

Town of Sanford Charter Commission Minutes Wednesday, February 9, 2011

Members present: Becky Brink, Laura Crockett, Gerald Gay, Judith Gibbs, Troy Henke, Jonathan Mapes, Thomas Sevigny, Margaret Trowbridge

Absent: Bradford Littlefield

1. Becky Brink, Chair called the Charter Commission Public Hearing of February 9, 2011 to order at 7:00 p.m.
2. Pledge of Allegiance: Said
3. Introduction of the Charter Commission Members: Becky Brink, Chairperson; Jonathan Mapes, Vice-Chairperson; Troy Henke, Secretary; Laura Crockett, Gerald Gay, Judith Gibbs, Tom Sevigny, Margaret Trowbridge.
Not present: Brad Littlefield

4. Adjustments to the Agenda: No adjustments

5. Approval of Minutes:

~Amendments recommended for Item IX of the draft minutes made by the Chairperson and the Vice-Chairperson:

Remove the statement Bradford Littlefield, Thomas Sevigny, and Jonathan Mapes abstained.

Moved by Margaret Trowbridge: To accept the minutes as amended.

Seconded by the Vice-Chairperson. Motion Carried 8 – 0

6. Explanation of the purpose of the Charter Commission:

- Written explanation entered into the record and read aloud by the Chairperson.
- Explanation is based on the Sanford Town Charter and Maine State Statutes.
- Explanation can be found in Appendix A of these minutes.

Move by Gerald Gay: To accept the purpose of the Charter Commission as presented.

Seconded by Judith Gibbs Motion Carried 8 - 0

7. Explanation of the procedure to be followed during tonight's meeting:

Chairperson explained: Information needed to be free flowing and non-redundant, tone of discussions needed to be non-confrontational.

Moved by Margaret Trowbridge: To accept the procedure of the Public Hearing as presented by the Chairperson.

Seconded by Gerald Gay

Motion Carried 8 - 0

8. Comments from the public: No members of the public provided comment.

9. Communications:

- i. Memorandum from Town Attorney, Bryan M. Dench to Town Council Chairperson, Gordon Paul giving legal opinion allowing a Town Councilor to be appointed to the Charter Commission.
- ii. Charter commission contact Sheet
- iii. Purposed Agenda items and structure of Charter sections to be discussed at the respective meeting dates listed. This table of agenda items and meeting dates can be found in Appendix B of these minutes.

Discussion:

- The Vice-Chairperson referenced section 1008 of the Town Charter and related that he had received concerns from voters about appointing a Town Councilor to serve on the Charter Commission. Stated that concerns should be discussed with Sanford voters.
- Chairperson stated that independent legal counsel may be sought by the Charter Commission if necessary. Addressing concerns about the Town Councilor's appointment will be an agenda item at the next Charter Commission meeting, per the Chairperson.

Moved by Margaret Trowbridge: To accept the communications as presented.

Seconded by Thomas Seigny

Motion Carried 8 – 0

10. Comments from the Commissioners:

- Margaret Trowbridge—Stated that the Charter Commission is here to review and amend the charter, not to make drastic changes to it. The public should not view the Charter Commission's purpose as one that is to abolish Town Meeting.
- The Chairperson—Where all here to do what's best for the Town.
- The Vice-Chairperson—Received suggestions from the Town Clerk to clarify items in the Town Charter relevant to write-in candidates. Voter comments to him included abolishing Town Meeting, abolishing the Finance Committee, changing our incorporation from Town to City, and restructuring our Town Government from a Town Council to a Mayor.
- The Secretary—Town Meeting is the marketed purpose to the voters as the central issue to be addressed by the Charter Commission. Town Meeting will be the most controversial subject discussed. He has seen first-hand the lack of participation and value in Town Meeting, as he was a previous Town Meeting member for three years. Stated he was ambivalent on the subject

of Town Meeting, but that his vote would reflect the will of the Sanford voters and what they want. Also stated that if Town Meeting is abolished, that it would mean the rise of the Finance Committee. If we do away with one check and balance, we need to strengthen and solidify another.

