

# Charter Review Committee Meeting Minutes October 17, 2006

## Agenda Attached

### Convened: 7:06 P.M.

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

Public Participants: Barbara Taylor

### Item 1: Minutes for October 4, 2006 Meeting

*Motion to accept the October 4, 2006 minutes as presented (Sara Robinson).*

*Motion seconded (Liz Stansell).*

*Motion passed with 5 Yeas (Janet, Robert, Jerry, Sara, and Liz) and 2 abstentions (Reuben and Ben).*

### Item 2: Public Comment

None

### Item 3: Appointments

Janet Loewenstein spoke with Dan Silverman and he confirmed that he appointed all members of the Charter Review Committee (CRC) while he served as the Town Moderator. Thus, all CRC members present should be correct.

### Item 4: Typographical Errors & Renumbering

Janet conferred with Dawn Rickman who believes she can make the corrections to the Charter including typos and renumbering. However, Dawn will need a list of what needs to be done. Ben Gitlow suggested that a marked up copy of the original Charter might be best to give Dawn and Liz volunteered to make the corrections. Reuben also offered his assistance and Barbara Taylor offered to check the final marked up copy.

NOTE 1: To avoid confusion, it was decided to refer to the Charter with previously proposed changes, dated April 10, 2006, as “the Draft”.

NOTE 2: The CRC decided at the previous meeting to retain “Board of Selectmen” throughout the document, rather than use “Select Board” as amended in “the Draft”.

### **Item 5: Chapter 1/Chapter 9 Changes**

Janet stated that the CRC needs to take a close second look at all of the previously proposed changes to the Charter on a section by section basis. She described most of the proposed Chapter 1 changes as the insertion of sections from Chapter 9 that are still pertinent. She asked if everyone was ready to discuss Chapter 1 or to table the discussion to the next meeting. People indicated that they were prepared to discuss Chapter 1.

#### ***Section 1-5-1 (currently Section 9-2-1)***

*Motion to adopt Section 1-5-1 from ”the Draft” (Sara).*

*Motion seconded (Liz).*

*Motion passed unanimously.*

#### ***Section 1-6-1 (currently an amended Section 9-10-1)***

*Motion to add new Section 1-6-1 as presented in “the Draft” (Sara).*

*Motion seconded (Liz).*

*Motion passed unanimously.*

#### ***Section 1-7 (currently Section 9-11-1)***

*Motion to adopt Section 1-7, Definitions, in “the Draft” with the following exception – the items in small letters in parentheses will be arranged in alphabetical order (Sara).*

*Motion seconded (Liz).*

*Motion to amend the motion to strike the words “provided under article eighty-nine of the amendments to the State Constitution” from Section 1-7-1(a) and replace them with “set forth in Massachusetts General Laws” (Liz).*

*Motion seconded (Sara).*

*Motion passed unanimously.*

Janet stated a definition of the term “Board of Selectman” that referred to people of either gender might need to be added in Chapter 1. Ben mentioned that there are general terms in documents that indicate masculine includes feminine, feminine includes masculine,

singular includes plural, and plural includes singular. Sara suggested that the CRC wait until Chapter 3 is covered to discuss the definition of “Selectman”.

**Section 1-8**

*Motion to table the discussion of Section 1-8 in “the Draft” (Sara).*

*Motion seconded (Liz).*

*Motion passed with 6 Yeas (Janet, Reuben, Robert, Jerry, Sara, and Liz) and 1 abstention (Ben).*

Liz volunteered to keep a record of all items tabled, to discuss at a later time. Also for later consideration, Ben suggested the title of Chapter 1 should include “Definitions”.

**Item 6: Chapter 2 Changes**

**Section 2-2-2**

*Motion to substitute “Town Meeting Time” in place of “Robert’s Rules of Order” in Section 2-2-2 (Sara).*

*Motion seconded (Reuben).*

There was some discussion as to whether or not this change had already been decided. However, Ben indicated that initially the former CRC had accepted the change to Town Meeting Time, then went back to Robert’s Rules of Order.

