

Charter Review Committee Meeting Minutes October 4, 2006

Agenda Attached

Convened: 7:00 P.M.

Members Present: Janet Loewenstein, Reuben Cook, Robert Hankey, Jerry Houk,
Sara Robinson, and Liz Stansell

Public Participants: Dale Donovan, Harry Terkanian, Barbara Taylor, and
Suzanne Thomas

Item 1: Minutes for September 13, 2006 Meeting

Motion to accept the September 13, 2006 minutes as presented (Sara Robinson).

Motion seconded (Liz Stansell).

Suzanne Thomas noted that the minutes had a spelling error (“sited” was used instead of “cited”, so the motion was amended to include the correct spelling).

Motion passed with 4 Yeas (Janet, Reuben, Sara, and Liz) and 2 abstentions (Robert and Jerry).

Item 2: Public Comment

None

Item 3: Address from Mr. Harry Terkanian to the Committee

Harry Terkanian discussed several provisions of Chapter 43B of the Massachusetts General Laws (M.G.L.) covering “Home Rule Procedures”, specifically Sections 2 through 10 concerning adoption, revision, and amendments to Charters as well as the formation and time requirements of Charter Commissions. Of particular interest were three items:

- 1) who can suggest amendments to Charters,
- 2) the scope of the amendments and related Articles, and
- 3) the timing of required actions.

First, according to M.G.L. Chapter 43B Section 10 (b), amendments to Charters can be proposed by any of the following:

- the Town Manager,
- any Selectman, or
- a petition signed by at least ten (10) registered voters of the Town.

Second, the entire body of work done by the Charter Review Committee (CRC) need not be considered in a single Article. Instead, the amendments can be presented independently, with each amendment concerning a specific change or class of changes. For example, one amendment could be specific for making the document gender neutral, another concerning appointments, and so on. The limitations proposed in any amendment at the Town Meeting must be within the scope of the Article.

Third, when the CRC completes its work, it must file its proposed amendment(s) with the Town Clerk. No later than three (3) months after that date, the Board of Selectmen shall order a public hearing before the Board or a committee selected by the Board. This hearing must be held no later than four (4) months after the CRC filed its proposal with the Town Clerk and notice of this hearing must be made public at least seven (7) days prior to the hearing.

Final action on the proposed amendment(s) shall be taken “not later than the first annual town meeting held at least six months after such filing date, provided that at any time after the public hearing two hundred registered voters of a town or twenty per cent of the total number of registered voters of such town, whichever is less, may in writing request the selectmen to call a special town meeting to consider the suggested amendment, and the selectmen shall thereupon call such meeting which shall be held not more than forty-five days after the receipt of the request.” [M.G.L. Chapter 43B Section 10 (b)]

Janet Loewenstein asked about preparing the Article and Harry Terkanian suggested that the CRC consult the Town Counsel. Janet then asked Jerry Houk if the Board of Selectmen had to approve consultation with the Town Counsel and he said yes. Dale Donovan suggested that the CRC prepare written questions that the Board could submit to the Town Counsel and the CRC would then receive written responses to their questions.

Harry Terkanian suggested that the CRC ask the Town Counsel how should the Article be written to result in the proposed changes. Dale Donovan noted that models of Articles proposing changes are available for the CRC to review.

Reuben Cook indicated that each proposed change has three components:

- 1) the Charter as it now stands,
- 2) the proposed change to the Charter, and
- 3) the impact if the Charter is not changed.

Harry Terkanian pointed out that Reuben was talking about two different things, as the Town Warrant is a legal document where the proposed changes should be laid out in a

straightforward manner whereas a discussion of the impact of making or not making a change would not be included. However, a handout could be prepared for the public that delineated the impact of proposed changes.

Liz Stansell suggested that before the next meeting the CRC members should think about breaking out proposed amendments into groups that make sense. Janet Loewenstein agreed and also wanted people to think about Reuben's third item and the possibility of pulling proposed changes if there would be no negative impact if the Charter remained as is.

Reuben Cook asked which copy of the Charter should they look at to prepare the groupings, the current Charter or the Charter with the proposed changes suggested by the previous CRC. Janet Loewenstein indicated that both would be used as the CRC members should start with the current Charter and see if groups of changes or streamlining can be done with respect to the Charter with the proposed changes.

