

Charter Review Committee Meeting Minutes November 1, 2006

Agenda Attached

Convened: 8:04 P.M.

Members Present: Janet Loewenstein, Reuben Cook, Sara Robinson, and Liz Stansell

Members Absent: Ben Gitlow, Robert Hankey, and Jerry Houk

Public Participant: Helen Miranda Wilson

Item 1: Minutes for October 17, 2006 Meeting

Motion to accept the October 17, 2006 minutes as presented except for a spelling correction replacing “Sarah” with “Sara” on page 5 (Sara Robinson).

Motion seconded (Liz Stansell).

Motion passed unanimously.

Item 2: Public Comment

None

Item 3: Typographical Errors & Renumbering – Status of Document

Janet Loewenstein reported that Dawn Rickman would look over the edits to the original Charter prepared by Liz Stansell and reviewed by volunteer Barbara Taylor. If there are any changes that Dawn cannot do, she will let Janet know and the Charter Review Committee (CRC) can determine if those edits are necessary.

Items 4 and 5: Proposed Alternate Wording in Sections 2-2-3 and 2-7-9

Janet stated that Ben sent her new wording for Section 2-2-3. However, Janet felt that the final decision on the alternate wording of both Sections 2-2-3 and 2-7-9 should wait until the next meeting when Jerry will be present since he expressed concern about both sections at the previous meeting. The other CRC members concurred.

Motion to table revisions to Sections 2-2-3 and 2-7-9 until the next meeting (Sara).

Motion seconded (Liz).

Motion passed unanimously.

Item 5: Chapter 3 Changes

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 a previous meeting to retain “Board of Selectmen” throughout the document, rather than use “Select Board” as amended in “the Draft”, thus that change will not be required each time “Select Board” is shown in “the Draft”.

Section 3-2-2

Motion to delete the word “chief” in Section 3-2-3 (Sara).

Motion seconded (Liz).

Motion passed unanimously.

Section 3-6-1(f)

Motion to add “a Herring Warden” under (f) to Section 3-6-1 (Sara).

Motion seconded (Liz).

Helen Miranda Wilson indicated that the Selectmen do appoint a Herring Warden and, as such, that appointment should be included in Section 3-6-1. Liz also commented that the Herring Warden needs to come under the purview of appointments.

Motion passed unanimously.

Section 3-6-1(g)

There was considerable discussion concerning Section 3-6-1(g). Janet indicated that there needs to be mention of the Assistant Town Administrator and allowing that person to be considered for the position of Town Administrator, but questioned whether all of the subsections (Sections 3-6-1 (g) (i) through (iv)) added in “the Draft” were necessary. Liz also expressed concern that these were not all necessary.

Reuben commented that descriptions for some positions, such as the Assistant Town Administrator and Fire Chief (under Section 3-5-3), are highly detailed, whereas the

description for Police Chief (under Section 3-5-2) is not. He questioned if further detail might then be needed for Police Chief. Janet, Sara, and Liz all responded with comments that that further description for Police Chief was not needed as that description was specifically covered under M.G.L. and adding something to the Charter would be redundant and might conflict with M.G.L descriptions.

Motion to put a period, “.”, after “Town Administrator” in the last line of Section 3-6-1 (g) in “the Draft” and delete “and:” and sections (i) through (iv) in their entirety (Sara).

Motion seconded (Liz).

Motion to amend the motion to delete the comma, “,”, after “5-4-2” and insert the word “and” in “the Draft Section 3-6-1(g) (Sara).

Motion seconded (Liz)

Motion passed unanimously.

Section 3-6-1 (h)

Motion to revise the wording of Section 3-6-1(h) in “the Draft” in the following manner – add a comma, “,”, after “officials”, delete the word “who”, and add the words “each of whom”, leaving the rest of the wording the same (Sara).

Motion seconded (Liz).

Liz pointed out that it was important for these positions to be appointed by the Board of Selectmen and recommended and supervised by the Town Administrator.