- Public Comment received from Gary Samia, Ward 4: Mr. Samia stated that he had served on the previous three Charter Commissions and on the Charter Commission in 2002 that produced our current Town Charter. Further stated that Town Meeting was the most discussed item in the previous Charter Commission. Went on to say that he would like to see Town Meeting done away with for the following reasons:
 - a. It is a hindrance to local businesses.
 - b. It is not a true representative form of governance as was intended.
 - c. Filling seats for Town Meeting has always been difficult.
 - d. Number of Town Meeting members has been reduced numerous times in the past to accommodate lack of participation.
 - e. It is a stumbling block to efficient local government operations.

Mr. Samia also stated that the Charter Commission should not rely on notice publications to encourage public participation. Suggested that each Charter Commission Member take a personal role in soliciting public comment and participation.

- Gerald Gay—The Charter Commission should get a history from the Town Clerk regarding participation and attendance of Town Meeting going back 10 or 15 years.
- Judith Gibbs—Need to get current number of vacancies on Town Meeting. Stated she wants to get to the root causes for the lack of participation in Town Government.
- Thomas Sevigny—Need to study cities and towns of a similar make up to Sanford and research how they operate. Volunteered to request and retrieve the Biddeford City Charter.
- Margaret Trowbridge—Stated that she had collected Town Charters from the towns of Wells, and Old Orchard Beach for research.

Moved by Margaret Trowbridge: To create a “chain of command” of Chairperson, Vice-Chairperson, and Secretary and established that only the Chairperson, or successive Charter Commission Officers in her absence, should be contacting an attorney for legal advice.

Seconded by Thomas Sevigny

Discussion: Gerald Gay stated that transparency with the Charter Commission Members is needed when an attorney is contacted.

Motion Carried 8 - 0

- The Chairperson reminded the Charter Commission Members that we can receive funds for research, if need be.

- The Vice-Chairperson—Reference Section 508 of the Sanford Town Charter, a voter raised concern over how the Capital Improvement Committee votes.
- The Chairperson stated that not everyone is able or comfortable to attend Public Hearings and appear on television. Therefore, voters giving their concerns to Charter Commission Members directly is a great way to get said concerns addressed.

Moved by Margaret Trowbridge: To accept the comments of the Charter Commission Members, Seconded by Laura Crockett. Motion Carried 8 – 0

11. Announce the time and place of the next meeting:

March 02, 2011 at 6:00 p.m. in the Town Hall Annex, third floor conference room. Meeting time and place will be posted on the Town Web site, and local newspapers.

12. Adjourn

Moved by Margaret Trowbridge: To adjourn the meeting at 7:32pm
Seconded by Jonathan Mapes. Motion Carried 8 – 0

APPENDIX A

1. Explanation of the purpose of the Charter Commission:
 - a. From the Town charter: Section 218. Charter Review—At least once every ten (10) years the Town Council shall appoint a committee to review the provisions of this Charter and make recommendations to the Town Council on any amendments deemed necessary or appropriate.
 - b. From the Maine Revised Statutes Title 30-A, sub section 2103 Charter Commission, membership, procedure:
 - i. Within 9 months after its election, the Charter Commission shall: Prepare a preliminary report including the text of the Charter or Charter revision which the Commission intends to submit to the voters and any explanation.
 - ii. 12 months after its election, the Charter Commission shall submit its final report to the municipal officers plus a written opinion by an attorney stating that the proposed Charter or Charter revision does not contain any provision prohibited by the United States Constitution, and the Constitution of Maine or the general laws.
 1. November 02, 2010, 9 months = August 2011
 2. November 02, 2010, 12 months = November 02, 2011

Purposed Agenda Items

Date	Articles	Page Numbers
March 2	1 Grant of Powers to the Town 2 Town Council 3 Town Manager	2-16
March 16	4 Department of Education 5 Budget 6 Representative Town meeting	17-33
March 30	7 Tax Administration 8 Municipal Development 9 Personnel System 10 Nominations and Elections	33-41
April 13	11 Recall of Elective Officials 12 Initiative and Referendum 13 General Provisions 14 Transitional Provisions Addendum A & B	41-54