Janet also asked Harry Terkanian what he would prefer to use at Town Meeting if he were the Moderator – Robert's Rules of Order or Town Meeting Time. Harry answered that he preferred the Town Meeting Time and had previously written a letter advocating its use at the Town Meeting in place of Robert's Rules of Order. He believes that Robert's Rules of Order are more appropriate for a standing group, particularly for issues such as tabling and reconsiderations, than for a Town Meeting.

Jerry Houk pointed out that Robert's Rules of Order still would need to be followed in committee meetings even if Town Meeting Time is used at Town Meetings.

Item 4: General Changes

Janet Loewenstein suggested that the CRC make motions for the three general changes to the Charter as specified on the agenda.

Gender Neutral and Change "Board of Selectmen" to "Select Board"

Motion to leave in the Charter "Board of Selectmen" and not go to the gender-neutral change (Jerry Houk).

Motion seconded (Liz Stansell).

Both Jerry and Liz indicated that they had heard from residents that they did not like the change from "Board of Selectmen" to "Select Board" as proposed by the previous CRC. However, Sara thought the change to "Select Board" was needed to fit in with the other gender-neutral changes and to make the entire document gender-neutral.

In addition, there was some confusion about the scope of the motion as it did not specify the term "Select Board" and, as a result, the following amendment to the motion was made:

Motion to amend the motion to retain the term “Board of Selectmen” instead of the proposed change to “Select Board” (Liz Stansell).

Motion seconded (Jerry Houk).

Motion passed with 5 Yeas (Janet, Reuben, Robert, Jerry, and Liz) and 1 Nay (Sara).

Motion to adopt all other changes made to the Charter with respect to gender neutrality (Sara Robinson).

Motion seconded (Liz Stansell).

Motion passed unanimously.

Typographical Errors

Motion to accept corrections to typographical errors (Sara Robinson).

Motion seconded (Liz Stansell).

Dale Donovan suggested that the Town Clerk might be able to take care of the typographical errors without it being a proposed amendment. Janet agreed that she could ask Dawn and suggested that the motion be tabled.

Motion to table the motion until after talking with Dawn (Sara Robinson).

Motion seconded (Janet Loewenstein).

Motion passed unanimously.

Renumbering (Chapter Prefix Added to Section Number)

Motion to adopt the renumbering as proposed by the previous committee (Sara Robinson).

Motion seconded (Robert Hankey).

Suzanne Thomas asked if anyone on the CRC had thought about how the renumbering might impact references to the Charter in other Town documents. Sara Robinson indicated that if other provisions were added, the numbers would change anyway. Barbara Taylor noted that the renumbering proposed made it more clear to which chapter each section corresponded and is the standard convention for various technical reports and documents.

Dale Donovan again suggested that this might be something that the Town Clerk would do and that Dawn might be contacted.

Motion to table the motion until Janet talks with Dawn (Liz Stansell).

Motion seconded (Sara Robinson).

Motion passed unanimously.

Item 5: Chapter 1 Changes

Chapter 1 changes was removed from the agenda and replaced with a discussion of the membership of the current CRC.

Robert Hankey initiated the discussion of the CRC members. He stated that he conferred with the Attorney General and Secretary of State for the Commonwealth concerning whether or not Ben Gitlow should remain a member of the CRC and was told that he should.

Motion to invite Ben Gitlow to return to the Committee as a full, acting member (Robert Hankey).

Motion seconded (Liz Stansell).

Members of the CRC expressed considerable interest in having Ben return to the group, as he was a valuable asset on the previous CRC.

Dale Donovan, however, indicated that without anything in writing from the Commonwealth or conferring with Town Counsel, the CRC could be in procedural jeopardy by asking Ben to return. He further stated that the CRC is supposed to be four (4) at-large individuals and one person from each of three (3) Town groups (Planning Board, Board of Selectmen, and Bylaw Committee). Ben was selected by the Planning Board, but now is not a member of that group and, as such, he should not be on the CRC.

Others disagreed with this position since all appointments were supposed to be made by the Town Moderator as specified by Article 18 from the April 2006 Annual Town Meeting.

In addition, Jerry Houk produced a letter from the previous Town Moderator, Dan Silverman, in which Dan listed the appointments to the CRC, including Ben Gitlow. Dale Donovan pointed out that the letter did not specifically state that Dan was appointing the people, only that they were appointed.

Further discussion of the issue ensued.

Motion passed unanimously.

Item 6: Next Meeting

The next meeting time is: October 17, 2006.

Item 7: Other Business

No other business was discussed.

Adjourned: 8:37 P.M.

Minutes approved on: October 17, 2006