

Frankford Town Charter Committee

Tuesday, February 9 2016

Third Town Charter Committee Meeting

Present

Charter Committee Chair Greg Welch

Jason Taylor

Dawn Beck

Duane M Beck

Marty Presley

Edward L Ash

Kathy Murray

Jerry Smith

Robert Murray

Stephanie Kellem

The committee met at the town Hall at 7:00 pm

After accommodating the growing attendance the meeting was started.

Using the January 26, 2016 minutes that outlined the charter changes being discussed, the group progressed with a discussion of the changes

Absentee Voting

The consensus was that absentee voting should be allowed.

The easiest and safest way would be to adopt the state's process. There was concern expressed about the fraudulent use of this process. There was desire to tailor the process to allow for certain criteria that the state might not have to allow absentee voting.

By adopting the state rules for absentee voting the town already has a complete detailed process for absentee voting. This process is fully detailed in Title 15 chapter 75 subchapter IV of Delaware Code, that our current charter has adopted.

We could more clearly establish absentee voting by passing an ordinance or resolution stating that we are using the state's process or creating our own process. Both can be established by code, by state law currently. We do not need to change our charter to have absentee voting.

Voter Registration

The current charter does not have a process to register to vote anywhere. The committee has decided to investigate the state registration system. Greg Welch is requesting information from the State Election commissioner Elaine Manlove, and Department of Elections, Jean Turner, regarding the state's process to register state registrants for municipal elections. The state officials were asked about the municipalities roll in setting rules concerning voter registration deadlines, non residency property owner voting rights, and duration of residency requirements. These officials were asked what other municipalities that use the state system.

The officials have not responded to the inquiry as of yet.

Nonresident Property owner Council Position and non resident property owner voting

The attendees of the committee were divided on whether allowing a non resident voting or holding a council position was needed.

Jerry Smith cautioned that allowing non resident voting and allowing non resident property owners to hold a council position could have negative effects on our community. Dawn Beck stated that it was unfair to allow non resident voting and did not want a non resident council member. She felt it was only being considered to accommodate a select few people. Kathy and Robert Murray stated that they have lived here their entire life, own property in Frankford and have positively participated in town and committee meetings. The Murray's feel they have a vested interest in the affairs of Frankford.

Marty Presley stated that we need more participants in our government and stated that very few people are willing to hold the positions that the town needs to fill. By allowing a nonresident council position we would increase the pool of people willing to serve. There was interest on both sides of the issue to have a referendum to decide nonresident property owners council eligibility and non resident property owner voting rights.

The issue of the time constraint in getting our suggestions together for the charter change came up. Marty Presley felt we needed to have the suggestions passed by the council and to the attorney by the end of March to allow it to be written as a proposed amendment by our attorney and presented to the General Assembly in time to be considered. Greg Welch stated that we have barely discussed the election issues in our charter and the deadline to rework the entire charter by the end of March was not realistic. There was a suggestion to concentrate on the most pressing issues for this General Assembly's session and continue to work on the other issues for future changes. Marty stated that the legal fees for the proposed amendment would be \$2,000 to \$3,000 so it would be beneficial to include as many intended changes as possible. Concerns were stated about proceeding to fast.

Jerry Smith and Greg Welch stated most of the election issues as well as most of the other issues can be resolved by ordinance or resolution. There is no genuine necessity to rush these charter changes. Marty Presley felt that the Charter was more legally binding.

The discussion on Charter changes continued.

Establish a procedure to remove non attending council members

At the prior charter committee meeting the attendees thought that the charter should allow/require the council to remove a council member that has three unexcused absences per term. There was a discussion on whether a quorum or a unanimous vote would excuse the absence. At this meeting Jerry Smith felt that there should be a list of approved reasons for absence. He stated that a doctors note should be required. Some other towns use two consecutive unexcused absences as a standard.

Establish a date and process for creating a rough draft for the budget 60 days prior to the fiscal years beginning July 1st. Produce by designee of council a rough draft of the budget by May 1st.

Set in charter a process for passing ordinances and charter changes.

The attendees thought that it should be a requirement to have any ordinance or charter change should be fully read and considered at at least two open meetings before being voted on. There also needs to be a process stated for resolutions.

Make provisions to allow for a town manager

Provide in charter to allow the hiring of a town manager

Define a quorum

A quorum is the majority of all council members. In the event of a vacancy a quorum will consist of a majority of the remaining council members.

Establish a process to establish a board of elections and define the boards terms and duties

3 members, three year terms. Duties include complaint procedure, overseeing absentee voting.

Candidacy Filing Deadlines

Candidates can file no later than 20 days before the date of the election.

Date of The Council Election

The Election should be held on the second Saturday of March. Currently it is held on the second Saturday of February.

Other Issues that were brought up concerning the charter

Contracts with members

refine the current charters wording regarding nepotism and council members entering into financial contracts with the town

Annexation

Use of Town Money

The next charter committee meeting was set at February 16, 2016 at 7:00 pm at the Town Hall

After a couple of hours the committee adjourned

Charter Committee Chair
Greg Welch