

Town of Waterboro
Charter Commission Meeting Minutes
March 12, 2024

Present: Dwayne Woodsome, Lori Anthony, Marina Gagne, David Barker, Hedy Smith and Nancy Brandt. Absent: Nadine Molloy and Steve Ross.

Meeting was called to order at 6:40 pm

New Business:

1. Review Article 1 re: transparency

Hedy Smith inquired if there was a process in place where the town can acquire properties etc. with a non-profit obtaining the properties. Dwayne Woodsome explained that tax title property now if property sold, any funds over the back taxes, an adequate fee for personnel, the owner will receive the excess funds. On large parcels public hearings was held. Hedy Smith explained need some transparency from the Council of not giving to non –profits without give back. Also suggested may need attorney review if there is a process or policy for taxpayers when land is being donated or sold. Marina Gagne asked if a non-profit be gifted a property and then put a building on it and then sell for a profit. Dwayne Woodsome added if property is gifted cannot be sold, would need to come back to the town. Also can put in the charter to notify people and would need attorney for the wording. Hedy Smith added that she did not want to hamstring but have transparency in large parcels.

2. Review of Article 7 Municipal Elections

Nancy Brandt suggested combining the remaining portions Article 2 to be included in Article 7. Everything would be covered under one article. Commission members present agreed.

7.01 Elections- is okay

7.02 Conduct of Elections- is okay

7.03 Nominations-will have Atty. Review.

7.04 Voting places.

Section 704 – Voting Places. The voting places for municipal elections shall be those which have been or may hereafter be established for State elections.

Marina Gagne explained that the town no longer can utilize school buildings except for state elections as will be in November. May have to discuss this with attorney.

Review of Article 9 Business and Financial Provisions

3. Article 9 Section 908 Crisis Fund.

Section 908 – General Fund Balance Level and Restriction of Use.

Crisis Fund. The Town Treasurer shall maintain a Crisis fund which shall be separately invested in a proprietary account with interest to be retained therein. The Crisis fund shall be maintained at a level not less than one twelfth (1/12) of the approved appropriation for the municipal budget, the Town's portion of the RSU #57 local assessment, county tax and overlay.

At any time in the budget year the ~~Board of Selectmen~~ **Town Council** may, after notice from the Treasurer, call a Special ~~Town Meeting~~ **Referendum Election** for the purpose of making appropriations from the Crisis fund. The expenditures shall meet an essential municipal need to protect the public health, safety and welfare. The needs may be caused by severe economic decline, any natural disaster or sudden event outside the control of the ~~Board Council~~. Said appropriations shall be adopted by a favorable vote of a Special Town Meeting **referendum election**. Said resolution shall specifically identify the public necessity and contain the precise use of the funds. The Article shall also contain a plan not to exceed a five (5) year period to restore the Crisis Fund to the prescribed level.

Whenever the Crisis Fund is less than the prescribed level, the Board shall be required to formulate a plan within ninety (90) days to restore the Crisis Fund to the prescribed level. The restoration of the Crisis Fund shall not exceed a five (5) year period.

Undesignated Fund Balance. Subject to Town Meeting **Referendum Vote** approval, the ~~Board Council~~ may utilize the undesignated fund balance of the General Fund to reduce the tax commitment of any ensuing fiscal period.

Nancy Brandt feels that there is not a crisis fund established, using surplus in its place. Town of Gray has the following in their charter, and removed the crisis fund from previous charter which is what former commission added.

Town of Gray current Charter reads:

Section 8. Unassigned General Fund Balance Level and Restriction of Use

The Town Treasurer shall maintain the Unassigned General Fund Balance (as determined in accordance with applicable government accounting standards) at a level not less than two twelfths (2/12) and up to three twelfths (3/12) of the Town's Net Assessment for Commitment, excluding any and all TIF Plan Amount Assessment. Utilization of the Unassigned General Fund Balance is thereby restricted and may in no circumstance be appropriated to below the two twelfths (2/12) level as described above without the favorable vote of a Town Meeting.

All Unassigned General Fund Balance in excess of the three twelfths (3/12) as described above may be appropriated in the subsequent budget year, subject to Town Meeting approval, into the Capital Reserve Fund as part of the Capital Improvement Plan in accordance with the procedures outlined in fiscal policies adopted by the Town Council.

Also subject to Town Meeting approval, the Town Council may utilize the Unassigned General Fund Balance to reduce the tax commitment of any ensuing fiscal period. The

resolution for utilization shall also contain a plan to restore the Unassigned General Fund Balance to the level detailed above within a five (5) year period should such utilization cause the Unassigned General Fund Balance to fall below the level detailed above.

Further, at any time during any budget year the Town Council may, after notice, call a special Town Meeting for the purpose of making appropriation(s) from Unassigned General Fund Balance in excess of the two twelfths (2/12) level as described above. The proposed appropriation(s) shall meet an essential municipal need to protect the public health, safety and welfare. The needs may be caused by severe economic decline, any natural disaster or sudden event outside the control of the Town Council. Said appropriation(s) shall be adopted by a favorable vote of a special Town Meeting. Said vote shall specifically identify the public necessity and contain the precise use of the appropriation(s).

Hedy Smith made the motion to remove Section 9.05 Crisis Fund and seek guidance from attorney to use as read from Town of Gray; motion seconded by Nancy Brandt. Motion carries 4-1-1.

4. Article 9 Section 909 Capital Program

Marina Gagne explained that Town Administrator Matt Bors suggested using the Town of Standish plan. Nancy Brandt added that Standish has a 5 year plan. Hedy Smith will reach out to Standish Town Clerk regarding the town's CIP plan.

5. Article 3-Section 314 Ordinances

Marina Gagne reported that Code Enforcement Officer had a suggestion to sentence: Before any ordinance shall be passed at least one public hearing shall be held by the ~~Board~~ **Council**, notice of which shall be given at least seven (7) days in advance by publication in a newspaper, having general circulation in Town, by posting in a public place and posting electronically.

Be amended to Before any ordinance shall be passed ~~at least~~ **a minimum of** one public hearing shall be held by the ~~Board~~ **Council**, notice of which shall be given at least seven (7) days in advance by publication in a newspaper, having general circulation in Town, by posting in a public place and posting electronically.

Discussion was held. Marina Gagne will ask CEO for the reason. Lori Anthony added to receive something in writing on request.

6. Approve minutes of February 27, 2024.

Motion by Dwayne Woodsome as amended; motion seconded by Lori Anthony. Motion carries 6-0-0.

Article 3: As suggested by Atty. Town Clerk will be appointed by the Council

Gender Neutral- Discussion was held regarding his/her to they/their/them. Agreed 5-1-0 to amend to gender neutral with David Barker wanting to keep as is.

Personnel Committee.

Discussion was held on a Personnel Committee. Question on whether should be in charter or personnel policy. Would bring about a different perspective on an issue and also would be checks and balance. Marina Gagne will contact atty. Regarding a Personnel Committee.

Manager as Fire Chief. Discussion was held regarding someone holding both positions. David Barker suggested atty. Review and possible wording in the charter. Commission members were in agreement.

7. Agenda items for March 26, 2024 meeting.
Article 3-Ordinances
Further review of charter.
Any other business that may come before the commission.

Adjournment.

Motion to adjourn was made at 8:10 pm.

Respectfully submitted,

Nancy Brandt, Secretary