

Charter Review Committee Meeting Minutes November 29, 2006

Agenda Attached

Convened: 7:04 P.M.

Members Present: Janet Loewenstein, Barbara Gray, Robert Hankey, Jerry Houk, Sara Robinson, and Liz Stansell

Members Absent: Reuben Cook

Public Participant: Barbara Taylor

Barbara Gray, a newly appointed member of the CRC, was welcomed by Janet and asked if she could read a prepared statement concerning the nature of the CRC and how she views its tasks, particularly concerning the differences between a Charter Review Committee and a Charter Review Commission. Barbara read her statement to the other members of the CRC (attached).

Robert questioned whether or not Barbara's appointment at this time was appropriate given the information he obtained from the Secretary of State. He was told that the Town Counsel had made the decision that the appointment should be made now instead of waiting until April of next year.

Janet assured Barbara that the CRC knew the differences between a commission and committee and were working in that vein.

Item 1: Minutes for November 15, 2006 Meeting

Motion to accept the November 15, 2006 minutes as presented (Sara).

Motion seconded (Liz/Robert).

Motion passed with five Yeas (Janet, Robert, Jerry, Sara, and Liz) and one abstention (Barbara).

Item 2: Public Comment

Jerry reminded Janet that the limit for public comments was set at a half an hour (from 7 P.M. to 7:30 P.M. for a 7 o'clock meeting). Janet indicated she would do better to stick to that timing.

Item 3: Typographical Errors & