

**Town of Sanford Charter Commission**  
**Minutes**  
**Thursday, May 12, 2011**

1. Jonathan Mapes, Vice-Chair called the Charter Commission meeting to order at 6:03 p.m.
2. Pledge of Allegiance—Said
3. Charter Commission Members attendance: Jonathan Mapes, Vice-Chairperson; Troy Henke, Secretary; Laura Crockett, Judith Gibbs, Bradford Littlefield, Robert Stackpole, Margaret Trowbridge.  
Absent: Gerry Gay
4. Approval of Minutes: Moved by Bradford Littlefield: To approve the minutes of the previous meeting as written.  
Seconded by Judith Gibbs: Motion carried 7-0.  
Robert Stackpole abstained.

The Vice-Chairman opened the meeting by acknowledging the appointment of Robert Stackpole by the Town Council to the Charter Commission, to fill the vacancy created by the resignation of Thomas Sevigny.

Judith Gibbs distributed an itemized list of ideas that she prepared, of the Commission's previous meetings to assist with the prioritization of those ideas.

5. Communications: Bradford Littlefield provided a copy of an opinion from the Town Attorney stating that the appointment of Robert Stackpole was allowed and permissible under the Town Charter and established rules of order, despite his application being received after the deadline.
6. Filling the vacancy on the Charter Commission, if appropriate: The Charter Commission is in possession of two applications for appointment to fill the vacancy created by the resignation of Becky Brink. The applicants being considered are Everard Horr and Maura Herlihy.  
Margaret Trowbridge stated that Everard Horr had made the application deadline for appointment and that Maura Herlihy had not.  
Robert Stackpole countered that the Town Council had made an exception to the deadline rule in appointing him, and therefore a precedent has been set. He further stated that all applications should be accepted that were submitted.  
Bradford Littlefield continued that it is not unusual to accept applications beyond a deadline. Mr. Littlefield was not sure why an attorney's opinion was generated, and that the Chairman of the Town Council, Gordon Paul, had asked for it. Mr. Littlefield said he forwarded the opinion to the Commission as he thought it was appropriate.

Mr. Littlefield went on to say that the advertisement to fill the vacancy had been sent out with the expectation by the Town Managers Office that all candidates for appointment would be appearing before the Town Council. The Town Council met the Tuesday after the deadline. The Charter Commission has had an additional week to consider these applications. Rules of order set deadlines, but packets can be amended.

The Vice-Chair pointed out that with the absence of one elected member, that there was a possibility of tie a vote.

Margaret Trowbridge expressed her support of Everard Horr to fill the vacancy.

Robert Stackpole requested to read the Town Attorney's opinion that was provided at the beginning of the meeting. After reading the opinion he stated that, according to the legal opinion, we are not in violation of anything if both candidates' applications are considered for appointment. Mr. Stackpole recommended that nominations be done first, close nominations, and then have discussion.

The Secretary stated that he would like to speak with the applicants before making a decision.

The Secretary asked Maura Herlihy if she would still be diligent and positive if some of the ideas she puts forth are not recommended by the Commission—Ms. Herlihy responded that you have to give up individuality and get behind decisions made by the body at large. She further stated that she had previously served on the Charter Commission and had written in what everyone had agreed to.

She further stated that she does not serve on any town committees, she serves on a non-profit.

The Vice-Chairman asked whether or not Ms. Herlihy had a strong opinion, one way or the other, about Town Meeting—Ms. Herlihy stated that she is disappointed in the number of Town Meeting Members being lowered but still not having enough participants. If people still decide that they want a vote on the budget beyond the Town Council, there are still some options—The school budget, for example, goes out to referendum every year.

Bradford Littlefield stated that the Commission must follow a time frame of deadlines; that we have approximately 10 weeks to complete our preliminary report. He asked Ms. Herlihy if she could facilitate this time frame coming in at this point.—Ms. Herlihy responded that once decisions are made on structure, writing will come quickly. So this will come fast.

Mr. Littlefield further asked what Ms. Herlihy knows about the current charter.—Ms. Herlihy responded that she has engaged in seven to eight years of interpretation of the charter. She stated that she wrote the current charter and was very conscientious and that her interpretations have most times, paralleled the Town Attorney's opinion, that she is aware of the need to fix the charter in a way that more accurately reflects the intent of Charter Commission Members. She is well versed.

Robert Stackpole asked Maura Herlihy why she wants to serve on the Commission.—Ms. Herlihy answered that she had been asked by the Commission to consult for them. She is confident in showing context, since she has been coming to meetings and can add something to the dialogue; she is experienced. Ms. Herlihy further stated that there is a good bond between the previous Charter Commission members.

Bradford Littlefield followed up by asking Ms. Herlihy if she had been appointed to be an ad hoc consultant in the drafting of this charter—Ms. Herlihy answered yes. She further stated that an Attorney will be the final word of the wording and how we want it to be interpreted.

The Secretary asked Everard Horr what issues were most important to him that the Charter Commission could have an effect on—Mr. Horr answered that he wants to be involved in the town. He thinks more people should get involved. He further stated that he has no preconceived ideas before coming here. He wants to analyze what comes before him and contribute to the discussion.

The Secretary followed up with a question as to the diligence and positive attitude of Mr. Horr if some of his ideas are not recommended by the Commission—Mr. Horr responded absolutely, he would put a lot of effort into this.

The Vice-Chair asked Mr. Horr about his opinion of Town Meeting—Mr. Horr responded that it is important to have a forum for people to contribute.

Margaret Trowbridge asked if Mr. Horr would have any kind of conflict of interest if he were to serve on the Charter Commission—Mr. Horr responded none.

Bradford Littlefield asked Everard Horr that given the pressed time frame the Commission is working under, we must have our preliminary report completed by August 3rd, with our final report due in September, what could he bring to the table to facilitate this compressed time frame.—Mr. Horr responded that it is important to listen in the beginning.

Bradford Littlefield asked Mr. Horr how well he knows the current charter—Mr. Horr responded that he does not know the Charter line by line, but that he doesn't see that as a disadvantage; he brings a different view point. Mr. Horr reiterated that he does not have any preconceived ideas.

Robert Stackpole asked Everard Horr why he wants to serve—Mr. Horr stated that he has tried many times before to get on town body's and wants to contribute to the town.

Margaret Trowbridge stated that not everyone in town has access to the charter.

Judith Gibbs nominated Everard Horr: To fill the Charter Commission vacancy.

Seconded by Margaret Trowbridge

Margaret Trowbridge stated that Laura Crocket had no knowledge of the charter before being appointed.

Bradford Littlefield stated that he has a voice in this appointment but no vote. He further stated it is unfair to bring someone in with very little knowledge of the charter and that we have all worked diligently together. Mr. Littlefield reminded the Commission that it had asked Maura Herlihy to be a consultant and that he hoped we would continue with that thought process and allow her to serve. Mr. Littlefield went on that Ms. Herlihy has more knowledge of the charter than anyone in town as she wrote the current charter.

Judith Gibbs stated that she works with Everard Horr, and that he has volunteered for several committees at work and has contributed in some very important issues to their company.

Ms. Gibbs went on that she too had no preconceived notions when she was elected to the Commission. She stated that she does not take not having preconceived notions negatively and that it did not take her long to get up to speed.

The Secretary nominated: Maura Herlihy to fill the vacancy on the Charter Commission.

Seconded by Laura Crocket.

Laura Crocket stated that the Commission is on a time constraint. She stated we need someone with knowledge of the charter. That Ms. Herlihy has attended most meetings and given insight. Ms. Crocket further stated that she knew nothing about the charter when she was appointed and that six to eight weeks ago things would have been different. It is wise to have someone with knowledge.

Margaret Trowbridge stated that getting up to speed on the charter does not take long.

Bradford Littlefield reiterated that the Commission has eight to ten weeks to get its report together. We need someone with knowledge to help complete this task.

Judith Gibbs asked if Maura Herlihy would still be willing to help the Commission if she is not appointed. Judith Gibbs further stated that she would be willing to help with writing our recommendations as well.

The nomination of Everard Horr to fill the vacancy on the Charter Commission was voted in the affirmative by Judith Gibbs and Margaret Trowbridge. Nomination was opposed by the Secretary and Laura Crocket.

Motion failed 2-2.

The nomination of Maura Herlihy to fill the vacancy on the Charter Commission was voted in the affirmative by the Secretary and Laura Crocket. Nomination was opposed by Margaret Trowbridge and Judith Gibbs.

Motion failed 2-2.

Appointment of the vacancy to be taken up on the agenda at the next meeting.

The Secretary told the candidates that they need to appear at next meeting.

