

**Charter and Ordinance Review Committee
Minutes of Meeting
December 18, 2014
Approved**

The meeting was called to order in the Green Room of the Milton Public Library at 6:31 PM by the Chairman.

Roll Call:

John Collier, Chairman; present

Sam Garde; present

Glenn Howard; absent

Don Mazzeo; present

Rich Miller; present

Jim Wagner; present

Mr Seth Thompson, the Town Solicitor, was also present.

Mr. Collier announced that since he was now employed by the Town of Milton, he would no longer have a vote on any issue brought before the Committee. He will continue to act as Chairman in his ex-officio capacity.

Approval of Agenda:

Mr. Garde made a motion to accept the Agenda as written. Mr. Miller seconded. The motion was unanimously approved.

Old Business:

Mr. Collier brought up an issue that the staff in the Town Hall wanted the Committee to consider. After discussion of the issue, Mr. Garde made a motion that language be incorporated as a new exception to the requirement for competitive bidding in Section 14 (b) of the draft to be recommended by the Committee (the "Draft".) Mr. Mazzeo seconded, and the motion was unanimously approved. The language is:

"(2) The purchase is for material and/or services other than personal or professional services, greater than five thousand dollars (\$5,000.00) up to twenty thousand dollars (\$20,000.00), which may then be accomplished by soliciting letter quotations from not fewer than three (3) responsible sources or providers." Further, the remaining exceptions listed in Chapter 14 (b) are to renumbered (3) through (7).

Mr Miller brought up an issue in Section 1 of the Charter referring to naming the Town after John Milton. The discussion revolved around whether it is reasonable to include historic observations in our Charter. Mr. Garde made a motion that the last nine words, i.e., "and proponent of public education democracy, and human rights.", be deleted from the Draft. Mr. Miller seconded. Messrs Garde, Miller, and Mazzeo agreed; Mr. Wagner disagreed. The motion was carried.

An issue was raised regarding the Board of Health. The Board is required by the language in the existing Charter. Since it is currently dormant, the Committee discussed changing the introductory language in Section 21 (a). Mr. Garde made a

motion that the language discussed be included in the Draft. Mr Miller seconded and the motion was unanimously approved. The Language to be included in the Draft is: "If the Mayor and Council decide to establish a Board of Health, such Board shall be appointed by the Mayor with the advice and consent of the voting members of the Town Council. The Board shall consist of no fewer than four (4) nor more than six (6) members who shall serve for three (3) years or until their successors are duly appointed and qualified. Members of the Board of Health" (continue as currently written.)

In addition, the requirement that the Board of Health provide a written report quarterly was discussed. The Committee agreed to revise the wording in the Draft to have the Board of Health provide a written report "as necessary."

The Committee discussed the last sentence in Section 21 (b), i.e., "Such ordinances adopted by the Town Council shall extend to an area outside the Town limits for a distance of one (1) mile." Since this sentence applies only to recommendations made by the Board of Health regarding adoption of ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infectious or contagious diseases or nuisances, or to mitigate against environmental contamination, the Committee agreed to leave the current language in Section 21 (b) as is in the Draft.

Mr. Collier brought up a request made by the Town staff to consider adding the following language at the end of Section 22 (a) re Police Force, "At the direction of Mayor and Council, the Town Administrator shall direct the Chief of Police and the members of the Police Force in matters regarding personnel and fiscal administration of the Department." After discussion, Mr Garde made a motion to not incorporate the recommended language in the Draft. Mr Mazzeo seconded and the motion was unanimously approved. The reason for not accepting the suggested language was that the currently written Section 22 (a) already gives that power to the Mayor and Council, as it says: "The Town Council shall, from time to time, make such rules and regulations as may be necessary for the organization, government and control of the police force." If Mayor & Council want at any time to provide direction to the Town Administrator in respect of directing the Chief of Police, they may do so. The Town Solicitor opined that a Resolution could be made in this respect at any time, even though it is not explicit in the Charter.

New Business:

Time ran out for the Library to close before any detailed discussions could take place on Sections 29 through 36. All members of the Committee had some comments and/or questions on those sections, but none were discussed in detail.

Adjournment:

The motion to adjourn was approved by unanimous vote after a second.

Approval

These minutes were approved by unanimous vote during the 1/7/15 Meeting.