Motion passed unanimously.

Section 3-7-1

Motion to adopt Section 3-7-1 as it appears in “the Draft” (Sara).

Motion seconded (Liz).

Reuben mentioned that this section had a long and contentious history.

Helen Miranda Wilson said that she saw a potential problem as there could be a conflict with Section 5-7-2 concerning the Department of Public Works and the Select Board. Janet, however, stated that the phrase “or otherwise provided in this Charter” as written in the revised Section 3-7-1 was sufficient.

Motion passed unanimously.

Section 3-7-2

There was much discussion concerning this section focussing on both the wording of the section and potential conflicts of interest. Liz indicated that Jerry Houk might have mentioned that a person had to choose which pay to receive if two compensated positions were held concurrently. Helen Miranda Wilson said that Chapter 21A has guidelines that prohibit town officials from serving in some capacities. She also indicated that there is a process wherein a potential conflict of interest can be handled by going to the Board and the person involved would not vote on the issue.

Liz questioned if there are any committees that could impact a committee member's income. Helen Miranda Wilson indicated that there are, such as the Shellfish Advisory Committee and the Herring River Committee. Reuben also pointed out that the financial impact from a committee does not necessarily have to be in the form of money or income. Helen Miranda Wilson expanded on this by stating that actions of committees could financially impact people both positively and negatively.

Liz mentioned that when the Town Moderator appoints anyone to a committee, that person receives information on conflict of interest and should be familiar with the ethical requirements of that position.

Motion to adopt Section 3-7-2 as follows: "Members of the Board of Selectmen shall be ineligible to serve on appointive Town Boards established by this Charter or Bylaw to which the Board of Selectmen is the appointive authority and shall not concurrently hold any other position in the Town for which that person receives compensation." (Sara).

Motion seconded (Reuben).

Motion passed unanimously.

Section 3-1

Janet stated that before Chapter 3 discussions are ended, the CRC needs to look at Section 3-1 and determine how to make the definition "Board of Selectmen" inclusive since the term "Select Board" had been eliminated. Possibilities would be to add wording to Section 3-1-1 or to add a new section. Several wording changes were suggested.

Motion to add Section 3-1-4 as follows – "The term "Selectman" shall refer to duly elected members of the Board of Selectmen of any gender." (Sara).

Motion seconded (Liz)

Motion to amend the motion to change "Selectman" to "Selectmen" (Liz).

Motion seconded (Sara).

Helen Miranda Wilson commented that reinstating the term “Board of Selectmen” rather than retaining the term “Select Board” as presented in “the Draft” was an awful decision. She believes that it is uninviting to women and will ask for an amendment to the proposed Charter revision at the Town Meeting.

Janet and Sara both expressed their preference for the term “Select Board”, however, Janet indicated that other CRC members had heard negative comments from local people about the change to “Select Board”. Reuben said he looked forward to a debate at the Town Meeting as it would be instructive and educational.

Motion passed unanimously.

Item 6: Chapter 4 Changes

Janet mentioned that some of the wording changes proposed in “the Draft” are essentially housekeeping.

Section 4-1-1

Motion to adopt the changes to Section 4-1-1 according to “the Draft” (Liz).

Motion seconded (Sara).

Motion passed unanimously.

Section 4-2-1

Motion to accept Section 4-2-1 as presented in “the Draft” (Sara).

Motion seconded (Liz).

Motion passed unanimously.

Section 4-3-1

Motion to table discussion of Section 4-3-1 until the next meeting (Sara).

Motion seconded (Liz).

Motion passed unanimously.

Item 7: Next Meeting

The next meeting time is: Wednesday, November 15, 2006

Item 8: Other Business

None

Motion to adjourn the meeting (Sara).

Motion seconded (Liz).

Motion passed unanimously.

Adjourned: 9:10 P.M.

Minutes approved on: November 15, 2006