Moved by Margaret Trowbridge: To table the appointment to fill the vacancy until the next meeting.

Seconded by Robert Stackpole: Motion carried 8-0.

7. Election of the Chairperson: Moved by Bradford Littlefield: To table the election of the Chairperson until the Commission's next meeting.

Seconded by Robert Stackpole: Motion carried 8-0.

8. Prioritization and discussion of Charter Amendments from previous meetings:

Bradford Littlefield suggested that the Commission make a,b,c,& d columns on white paper to facilitate the organization of ideas. Each Commissioner would prioritize a proposed amendment with an 'A' being high, through 'D' being low.

The Secretary pointed out that prioritizing potential amendments does not preclude someone from making a motion even if the priority was deemed low.

Robert Stackpole stated that any final decisions will be made by vote of the entire body.

The Vice-Chair declared a five minute recess to set up the flip chart sheets containing the proposed amendment ideas on the wall.

Once the flip chart sheets were set up, there was discussion of how the Commissioners should go about listing their priorities.

Bradford Littlefield reminded the Commission that economic development and how the Charter can best help facilitate that should be at the forefront in determining priorities.

It was decided, by consensus, that making a uniquely colored dot with the Commissioners initials next to it would be the most efficient and clear way to accomplish the prioritization.

The Charter Commission then took approximately 10 minutes to list their priorities.

The Secretary and Judith Gibbs tallied the priority votes of the Commission. The Secretary conducted the tally, Judith Gibbs verified the number.

The Secretary read the results:

## Section

Those receiving three or more votes:

502.1—7  
205.1—6  
508.6—5  
1201—5  
101—4  
1010—4  
213—3  
301—3  
502.5—3  
602—3  
801—3  
1203—3

Those receiving one or two votes:

204.12—2  
302.14—2  
504—2  
509.1—2  
102—1  
201—1  
202—1  
211.3—1  
213.1—1  
502.2—1  
502.7—1  
508.1—1  
601—1  
607.3—1  
901.2—1  
1001—1  
1005—1  
1103—1  
1108—1

The sections with the corresponding ideas for amendment are listed in Appendix A of these minutes.

The Secretary stated that moving forward; the Commission should under take the amendments regarding the Finance Committee and Town Meeting first, as those votes will determine so much moving forward.

Judith Gibbs expressed agreement with the Secretary, stating that if we deal with the Finance Committee and Town Meeting first, many other issues will simply be resolved. Robert Stackpole asked a question of the Commission as to what the scope of our work is. Are we to make radical changes or are we only making modest amendments and keeping the character of the Charter as it exists.

The Secretary answered Mr. Stackpole, that the Commission had this discussion at its first meeting. The Commission believes that we do not want to completely rewrite the Charter, but make amendments and fine tune it. The town citizenry and town

government would like us to look at and make recommendations regarding the Finance Committee and Town Meeting, so the Commission will be doing that.

Robert Stackpole responded that it would be an interesting conversation and that we should step back and contemplate if we are going to make radical changes to our town government.

Bradford Littlefield suggested that the Commission come back with written comments to develop a thought process in the Commission's work. No one wants to remove checks and balances.

Margaret Trowbridge stated that the towns people are set in their own ways and that Town Meeting is a hot topic.

9. Discussion of the Commissioners: Glenn Dowey, citizen, stated that he has both worked for the town and has been a Town Meeting Member all his life. He suggested the commission draw a visual outline of the town government that they envision.

Sanford is the sixth largest municipality in the state, yet Sanford is the only municipality within the top ten largest communities in Maine to still be incorporated as a town.

Sanford is the last municipality in the State of Maine to have representative Town Meeting.

There is not enough participation in Town Meeting.

Most cities run with a council and elect a chair or Lord Mayor as a figure head and hire a City Manager.

The Town Council is dysfunctional and not talking to the Finance Council, which is also dysfunctional. The Finance Council has not communicated with the School Committee.

The School Committee is separate from other town bodies. What do you conceptually want your town government to be?

The Chairman—We need to change Sanford to a city. Town Meeting has died, and the Finance Committee needs more authority. The School Committee needs to get along with the town; we need to make one Business Manager for the school and the town.

Robert Stackpole—We're all going to come to our work with biases in beliefs. We need to park our baggage and listen to the group.

Bradford Littlefield asked Judith Gibbs how to implement the "5 why's" concept and if this is the time to do so.

