

**Notes from the First Meeting of the Gardiner Water District Governance Review
Committee, Monday March 7, 2005 at 6:00**

Attendance:

Members in attendance: Patricia Hart, Charles Batchelder, Carla Noyes, Darryl and Gloria Fitzhebert, David Vachon, Eugene Proulx, Paul Gray

Members absent: none

Next meetings set for March 21 and April 11, 2005.

The following set of notes reflects issues discussed and ideas shared throughout the evening. The notes summarize the exploratory discussion and do not imply any formal decision or agreement by the committee.

Pat opened the meeting and described the focus of the committee work. The task at hand is to review the governance structure of the Gardiner Water District; the work of the committee and discussion will remain focused on the specific task.

Pat also explained that she does not serve on City Council and she is not related to anyone who does serve. The other representatives from Gardiner also said that they did not serve on City Council. Neither Pat nor any of the Gardiner representatives have any history of work or involvement with the Water District, other than being customers. The representatives from Farmingdale and Randolph described their roles as active in Gardiner Water District issues and some served on their Boards of Selectmen.

The first item for discussion was the stack of handouts and supporting materials-

1. The most recent version of the Maine statutes related to Water District and Standard District Governance issues.
2. The Charter for the Gardiner Water District
3. A letter from Attorney Jim Cohen of Verril and Dana, attorney for the Water District providing his analysis of the issues, August 3, 2004
4. Estimated customer counts for Gardiner Water District, March 2005
5. A letter from the Gardiner Water District Board of Trustees discussing the Governance issues, August 12, 2004
6. Letter from Town of Farmingdale discussing the Governance issues, July 21 2004
7. Letter from Town of Randolph discussing the Governance issues, July 21 2004
8. Letter from Town of Pittston discussing the Governance issues, September 1, 2004
9. An article from the Kennebec Journal January 26, 2005

The discussion focused on the three issues central to the Water District Governance Structure –

1. Potential/proposed representation on the board of trustees for the Gardiner water district
2. Eligibility requirements of the potential/proposed representatives
3. Process for appointing/electing representatives

Ideas discussed were as follows---

1. Potential/proposed representation on the board of trustees for the Gardiner water district

- There was a vote in 1979 that called for 2 representatives from Gardiner, 1 from Randolph, 1 from Farmingdale and 1 from Pittston. There was no description of how or why the votes were distributed in that manner. (*amendment to these notes—we learned from Jim Cohen, Attorney for GWD that this was not the allocation of trustees that was included in the 1979 referendum, March 21, 2001*)
- Reviewing the 2005 customer list from the Gardiner Water District, the customer distribution is as follows—56% from Gardiner, 22% from Randolph, 20% from Farmingdale and < 2% for Pittston. If that relationship were used to assign representatives, representation would be as follows- 3 from Gardiner, 1 from Randolph, 1 from Farmingdale (none from Pittston as there are very few customers).

2. Eligibility requirements of the potential/proposed representatives

There was a great deal of discussion about eligibility for Trustees of the Water District. Some members felt that the Gardiner City Manager position should be made ineligible for Trusteeship, while other city employees may be eligible. Some felt that the trustees should not be municipal officials.

A question was raised about the current statutes that describe water district charters. The statutes, Title 35-A SS 6410 – states that ... a person who is a municipal officer, as defined in Title 30-A, subsection 10, of any town located in whole or in part, within the district is not eligible for appointment, nomination or election.

Follow-up

At the time of the meeting, a question was raised about the definition, “municipal officer”. After further reading of the reference to Title 30-A, subsection 10, I found that the term “municipal officer” is defined as an elected official. Therefore the term does not apply to city employees.

3. Process for appointing/electing representatives

There was a lengthy discussion about how to select Trustees for the Water District. One member felt that the representatives needed to be elected, to take the current politics out of the process. Other ideas were to have the respective City and Town councils take on

the responsibilities of the governing board. Another idea was to have the City and town councils appoint the representatives.

Throughout the evening there were several issues raised that needed to be addressed by an attorney. Those questions were as follows—

- What is the process to adopt, authorize and implement the changes to the Charter?
- What is the timing of that process?
- What is required from this committee to start that process?
- How is the debt of the Water District shared if the representation is shared? By representation? by customer count? By usage?
- Does Pittston have to have a representative if the other towns have representatives?
- Does the current statute imply that representatives would be elected at-large rather than from each town served?
- Do we have to become a Standard District, if we add representation from other user towns? Does it matter?
- Other questions?