

Town of Sturbridge

Charter Review Committee

Meeting Minutes, November 18, 2015

Meeting convened at 6:32 pm in the Center Office Building large conference room 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 Moderator Michael Caplette, Esq., (MC) and Town Clerk Lorraine Murawski (LMu).

PZ moved, SG-Q seconded acceptance of the minutes of November 9, 2015, as submitted. Passed 5-0.

WH stated that this meeting was primarily intended as an opportunity for Town officials to present, according to a publicly- announced schedule, their views, if any, with respect to the Town Charter as it may be seen to affect their respective duties and responsibilities. He added that he would call upon the Town Administrator to direct invitees to provide early advance notice to the Committee whether they plan to attend the Committee meeting to which they were invited, or not.

MC, in the interest of full disclosure, stated that he serves as the Appointing Authority for LM in LM's role as a Finance Committee member. LM, welcoming MC's disclosure for the purpose of transparency, mentioned for the record that he was not deputed by the Finance Committee to serve on the Charter Review Committee and that the Board of Selectmen appointed him in his capacity as a qualified resident of the Town. It was generally agreed that MC's disclosure was made, and should be documented herewith, as in the best interest of the townspeople.

MC observed that he last appeared before a Charter Review Committee five years ago, at the immediately prior duly appointed Charter Review Committee. He recalled that that previous Committee proposed significant, fundamental changes to the Moderator's duties and, further, he first learned of those proposals at the Annual Town Meeting when he found it necessary to clarify them and shape them so that the voters could properly consider them. He asked the present Committee to tell him of any changes it may propose, but only to the Moderator's duties, so that surprises, as occurred before, can be avoided. The Committee assured the Moderator that if such changes were contemplated, his request would be honored in full.

MC distributed a memo, dated November 18, 2015, titled Proposed Charter Changes, as follows:

“ Section 4-3 A. Term of Office Replace with-At each annual town election at which the term of office expires, a moderator shall be elected by the voters for a term of three years. In the event of a vacancy in that office prior to the expiration of the terms, the Board of Selectmen shall appoint a moderator who shall serve until the next following annual town election when the voters shall elect a moderator to serve for the remaining balance of the term. He shall not hold any other Town of Sturbridge office, elected or appointed.

“D. Appointments Replace the first sentence with-The moderator shall appoint a nine (9) member Finance Committee comprised of voters, (Balance of the Paragraph to remain the same).

“Respectfully submitted,

“(signature)

“Michael V. Caplette, Moderator”

The Committee received, with much interest, the Moderator’s memo.

At WH’s query, discussion turned to the form of the Town Meeting if and when the Town census reached or exceeded 10,000 persons; to remain Open or necessarily change to Representative or hold the option of either? LMu pointed out that while the prospect of that census milestone doesn’t seem imminent in that the census, for several years, hovers at approximately 9,600, LMu and MC stated that the option exists and that the Open form may be retained.

MC pointed out that the use of electronic voting at town meetings has increased in the number of Massachusetts communities using that method in the last five years. Underlying objectives, he said, involve increasing attendance, decreasing the time to count votes and removing any question as to the accuracy of vote-counting (appointed vote tally-ers, he said, are now put under oath). He estimated initial costs of \$20,000 plus maintenance/lost items expenses of \$2,000-\$3,000 annually, although the equipment can be rented or supplemented, particularly if an unusually sizable town meeting attendance were expected. MC noted that attendance at Sturbridge town meetings typically is issues-driven.

He offered to answer Committee questions with respect to the Charter’s attention to the Moderator.

LMu stated that her appearance aimed at providing food-for-thought information. She suggested that consideration be given to changing Section 3-3 so that the Annual Town Meeting would convene on the last Monday in April, making it closer to the Town elections and thereby being covered by the same warrant as the Town Meeting’s, because the two events would occur within 35 days of each other, with a negligible cost difference. LM noted that such a move would deny Town budget planners time to take into account state Cherry Sheet data as circumstances develop. LMu said that she considered such timing as not a factor, adding that adequate information would already be in hand and that the majority of towns convene their Annual Town Meetings in March, April and May; and

that Section 4-1 (A) include the listing of the Town Clerk (discussion showed that other elected offices are likewise unmentioned in that section); and

that Section 4-12 (B)/2nd paragraph be rephrased to reflect the fact that 24-hour notification is intra-office of the Town Clerk, with SG-Q observing whether cross-referencing with Article 1 (F) will provide clarification; and

that Section 4-12 (E) seems unclear, even confusing—LM noted that the text sets forth the required language of a ballot and that the graphics or spacing in the Charter itself invites confusion; and

that she (LMu) cannot comply with Section 6-1 (B) because the ever-changing list of names of officeholders isn't furnished to her (she did hand the Committee her current master list of elected, appointed and appointed/hired officeholders, by name of incumbent, which reflects her best information. Subsequently in the meeting, the Committee unanimously accepted LM's offer to cross-read the Town Clerk's master list, with respect to the offices [not the office holders' names], with the intent of rendering Section 6-2 accurate and complete as of November 18,2015, which is the date the Town Clerk provided the master list to the Committee).

The Committee, after thanking MC and LMu for their participation, resumed, from the last meeting, WH's line-by-line reading of the Charter, commencing at Section 5-4:

whether the word unable includes the meaning of incapacitated, unwilling, unqualified and/or unavailable as well as with respect to the normal course of operations (e.g., vacation); also, in 5-4, whether the requirement that the Town Administrator (TA) shall designate a replacement during the TA's temporary absence from office can make the TA complicit in a prospective suspension and removal of the TA and force the TA to act against self-interest; also, in Section 5-5, the use of the word may in one place while all other uses employ the word shall; and

Section 6-3 doesn't specify whether it is the officeholder facing a rescinding of appointment who holds the option to request, in writing, the right to be heard, which, in turn, appears to raise the question of whether a right itself requires a request, whether in writing or verbally; and

the apparent distinction between Section 6-5 (1.), which doesn't specify the degree of vote by the Board of Selectmen (majority or unanimous) and Section 7-2, which does specify a majority vote by the Board of Selectmen.

The Committee unanimously accepted BB's offer to draft a re-write of Sections 5-4 and 5-5.

PZ moved, BB seconded a vote to adjourn. Passed 5-0 at 9:04 pm.

Respectfully submitted,

Laurance Morrison, Clerk