The Chairman stated he wants to see where everyone stands on Town Meeting.

Robert Stackpole stated that he wants to see what we do with the Finance Committee before making a decision on Town Meeting.

Maura Herlihy—Sanford is trying to hold on to small town form of government. Small town government does not work in larger municipalities.

Moved by Bradford Littlefield: To extend the meeting by 15 minutes.

Seconded by Margaret Trowbridge: Motion carried 8-0.

Glenn Dowey—Sanford has four elected legislative bodies. The structure doesn't work. Sanford only needs one legislative body with sub-committees.

Maura Herlihy—Checks and balances has to be the voter. We cannot tell seven people to move the town forward and not have control of the purse strings. Going to a York County like structure is very adversarial.

Bradford Littlefield stated his background as a Town Councilor, Charter Commission member and extensive experience in Town Government. The process is not working; Sanford citizens look to the Town Council to make the best decisions. Budget decisions now are so complicated and the average Town Meeting member does not contemplate

that. The municipal budget is scrutinized thoroughly, while the school budget is rubber stamped. Compromise, gives the town confidence that they still have a say in the budget. Mr. Littlefield further stated that he would like to keep the Finance Committee, but that they be appointed not elected.

Under Mr. Littlefield's plan, each Town Councilor would appoint one Finance Committee Members from the general populous, totaling seven.

The Town Council as a whole would then appoint four additional Finance Committee Members at large.

The Finance Committee would receive the budget from the Town Council, prepared by the Town Manager. The Finance Committee would vote on the presented budget and there decision becomes the budget, unless it is sent back to the Town Council. If the Town Council objects to the Finance Committee budget, a 2/3 majority of the Town Council would be needed to overrule the Finance Committee.

The budget would be validated by municipal vote as we do for the school budget.

Mr. Littlefield believes this plan can be sold to the public.

Margaret Trowbridge—With all of the changes being proposed, we should go with a mayor. Ms. Trowbridge further stated that she does not agree with giving appointment power of the Finance Committee to the Town Council. We are at a point where we should have a mayor.

Everard Horr—The Town Council will appoint people who see things their way and it won't be a check and balance.

Robert Stackpole—It is important that the Charter have a mechanism in creating accountability for actions of elected officials. Too many people in government who are not accountable for their decisions. There is no way for the Charter to make these bodies work together. It's time for a change and the Commission needs to research other forms of government. The Commission can not make radical changes the public will not accept.

Moved by Robert Stackpole: To extend the meeting by 15 minutes.

Seconded by Bradford Littlefield: Motion carried 8-0.

Glenn Dowe—It is the charge of the Finance Committee to look for synergies. There is no need for two budgets, two Business Managers, or two Personnel Managers. Old ways don't work anymore; we need to be looking to the future. People will complain about change no matter what.

The Secretary—The Commission needs to move forward with making decisions, we've done enough brain storming. The Commissioners need to write down what their intentions are and present them to the Secretary the night they make the motion.

Bradford Littlefield—When we appoint the Planning Board, for example, we appoint people who can build consensus with other members. This is not seen with the Finance Committee. The controversy over the Walgreen's plan is a good example. Down Town Legacy, the Planning Board, and the Town Council all compromised in the end. It can work. Give authority to the legislative body of the town, and let them make wise decisions. Recall and elections are the best check and balance we have.

Judith Gibbs—Consensus means everyone agrees, not just a majority of the board.

Moved by Robert Stackpole: To review forms of municipal government at the Commissions next meeting.

Seconded by Judith Gibbs: Motion carried 8-0.

We need to come to a consensus on a model to move the town ahead.

Maura Herlihy—Don't create stagnation. Look for repetition in forms of government that work from community to community.

Bradford Littlefield stated that he will retrieve back up information given to the previous Chairperson. He will get that back from her for distribution regarding municipal government structures.

The Chairman asked Judith Gibbs and Robert Stackpole to coordinate in researching municipal government structures.

Request of the Chairman approved by the Commission 8-0.

10. Announcement of the next Charter Commission Meeting:

Thursday May 26, 6:00 p.m.

Town Council Chambers

Moved by Robert Stackpole: To adjourn

Seconded by Margaret Trowbridge: Motion carried 8-0

Meeting adjourned at 8:29 p.m.

Submitted,

Troy W. Henke, Secretary  
Sanford Charter Commission