

2. Public Input

Ben Smith explained that this Public Hearing of the Charter Commission was being conducted in accordance with 30-A M.R.S.A. § 2103(5) for the purpose of receiving views, opinions, and comments from members of the public relating to the Proposed Municipal Charter for the Town of Chelsea and Charter Commission Preliminary Report issued February 1, 2013 by the Charter Commission. Ben stated that the charter is a result of the input of the initial public hearing last May and several meetings of the Charter Commission. He explained the process that gave rise to the Commission's recommended Charter which was based on review of several municipal charters and more than a dozen meetings of the Charter Commission at which time the proposed charter was discussed, drafted, edited, and revised. Ben explained that the public hearing was an opportunity for members of the public to comment on the preliminary report and draft charter and that the Commission would consider these comments prior to preparing a final report. Another hearing will be conducted and the Commission expects to present the final report and proposed charter to voters during the June 2013 election.

Tracie Smith

- Article 14 Severability – she suggested that this section might better be left at the end of the Charter.
- Article 6.4.1 Town Clerk reappointment –should be clarified that all renewals should be for one-year terms.
- Asked if any town required an Assessor's Agent; discussion followed as to whether it should be linked to funding.
- She likes Article 13 regarding Conflict of Interest.

Linda Leotsakos

- Article 14 Severability--asked for clarification on this item. Ben explained that if a provision of the charter is found to be invalid, the remaining Articles of the charter would not be affected. Also, if a provision of the Charter is found to be in conflict with State or Federal law, the applicable State or Federal law would be incorporated into the Charter in its place.
- Likes that some of the boards have a mix of appointed and elected members and likes the similarities in appointment language.
- Likes that the Budget Committee allows the Selectmen to appointment some members and the Town to elect some members.
- Agreed with the quorum requirement of 25 or more voters be present at a Town Meeting but asked that the Charter review the quorum requirements for opening a town meeting that starts with an election.
- Assessor's Agent—the next budget will include funding for an Assessor's Agent. Feels strongly that one is needed as Selectmen acting as Assessors do not usually have the required expertise. The Town approved a tax equalization program last year and it takes a special skill to keep it up to date. Recommendation is a full reevaluation is done every 10 years and it would cost less if it has been kept up to date.
- Recommended language under the Assessors section to require the Selectmen to hire an assessing agent.
- Article 13 Conflict of Interest—She stated that this is a section that the community has been waiting for and asked about how, and in what circumstances, the section may operate.
- Asked whether the draft charter would limit the conduct giving rise to recall or whether people such as a selectman could be removed for making an unpopular – although necessary – decision.
- Article 17.3 Ordinances—Asked for clarification regarding an ordinance that might be in conflict with the Charter. Wanted to make sure that the charter would supersede conflicting provisions in ordinances. After some discussion, she suggested that Article 18 State and Municipal Laws could be clarified on this issue.
- Article 4.6 Meeting Procedure—Minutes requirement and timeframe for providing them should be included in this provision.
- Supports the (3) three person Board of Selectmen. Supports the idea that it should take a revision of the Charter to make a (5) person Board.
- Thinks the preliminary report is excellent.

Shirl James

- Asked where the language of the Article 13.2 Forfeiture of Office had come from. Peter Hanson responded that Arundel had much of the same language but that it had been tweaked for this Charter. She said she liked it and appreciated the work that was put into the document.
- Would like consideration given to recording the minutes of meetings so that if a citizen missed a meeting they could come into the Town Office to listen to them. She said the Board of Selectmen meetings used to be recorded but for

some reason that practice stopped. In addition to ensuring accuracy, Ms. James stated that people may not make comments if they knew that they would be recorded.

Mike Pushard

- Mike stated that people may not make comments at meetings if they knew they were being recorded.
- Article 7.1.3 Organization (Fire Department)—wanted clarification on how the appointment of the Fire Chief worked. He raised several questions: Under the draft charter, can the selectmen reject the elected Chief? Is there a process for removal of a fire department chief or member? Others agreed that these concepts might need clarification within the Charter.
- Others also commented in response to Mike's questions that it was not clear if it was a limited appointment for the fire chief and how often renewed.

Ted Gardner

- Perhaps if you are going record meetings, you should just video tape them.

Linda Leotsakos and Barbara Skehan

- Article 10 Annual and Special Town Meetings—Annual Town Meeting should be coordinated with the vote on the school budget. Charter should be amended to allow for this, but dates should not be too specific in order to allow flexibility.

Palmer Sargent

- Article 9.0 Boards, Committees, and Departments—asked if the taking of minutes and the time frame for making them available applied to the Board of Selectmen as well. Article 4.6 Meeting Procedure may need to be clarified to include the requirements.
- Mentioned that Lisa Miller put in a bill that would have made keeping minutes mandatory. Maine Municipal Association testified against it. He would like additional language to clarify the mandatory nature of keeping minutes and direction on how they should be kept.

Barbara Skehan

- 8.2.1 Qualifications (Code Enforcement Officer Building Inspector/Health Officer)-- May want to add language to clarify that the CEO shall also serve as the Building Inspector and Health Officer.
- Might want to define Standing Committee and ad hoc Committee. Wanted to know if there were other ways to add a Standing Committee. Ben said the two most likely ways would be through a charter revision or ordinance.

Article 2.3 Write in Candidates-- Ben Smith asked if the audience liked the provision of a minimum number of twenty-five (25) votes for a write-in candidate to be considered. All attending agreed that this was a good idea.

Article 15.0 Amendment to Charter-- Ben Smith asked for comments on whether there should be a standing Charter Review Committee or whether the statutory methods of amending a charter were sufficient. The draft charter would provide for an additional process for initiating charter amendments by a separate charter review committee. Another option discussed was to leave the methods of amending to those set forth by statute: by a request of the Board of Selectmen or by petition in accordance with statute. Palmer Sargent felt that the statutory mechanisms were sufficient. Others also raised concerns about the review committee process, including the absence of interested, qualified citizens. Others, including Linda Leotsakos and Tracie Smith, expressed support for the existence of the charter review committee on the grounds that it may provide greater flexibility for making changes to a charter.

3. Adjournment

Rick Danforth made a motion to adjourn the hearing. Scott Ludwig provided a second. The motion passed and the hearing was adjourned at 7:55 pm.