

**TOWN OF MILLVILLE
BOARD OF SELECTMEN**

**Minutes of July 16, 2008
7:30 p.m.**

Members Present: Vice Chair Tom Petrowicz, Charles Poulin, Jackie Lima and John Laura

Others Present: Executive Secretary Helen Coffin and Town Moderator Joe Kelleher

Vice Chairman Petrowitz explains that the purpose of this Meeting is to address questions and concerns raised with respect to issues concerning a vote taken on a warrant article at the Annual Town Meeting, and to allow Town Moderator Joe Kelleher the opportunity to address the letters received and answer any questions from the residents.

Mr. Kelleher explains that during his entire professional career he has never had his integrity questioned. He explains the procedures with respect to holding a secret ballot. He reads an excerpt from the Town of Millville By-law with respect to secret ballots advising that secret ballots may only be held if money is being appropriated. Mr. Kelleher explains that he makes every attempt to make the Town Meeting a fair process. He has been very consistent on how ballots have been counted; he has done it the same way since becoming Moderator, and in fact, has done it the same way as it has been done long before he was Moderator.

Mr. Kelleher indicates the vote itself was never questioned. If the vote itself had been questioned he would have divided the room to have the votes counted. He does not have any agenda, he doesn't speak on or vote on any motions. With respect to the tellers, he explains that going forward he will appoint tellers ahead of time -- he hadn't done so at that meeting. However, he does not believe that Diane McCutcheon counted the vote inaccurately. He feels the Meeting was run as effectively and efficiently as possible, and if he recognized any issues he would have acted upon them.

Chuck Singleton stated that his letter never questioned the count nor implied that Diane McCutcheon gave an incorrect count. He wanted to point out that tellers should not speak on an article, or should not be a teller.

Selectman Lima reads language from Town Meeting Time regarding the recommended counting practice and feels that Mr. Kelleher has not been consistent using the recommendations of the Town Meeting Time.

Mr. Kelleher explains that Town Meeting Time is a reference book, not a rulebook. It is used to give recommendations. He reiterates that he has been consistent because he has not done anything different than he had done before. The method of counting is up to the Moderator.

Mr. Singleton indicates that the vote directly impacted the position of the current Executive Secretary, either at the end of her contract or maybe before. The Executive Secretary's presence in the room at the Town Meeting was intimidating to many people. Mr. Singleton further states

that the handouts provided by the Moderator at the Town Meeting indicated that if a resident disagreed, they should protest. A protest was made, but nothing was done. Mr. Kelleher responds that he did rule on the point of order and that parliamentary procedure is that the vote should have been questioned. He also feels that a majority of members of the Board of Selectmen voting against the Article was far more intimidating than the Executive Secretary.

Vice Chairman Petrowicz does not feel the Executive Secretary's presence could have affected someone's position. He advises that prior to hiring the Executive Secretary, the Board of Selectmen checked with Town Counsel and other municipalities.

Jennifer Dean-Wing explains she was the author who submitted the petition. She believes some individuals did feel intimidated. She feels the Moderator's judgment of intimidation of individuals was superseded by those who didn't feel pressure. She stated that the Moderator allowed people to speak about the quality of work by the current Executive Secretary rather than just the qualifications of the position. Mrs. Wing also questions the Article submitted by the Board of Selectmen; she does not feel it was legal or legitimate.

Selectman Lima explains that the Board sponsored the Article in case amendments could not be made to the Citizens Petition, and also in case the Citizens Petition was defeated -- it would be an Article to fall back on.

Mrs. Wing feels that the actions of the Town Moderator caused this issue and hopes the Board of Selectmen will look at changing the existing By-law as well as addressing the votes taken and article submitted.

John Dean indicated that he has been to many Town Meetings where special ballots were taken on articles having nothing to do with money. The people of the Town have never been refused a secret ballot.

Mr. Kelleher indicates he does many things differently than previous Moderators.

Vice Chairman Petrowicz suggests the Board take the matter under advisement and put it on the next BOS Meeting agenda.

Motion by Laura, second by Poulin, to adjourn the Meeting. Motion passes unanimous.

Respectfully Submitted,
Helen M. Coffin

Tom Petrowicz, Vice Chairman

Charles Poulin, Selectman

Jackie Lima, Selectman

John Laura, Selectman

APPROVED AND SIGNED 8/18/08