

Town Charter Commission Meeting Freedom, Maine

Minutes of April 4, 2023

Present: Mary Ann Bennett, Meredith Coffin, Rene Ouellet, Tyler Hadyniak, Phil Bloomstein, Alexis Bennett, Tim Biggs

Absent: William Pickford

Guests: Elaine Higgins; Select Board members: Ron Price, Steve Bennett, Ryan Ouellette

Community member :Nathan McCann

Agenda 1. Meeting called to order by Tyler at 6:02pm. Quorum achieved.

Agenda 2. Review of meeting minutes of March 7, 2023.

Rene moved and MaryAnn seconded to accept the minutes as written. Motion Carried.

Agenda 3. Consider a vote to have Elaine Higgins join the Charter Commission. Meredith moved and Maryann seconded to accept Elaine Higgins as a new member of the Charter Commission. Motion Carried

Agenda 4. Discuss wordsmithing on Conflict of Interest language.

Steve Bennett had noted the difference between the conflict of interest language as applied to the Select Board in contrast to other Boards and Committees. Steve has asked this committee to please re visit this language. The tax evaluation done on the Beaver Ridge recently by the Select Board has spurred this concern.

Tyler laid out that this discussion's focus is not to litigate the issue, but rather to talk about language.

Looking forward, using generic samples and being considerate of real issues were suggested. Elaine shared a specific suggestion of “ if challenged at the Board level then it goes to the Appeals Board within 30 days and a decision handed down in 48 hours.” Both Rene and Tyler have written up their suggestions.

Hand outs given.

Steve and Ron were given 10 minutes to speak.

Steve:

“ Good government creates good process”

Concept of “Rule of Necessity” in common law presented. Sometimes an individual's vote is needed, suggesting waiving of the conflict of interest.

Yet MMA says an individual who has made a disclosure or abstention, cannot have his or her vote counted towards a Quorum.

Ron:

Notes all other Committees and Boards have at least 5 members

A Select Board of three that is constantly in disagreement doesn't serve the town

Good plan is if a Board Member feels they can vote, but that participation is challenged, then a decision should go to the Appeals Board

Committee Discussion:

If there is dual interest, but not at a level of recusal, there still is a need for transparency.

By putting in place use of the Board of Appeals as a recourse, Rule of Necessity is avoided.

This would go a long way in managing the potential issue of appearance of conflict of interest

Involuntary Recusal: discussed using “Rational Basis” as a guide when a Board Member

moves (now referred to as the Mover) to challenge another member(now referred to as the

Implicated) with alleged conflict of interest.

The Rational Basis encourages talk and honesty

Voluntary Recusal verbage was presented by Tyler

Accusation of Conflict of Interest must originate, come from a Board member.

It appeared that all present were supportive of using the Appeals Board.

Preliminary Charter draft needs postponing

Final Charter report was due March 2023. This was missed.

Our Select Board can extend the Charter work up to 24 months.

This would give us time to meet with the attorney, have a public hearing and print out the report.

It was agreed that there is not enough time to have it all ready for the June 13 election.

Hence it will be put on the warrant at another town meeting before the end of the year.

Then if total number of votes cast do not equal or exceed 30% of the total votes cast in the municipality at the last gubernatorial election, but the Charter is passed, it will take effect on the first day of the next succeeding municipal year. If number of votes cast do make up or exceed that 30%, and the Charter is passed, it would take effect immediately.

30% is 129 as Freedom had 430 voters in 2022.

HOMEWORK

Re read Charter for typos

Review introduction written by Tyler

Review re work by Rene on wording of Conflict of Interest

Be ready to vote on approving preliminary draft and ask Ron to submit to the attorney.

Tyler to follow up with KVCOG

Ask Select Board to give us the 24 month extension at their next meeting (4/10/23)

ADJOURNMENT : Elaine moved and Tyler seconded to adjourn at 7:58. motion carried

Next meeting : Tuesday April 18, 2023

Respectfully submitted, Meredith Coffin