*Motion passed unanimously.*

**Section 2-2-3**

Jerry stated that there was a problem with Section 2-2-3 in “the Draft” as the Board of Selectmen is not going to give up any power of appointment. Sara suggested that item (d) should be deleted. Ben suggested that he look more carefully at the wording.

*Motion to table discussion of Section 2-2-3 until the next meeting when Ben Gitlow will come back with alternate wording (Sara).*

*Motion seconded (Reuben).*

*Motion passed unanimously.*

**Section 2-3-1**

*Motion to adopt Section 2-3-1 as presented in “the Draft” (Sara).*

*Motion seconded (Liz).*

*Motion passed unanimously.*

**Section 2-3-2**

Sara noted that “each postal district” was not specific enough. Ben said that both post offices in Wellfleet should have copies. Jerry indicated that this currently is being done.

*Motion to change “including each postal district” to “including the Wellfleet post office and the South Wellfleet post office” (Sara).*

*Motion seconded (Robert).*

*Motion passed unanimously.*

**Section 2-4**

Janet indicated that the word “Any” in “the Draft” is highlighted as if it were a change from the current Charter, but it is not. Ben agreed that “Any “ should not be highlighted.

**Section 2-4-2**

There was considerable discussion about the timing specified in Section 2-4-2. Sara indicated that Harry Terkanian had suggested that 25 or 30 days be used instead of the current 45 days. Ben noted that petitioners might need the additional time for signature collection, while Janet thought that most people who initiate a petition would likely be aware of the timing and make sure they are ready. Ben also had some questions about possible “emergency” conditions as Jerry stated that the Board of Selectmen could call a Town Meeting at any time if there is an emergency. Ben wanted to know if there was a definition of “emergency”.

*Motion to delete the words “forty-five days” and replace them with “30 days” in Section 2-4-2 (Sara).*

*Motion seconded (Ben).*

*Motion passed unanimously.*

After the vote, Jerry brought up the possibility that 30 days might not be enough time for printing and would check if decreasing the time to 30 days would cause any problems.

**Section 2-5-4**

*Motion to accept Section 2-5-4 as presented in “the Draft” with the following change – delete the words “act on” and replace them with the word “consider” (Sara).*

*Motion seconded (Liz).*

Several CRC members discussed the proposed change. Jerry initially expressed the opinion that the Town Meeting should be required to “act on”, rather than just “consider” articles. Liz read a passage from a letter written by Harry Terkanian to the CRC, dated April 26, 2006, in which he detailed the problems of keeping the term “act on”. After considering that information, Jerry indicated that he changed his opinion.

*Motion passed unanimously.*

***Section 2-6-4***

*Motion to amend Section 2-6-4 in “the Draft” by striking the phrase “including each postal district of the Town” and replacing it with the phrase “including the Wellfleet post office and the South Wellfleet post office” (Liz).*

*Motion seconded (Sara).*

Ben indicated that this change was needed in order to make Section 2-6-4 consistent with the revised Section 2-3-2.

*Motion passed unanimously.*

***Section 2-7-6***

*Motion to amend Section 2-7-6 by striking “Robert’s Rules of Order” and replacing it with “Town Meeting Time” (Liz).*

*Motion seconded (Sara).*

*Motion passed unanimously.*

***Section 2-7-9***

Several CRC members expressed concern about the wording of Section 2-7-9 in “the Draft” and the subtleties in the timing of motions to reconsider at Town Meeting. Ben wanted to know if Harry Terkanian had suggested any alternate wording for this section. Liz read the discussion of this section in Harry’s letter recommending that the wording be left as originally stated. Jerry was concerned that people might not have enough time to move to reconsider the later articles. Both Jerry and Sara stated that the CRC needs to draft new wording for this section. Reuben suggested that people consider this section at home and come back to it at the next meeting. Jerry and Liz both offered to work on the rewording.

*No action was taken on the proposed change to Section 2-7-9.*



**CHARTER REVIEW COMMITTEE AGENDA**  
**For October 17, 2006**

Minutes

Public Comment

Appointments

Typographical errors & renumbering

Chapter 1 / Chapter 9 changes

Chapter 2 changes

Next Meeting

Other Business