Town of York ~ Charter Commission

Meeting Minutes ~ August 26, 2010

Present: Kinley Gregg, Helen Rollins Lord, Torbert MacDonald, David Marshall, Larry McKenna, Leon Moulton, Mike Quinn, Peter Smith, Wendy Starkey

Also: Board of Selectmen – Mike Estes, Ted Little, Tracy Jackson-McCarty, Mary Andrews (Note that Cathy Goodwin was unable to attend)

Observer - Rob Yandow

- Chairman Dave Marshall called the meeting to order at 7:05 p.m. and welcomed members of the Board of Selectmen who have generously agreed to attend and provide their comments and suggestions.
- Other than a reporter from Seacoast News, no members of the public were in attendance.
- A motion to accept the meeting minutes from August 16th passed.
- Dave opened the joint meeting to input from the Board of Selectmen which included the following initial comments:
 - ~ I'm generally satisfied with the overall structure of the charter.
 - ~ I like the "checks and balances," but some aspects need revision.
 - ~ The charter was developed in response to public dissatisfaction with the incumbent board in particular as related to their record of spending.
 - ~ The concept of a "budget committee" was introduced specifically to address this dissatisfaction and a sense of mistrust.
 - ~ Having the Tax Task Force in place is very helpful.
 - ~ The "citizen's petition" process may need to be revised. It should require more than 100 signatures....perhaps 10% of the registered voters.
 - ~ "Conflict of interest" mentioned in Article V, Section 3, paragraph B.6 should be expanded and clarified.
 - ~ The entire document should be reviewed and rendered "gender neutral."
 - ~ The section on discrimination should include "sexual orientation."
 - ~ There are parts of the charter that prohibit the Board of Selectmen from being the visionaries that they are elected to be, both in the short term and in the long term (an example was the big wind storm this spring which required spending \$100,000 from the town's contingency budget).
- Dave pointed out that if we didn't have the contingency budget, or if it had already been consumed, the Board of Selectmen would be very constrained in any attempt to respond to such an emergency.

- Mike Estes suggested that the "special budget referendum" process should be improved to assure that the town could respond to unexpected needs or opportunities in a timely fashion.
- Mike Estes also called attention to the fact that the Budget Committee has the power to revise or "squash" project cost estimates that have been provided by experts, even though they do not have the subject matter expertise to justify their action. (out-of-balance accountability vs. authority)
- Basically, when it comes to the budget, the Board of Selectmen has no power, other than through the Town Manager, who reports to the Board of Selectmen and who is ultimately responsible for requesting and implementing the budget.
- Torbert pointed out that the "two-thirds majority" statement in Article II, Section 20, Paragraph A.4.a should be revised to be more compatible with a 5 person board (either four-fifths or three-fifths majority).
- Mary suggested that the "zero budget option" should be reviewed as the current system
 doesn't allow voters to indicate their desire for a warrant item to be unfunded or
 significantly reduced.
- Mary also expressed concern about the large number of items on each ballot.
- Mike pointed out that the budget process under the charter has provided the voting public a significant and proper amount of power.
- A question was raised as to "if any change in the school budgeting process was reflected in the new charter, would it supersede the current state law?" It is presumed that it would not.
- Mike noted that although the charter addresses the process for "recalling" an elected official, it is not clear on the process for removing an appointed official.
- Kinley pointed out that, given that the voters last spring voted to give up the line item
 on the school budget it raises a question of what the voters really want to see on the
 ballot.
- Dave stated that although we have a structure that looks good on paper, given the lack of voter involvement, it may be that the charter is not functioning as intended.

There being no further comments from the Board of Selectmen members, Dave thanked them for their participation and very helpful input.

Following a brief break, during which the selectmen departed, the meeting continued with a discussion of the mission and starting point for our commission.

- Wendy stated her appreciation for mission statements; even though she pointed out that the end result of our efforts may very well take us someplace else.
- Helen suggested that we document our objectives and then document any changes to those objectives as we proceed.
- Pete lamented the lack of citizen participation in town government and wondered how much the average voter actually understands the issues they are voting on.
- Wendy offered that she wants to believe that the seven members of the Budget Committee
 and five members of the Board of Selectmen have studied the issues and are giving the
 voters good recommendations on the ballot, such that they don't need to be concerned
 about clearly understanding the issues.
- Mike Quinn pointed out that there is no mandate for citizens to participate, only that there is an opportunity to do so.
- Torbert explained that in our system, the legislative body is the "people." We should consider some way to provide "informed consent" such as holding an open town meeting for discussion of warrant items without any vote, followed by a secret ballot about two weeks later.
- Pete described the recently tested capability to broadcast and record York town meetings using the internet. Anyone with a computer could watch a meeting live or select one from a list on the town website to watch at a later time.
- Torbert expressed his desire that the town allocate more funds to improve their presence on the web.
- It was pointed out that the charter is almost silent regarding ordinances and Torbert suggested that we should explore a better method for creating them.
- Dave will invite the School Committee to attend an upcoming meeting so that we can hear their concerns and ideas.
- Dave reminded us that the next two meetings will be at 7:00pm in the YPL Town Meeting Room (televised) on Tuesday, September 7th and Thursday, September 30th
- The meeting was adjourned at 9:05pm.

Respectfully submitted,

Peter Smith, Secretary