

**STONY CREEK ASSOCIATION
CHARTER REVISION COMMITTEE**

**SPECIAL MEETING
WEDNESDAY, JULY 22, 2020
4:00 PM**

MINUTES

Call to Order:

The special meeting of the Stony Creek Association Charter Revision Committee was called to order at 4:00 PM Wednesday, July 22, 2020 by Harlan Fichtenholtz, Chair. Since the meeting is being held remotely via Zoom, for the record, it is noted for the record that:

Committee Members Present: Harlan Fichtenholtz, Sandra Fischer, Mark Richter, Linda Reed

Committee Members Absent: Amy Bloom, Ted Ells

Public: 1

Business:

Minutes of Special Meeting of July 8, 2020

Minutes were reviewed and 3 typos were corrected. Sandy Fischer moved to accept the minutes of the July 8, 2020 special meeting, as amended. Linda Reed seconded the motion. There being no discussion, the Chair called for the vote. The motion was unanimously approved with four (4) aye votes (Fichtenholtz, Fischer, Richter, and Reed). The matter is approved.

Sandy Fischer reported that she had some additional maps, which may help in considering the northwest boundary delineation. She will hold those maps until the next meeting.

Charter: Section 4

The current Charter (1929) states at Section 4:

Sec. 4. Every member of said association of the age of twenty-one years or over shall be entitled to vote at any meeting of said association, and any person of such age, being a member of said association, shall be eligible to any office provided for in the resolution incorporating said association as herein amended.

The voting age in the existing Charter is age 21 years. There is discussion that Federal law changed years ago lowering the voting age 10 18 years. Moreover, the Association has allowed all eligible registered voters, including age 18 and above, to vote for many years. It is the consensus of the Committee that this change to age 18 would bring the Charter into compliance with current law.

*Every member of said association of the age of ~~twenty-one~~ **eighteen** years or over shall be entitled to vote at any meeting of said association . . .*

Discussion turns to the to the second part of the existing text, which addresses eligibility for office, eligibility for office. The Charter states:

, and any person of such age, being a member of said association, shall be eligible to any office provided for in the resolution incorporating said association as herein amended.

The Committee first discusses on what occasions members of the Association vote. It seems that the membership at large traditionally votes only at the annual meeting, which is now the annual election proceedings. Discusses continues as to what mechanisms are currently used to identify that someone is a member of the Association for purposes of voting at the annual meeting. The consensus is that “eligible voters” are identified by using the voter list supplied by the Town in conjunction with the property tax assessment list, which the SCA Tax Assessor gets from the Town. The Nominating Committee is responsible for consolidating these databases.

Sandy Fischer offers a historical perspective, explaining that, previously, a longtime resident reviewed that list prior to each election. That individual contacted new residents, verified existing resident, and deleted names of those who were no longer residents. That detailed review has reportedly not been done in several years. It is the consensus of the Committee that such a review is needed, but beyond the jurisdiction of the Charter and Bylaws revision project.

Returning to the existing Charter language, Linda Reed suggests that the Committee consider the original language in the 1909 Charter, which created the Association, as well as in the subsequent Charter revisions in 1923 and 1929 to understand how evolution of this provision.

- In 1909, the original Association Charter stated:

Sec. 4. Every member of said association of the age of twenty-one years or over, so long as he or she continues to own real estate in said district, shall be entitled to vote at any meeting of said association, and any male person of said age, being a member or holding a proxy from a female member, shall be eligible to any office provided for in this resolution. Any female member may, by writing signed by her and filed with the clerk, authorize any person to act for her and vote in her place at any meeting, and such writing once filed with the clerk shall hold valid for the year in which it is filed unless earlier revoked in writing.

The Committee agrees that this earliest language not only considered the age 21 voting requirement, but limited voting rights to property owners or any male given a proxy by a female, who owned property.

- In the 1923 Charter revision, although the age 21 voting requirement continued, there were two (2) significant changes: (1) owning real estate was no longer a prerequisite for voting, suggesting that voting was opened to any resident; and (2) the assignment of a voting proxy of female member was deleted, which was likely the result of the 19th Amendment (1920) and women’s suffrage.

Sec. 4. Every member of said association of the age of twenty-one years or over shall be entitled to vote at any meeting of said association, and any

person of such age, being a member of said association, shall be eligible to any office provided for in the resolution, and in this act.

- In the 1929 Charter revision, a modest language change was made; however, there was no substantive change in voting rights. This 1929 language, in fact, continues unchanged over 91 years.

Sec. 4. Every member of said association of the age of twenty-one years or over shall be entitled to vote at any meeting of said association, and any person of such age, being a member of said association, shall be eligible to any office provided for in the resolution incorporating said association as herein amended.

Based on this review, the Committee is considering the following **preliminary draft language** for this Charter provision:

Sec. 4 Every member of said association age eighteen (18) years or over shall be eligible to vote. Such person, being a member of the association, shall be eligible to hold any _____ office provided for in the resolution incorporating said association.

There was discussion whether or not offices should be limited to “elected” or include “appointed” offices or some other variation. The Committee will revisit this provision as Charter review continues.

Charter: Section 5

The current Charter (1929) states at Section 5:

Sec. 5. The first meeting of said association shall be held at such time and place as shall be appointed by the following named persons or a majority of them. F. E. Smith, W. J. Clark, T. A. Coe, F. McGinn, C. Madiera, W C.. Hinkley and F. E. Brainerd. Said meeting shall be held for the purpose of electing an executive board which shall consist of ten members of said association, who shall hold office until the first day of October, or until others shall have been chosen in their places A notice of the time and place appointed for said meeting, signed by at least five of the above named persons, shall be posted in a public place at least five days in advance of the meeting, and published at least once in a newspaper circulating in the town. Said executive board shall be elected by ballot, and the polls for such election shall be open between four o'clock p.m. and seven o'clock p.m. Annual meetings of said association shall be held on the Monday after the first Wednesday in July in each year, at such hour and place within said district as the executive board shall select. At said annual meeting the members of said association shall elect by ballot the following officers: A president, a treasurer, a tax collector, two auditors and an executive board which shall consist of ten members of said association. All of such officers shall hold office for one year from the date of their election or until others shall have been chosen in their stead. The president shall preside at all meetings of said association and of said executive board, and at all

meetings of the executive board the president shall vote only when necessary to dissolve a tie. The auditors shall have authority to examine all accounts, records, documents, securities and bank books of said association and of all officers thereof. For this purpose they may take into their possession all such accounts, records, documents, securities and bank books, and shall make written report of their doings to the annual meeting of said association. Special meetings of said association may be warned and held in such manner as the by-laws shall prescribe, provided the notice shall specify the object for which such meeting is to be held. Not less than five' of the members of said association shall constitute a quorum for the transaction of business at any regular or special meeting

Given the length of this section, the Committee agrees to dissect the text to try to understand fully its full intent and determine what, if anything, should be revised.

Initial discussion suggests the following be discussed:

- Section 5:
 - This section describes the election of the executive board.
 - The names listed are the “founding fathers” of the Stony Creek Association
 - The intention of this section is to layout the process for the annual meeting, which seems to have originally been the election, not nominating meeting
- Ideas discussed on a preliminary basis include:
 - clarifying that the annual meeting is to elect the executive board and other officers
 - adding an organizational meeting of the newly elected board to handle committee assignments
- Sample language might include:

An annual meeting shall be held on _____ (date) to elect the 10 members of the Executive Board and all other officers of the Association
- Question – is the posting requirement statutory?
- Possible timing/calendar changes to be discussed:
 - July
 - last meeting of the outgoing board held on 1st Tuesday of July;
 - have outgoing board, which developed the fiscal budget, set the mill rate?
 - When to hold annual meeting (election) – Monday after the 1st Wednesday of July
 - Formal organizational meeting – day after the election? Within 10 calendar days following the election?
 - August
 - 1st meeting of newly elected Executive Board
 - vice-president – elected v appointed?
 - Clerk of the Stony Creek Association – appointed?

- Length of term/ duration of total service for members of Executive Board and other offices

Next Meeting

The next special meeting of the Charter Revision Committee is tentatively set for Wednesday, August 5, 2020 at 4:00 PM. The Char will contact Ted Ells and Amy Bloom to confirm their availability that day.

Adjournment:

Sandy Fischer moves to adjourn. Linda Reed seconds that motion. There being no discussion, the Chair calls for a vote. The vote to adjourn is unanimous with four (4) aye votes (Fichtenholtz, Fischer, Richter, and Reed). The matter is approved.

The meeting is adjourned at 5:05 PM.

Respectfully submitted,
Linda Reed, Committee Member