

***Town of York ~ Charter Commission
Meeting Minutes ~ February 24, 2011
York Public Library***

Present: Kinley Gregg, Helen Rollins, David Marshall, Leon Moulton, Peter Smith, Wendy Starkey

Absent: Torbert MacDonald, Mike Quinn

- Chairman Dave Marshall called the meeting to order at 5:07pm.
- Dave welcomed Don Lawton who attended as a potential new member of the commission. Note that no other members of the public attended this meeting.
- Meeting minutes from February 16th were accepted as written.
- Under new business, the group reviewed a memo from the Budget Committee (*see attached*) which offered specific recommendations for changes or additions to the charter relative to the following subjects:
 - ~ Capital Planning Committee
 - ~ Board of Selectmen involvement in the budget process
 - ~ Specimen ballots
 - ~ Building CommitteesThe memo also promised that further recommendations would be provided relative to the “No” vote issue once the budget season is over.
- The group discussed why there are seven members on the budget committee and only five members on most other committees, such as the Board of Selectmen. No specific reason was identified. Dave pointed out that we might want to change it to five members in order to make it easier to get enough candidates to serve.
- Don Lawton wondered how the budget committee would feel about reducing their membership from seven to five. It was pointed out that they may need a bigger group in order to provide liaisons for each of the departments they cover.
- Helen asked why the Planning Board is named as such, when it doesn’t actually do planning for the town. Dave noted that although their principle activity is “development review” the naming terminology is a state standard. Changing the name would cause confusion for very little gain. Dave suggested that we should define the responsibilities and authority of the planning board in the charter.
- Dave returned the discussion to capital planning. He explained how the current Capital Planning Committee (CPC) was formed about five years ago to assure that a broader view was taken during capital planning. As an alternate approach, he suggested that perhaps our new charter should mandate that the BOS and School Committee must meet quarterly to address capital planning. Wendy expressed concern that doing so might increase the work of the selectmen unreasonably.

- Helen commented that she attended a recent capital planning meeting and was very impressed with their process and activities. Kinley expressed concern about the lack of formality regarding the formation of the CPC and its limited transparency to the public.
- The question of whether the CPC and its functions should be defined in the charter led to broad disagreement amongst the group.
- Don noted that the main purpose for having a five-year capital plan is to “set a direction” even though it’s likely that the priorities will change during that same period and the plan will have to be adjusted. Kinley pointed out that another issue is that voters often override even the most carefully thought out budget plan for a capital project even though they had previously voted for it “in concept” as part of an overall capital plan.
- A discussion of the difference of opinion about what is a capital cost and what is an operating expense prompted Leon to propose that we should define what a capital item is in our charter.
- Kinley noted that Torbert has repeatedly reminded us that state statute mandates the Comprehensive Plan and involvement of the Planning Board in the process of capital planning. If we’re going to define the configuration of the Capital Planning Committee, we need to address that mandate.
- Pete noted that, as part of addressing our priority issues, we plan to add content to the charter that addresses capital planning and it should include information about the comprehensive plan and formalizing the CPC.
- The group reviewed Article 3 from the new draft and voted on acceptance of each paragraph subject to identified changes.
- The group voted to approve drafted items 3.1 3.2.b 3.4 and 3.5.a as written.
- Pete will provide new wording for 3.3 3.5.c 3.5.d and add a new paragraph 3.5.e
- Kinley will provide new wording for 3.5.b.
- Future meeting dates are scheduled as follows:
 - ~ March 7 at 7:00 pm
 - ~ March 16 at 5:00 pm
 - ~ March 22 at 5:00 pm
 - ~ April 4 at 7:00 pm (*tentative*)
- Meeting adjourned at 7:25 pm.

Respectfully submitted,

Peter Smith, Secretary

MEMORANDUM

TO: David Marshall, Chair - Charter Commission
FROM: The Budget Committee
DATE: February 20, 2011

At our meeting on December 16, we considered suggestions for Charter revision as you had requested us to do when we met with the Commission. After considerable discussion we have agreed to recommend the following changes or additions.

1. Capital Planning Committee

It would be desirable to find a way for the public to have more input into the capital planning process. The Capital Planning Committee has been in existence for some time now but is not mentioned in the Charter. We believe that the Committee, along with its ex-officio membership, should be included in the Charter and a mechanism inserted for public input.

2. BOS Involvement in the Budget Process

In the last two budget cycles the Board of Selectmen has been increasingly active. Last year the BOS cut \$200,000 from the draft municipal budget before it was presented to the Budget Committee. This year the BOS asked the Town Manager to submit a budget with a zero increase in taxpayer impact. The BOS meeting of December 13 included a discussion of the draft budget in some detail.

We feel that it is proper for the BOS to act on the draft budget in this fashion since the Town Manager, who prepares the municipal budget in consultation with his department heads and staff, reports to the BOS. However, the Charter calls for the elected Budget Committee, not the BOS, to have the final say on the budget that is submitted to the voters. Both the Budget Committee and the BOS make their preference votes on the budget once it has been set. We firmly believe that this sequence should be maintained but that a Charter revision should clarify the role of the BOS in the budget process.

3. Specimen Ballots

Article II, Section 13 (A) of the Charter requires the Town to send the proposed Town Budget and a specimen ballot to the voters at least 14 days before the referendum date. Now that voters cast may cast absentee ballots as much as 30 days before the referendum, we suggest that 14 days are too few and the number should be increased to 35 or 40.

4. Building Committees

Section 15 (B) (5) calls for building committees to supervise the construction of municipal and school buildings. We believe the section is poorly worded. Since the term "Building Committee" is used only in reference to school buildings, the third sentence, if taken literally, seems to mean that the Budget Committee is included for school construction but excluded for municipal construction. We do not see the logic of this distinction and doubt that this was the intent of the drafters of the Charter. We suggest that the wording be changed to include two Budget Committee members on municipal as well as on school construction committees.

5. Change to impact of a “NO” Vote

We spent a long time discussing the issue of how voters can have a greater say on the Municipal Budget in the light of Section 14 (C). This section stipulates that when there is a “NO” vote on a specific line item, the Municipal Budget will have an appropriation “equal to the budgeted appropriation for that line-item during the fiscal year just ending.” We have all heard of voter dissatisfaction with their lack of a clear choice. We discussed this issue inconclusively with the Commission when we appeared. We debated possible remedies but do not have a firm recommendation at this time. Once the budget season is over we will tackle the issue again and forward a recommendation to you.