

Town of Sturbridge

Charter Review Committee

Meeting Minutes, November 9, 2015

Meeting convened at 6:38 pm in Town Hall Plt. Sgt. Joseph “Rudy” Julian Conference Room (formerly referred to as Conference Room #2) by Chairperson William Haggerty. Present: Bruce Boyson (BB), William Haggerty (WH), Sandra Gibson-Quigley (SG-Q), Laurance Morrison (LM) and Paul Zapun (PZ). Attending: Town Administrator Leon Gaumond (LG).

PZ moved, BB seconded a motion to accept as submitted the minutes of October 21, 2015. Passed 5-0.

WH acknowledged with appreciation PZ’s work toward removing gender references in the text, which will figure in the Committee’s comprehensive word-smithing of the Charter that will express the final decisions forming the Committee’s recommendations. (The Committee had previously determined the desirability of submitting to the Selectmen a memo of findings gathered in the review process that fall outside the scope of the Charter itself and that may prove useful both to the Selectmen and the Town Administrator as well as to the townspeople in general.)

WH distributed a revised meeting schedule. He announced that boxes for receipt of public comments, showing a submissions deadline of January 7, 2015, have been placed in noticeable, publicly-accessible locations.

LG explained his interest in making known his thoughts with respect to the Charter. He asked the Committee members to regard his comments as observations or thoughts and not as recommendations. The Committee members acknowledged their understanding of LG’s declared purpose in attending the meeting. LG mentioned:

The current 5-year Charter review cycle by a Selectmen-appointed Committee, as distinct from an elected Commission (which would hold a wider scope to its recommendations) seems reasonable and desirable; and

Charter provision 3-8 could provide for flexibility as to the relevance of officer and department head Town Meeting attendance in light of their respective responsibilities, according to the intent of the Warrant Articles; enforcement of the provision, including as it currently reads, may be done by means of annual performance reviews; and

4-12 (D) when the subject of recall is a sitting Selectmen, whether a completed recall action should result in a vacancy until the next regularly-scheduled election; and

5-1/second paragraph to take into account unanticipated circumstances; and

5-2 the inclusion of a department head, which could result in the appearance if not the actuality of favoritism from the Town Administrator toward the particular department head (PZ: or recrimination); and

5-2/second paragraph's reference to "a regular meeting" potentially vague—as posted? or in compliance with the State Open Meeting Law? Is the intent to avoid too-fast Selectmen's action? Could Selectmen find themselves handcuffed in a moment calling for prompt action?; and

6-1 (C) reference to "shall" can prove impossible to comply with if there are no applicants or candidates for a vacancy; and

9-2 (B) , per SG-Q, appears not to contemplate a circumstance in which an incumbent does not seek re-election; and

9-2 SG-Q queried as to the actual date of appointment as a factor in Continuation of Government.

Discussion, aimed at explorations in information gathering and, as such, not intended to become conclusive, turned to a broad examination of several topics, some of which were seen as applicable to Town Bylaws rather than the Charter, including:

WH queried whether, when the Town population reaches 10,000 by census, it must adopt a Representative Town Meeting form of government or remain as it now is with an Open Town Meeting (no change required, per LG); and

LM noted the possibility and costs associated with electronic voting (how to stockpile enough devices, in the event of an unexpected very sizable voter town meeting attendance?, per LG); and

LM observed the nature of the working relationship between the Town Administrator/Selectmen and the elected Board of Library Trustees/Library Director (respectful and amicable, per LG); and

LG noted the usefulness of a standing committee on bylaws or a 5-year cycle for a charter/bylaw review committee (WH referenced the confusion among some officeholders as to the supremacy of the Charter vis-à-vis the Bylaws—the Charter is always controlling); and

Unanimous puzzlement over the Charter's use, in a few places, of "administrative code," which, it was agreed, likely should be removed in that there is no known document of that type.

Also discussed:

5-3 (J) "for record purposes" to be clarified as for informational purposes; and

5-3 (M) and (P) to omit "administrative code" as non-existent; and

5-4/second paragraph where it was queried whether the meaning of "unable" includes the meaning of unwilling.

SG-Q moved, PZ seconded a motion to adjourn. Passed 5-0 at 8:40 pm

Respectfully submitted,

Laurance Morrison, Clerk