

TOWN COUNCIL MINUTES
SPECIAL MEETING
FEBRUARY 19, 2003

Attendance: Ron Dion, Mike Dibitto, Paul Loiselle, George Longfellow, Denise Pichette-Volk, Pat Rueppel, Mary Ruel.

Absent: Rick Holley, Mike Jolin

Meeting called to order by Chairman Dibitto at 6:43pm

Review of Agenda - purpose of meeting to discuss proposed Charter Amendments

Administrator Mike Farrell provided a letter from the Town's Attorney discussing the legality of the proposed changes.

Chairman Dibitto reviewed the Webster's Version of Robert's Rules relative to Parliamentary procedures, which are the Council's adopted rules. A tie vote means a motion is lost. Members cannot be asked to decide the same question again at the same meeting unless a motion for reconsideration is made. However, anyone can bring the motion again at another meeting where it is considered a new main motion.

Councilor Dion questioned if we follow this through and adopt this kind of procedure, anyone can wait until a certain night with certain Councilors are present to bring up a motion, which could bog down the system. Councilor Dion feels the information hasn't changed and this is the same motion that was defeated already. He expressed concern about the precedent this will set and thinks that is why this was never done this in the past.

Councilor Ruel stated that the Council does follow Robert's rule, which allows this. One Councilor did abstain, so that would be one reason for reconsidering or as required considering it as a new motion.

Chairman Dibitto explained that reconsideration occurs during the same meeting or the next calendar day.

Councilor Volk expressed concern about the dynamics at the last meeting and the confusion during the vote and Councilor Longfellow's vote.

Councilor Longfellow stated that a Council vote isn't final; it only puts the amendments on the ballot for the voters to decide.

Councilor Volk states that she left the last meeting thinking this issue was closed based on the vote and that there had been discussion of another way to get the amendments to the ballot. Further, these proposed changes did not follow the process of a Charter committee. Again, she requested that Chairman Dibitto consider another option, such as a petition, and bring this personally forward.

Based on discussion, a protest petition would need 20 percent of the voters from the last general election for a petition warrant, so approximately 500 votes.

Councilor Dibitto expressed concern that obtaining the votes could not occur within the time constraints and if the votes are obtained, the rules specify a vote must be held. So, a special election would be needed costing time and money and likely with a meager turnout.

Councilor Volk states that it is hard to embrace this as a council initiative. She is loath to see it as a Council initiative, but that's not to say it won't go forward. She requested from the Chairman as the sponsor of the amendments, the motivation and need to make these types of changes, particularly when towns similar to our structure don't mirror these changes.

Chairman DiBietto first change 4.3 deals with standard of removal. Two points, the standard for hiring is less than dismissal. Some would argue that is ok, he would argue the reverse should be the case, harder to hire than fire. He feels this standard of 2/3 is a high standard, which affects the relationship between the Council and the Administrator. The Administrator's description in the statute says Administrator serves at the pleasure of the Council and calls for removal by a vote of the majority. The 2/3 standard is significantly higher and inconsistent with the statute. A simple majority should be the standard.

Councilor Dion was on the contract committee and believes that the Administrator's Contract specifies 6 to fire, so a charter change would not affect the current contract.

Chairman Dibietto acknowledged that certain Contract provisions are not be affected by proposed changes.

Chairman Dibietto stated the statute speaks to a simple majority and some (not all other) town's charters presented by our administrator call for a simple majority; others require a 2/3 majority. Chairman Dibietto argued that the 2/3 standard could be challenged in court.

Chairman Dibietto stated the next item is 4.6A to change 2/3 to a simple majority for overriding Administrator's action on disciplinary action. Rationale similar, Council should have ability to exercise its voice. Also provides by adding language that by majority vote the Council may direct the Administrator to dismiss or suspend any department head or officer.

Councilor Dion concerned about wording so as not to micromanage.

Councilor Volk referred to the legal opinion and concerns raised in it. Also questioned whether this was one proposal or several separate proposals.

Councilor Ruel referenced administrative code changes having to go separately. If all related to same subject can be one.

Chairman Dibietto 4.7 non-interference with Administration changes to clarify between Council as a whole and a Councilor acting as an individual. The Council acting as a body has tremendous authority, which the legal opinion supports. This clarifies the difference and does not inhibit the authority of the Council. Additional language reinforces that the Administrator works on our behalf and at our will, as such it would be inconsistent that the Council as the highest elected body would not have the authority that is being exercised through the administrator.

Councilor Dion questioned the reason for bringing these amendments forward, asking if there is a problem with the current relationship.

Chairman Dibietto feels that the Councilors as elected officials are answerable to the voters, where the Administrator is not. The relationship between Administrator and Council as defined in charter needs to be clearer.

Further change in 4.7 related to any Councilor directing Town employees. The purpose of this is to cover the Council's need for clerical support. The Council should not be required to go through the Administrator for support in conducting its business.

The legal opinion was made public.

Pat Rueppel moved to send the Charter amendments to a public hearing on March 12, 2003. Seconded by Paul Loisel.

Paul Loisel, George Longfellow, Pat Rueppel, Mary Ruel, and Mike Dibietto voted for, while Ron Dion and Denise Pichette-Volk abstained stating a reason of process.

TOWN COUNCIL SPECIAL MEETING
FEBRUARY 19, 2003

3

There was a brief discussion on a letter on Regional Environmental Planning Project. Council consensus was to allow Chairman Dibitto to confer with other boards and to endorse the letter.

Chairman DiBitetto adjourned the meeting at 8:02pm.

Respectfully submitted,

Mary A. Ruel
Secretary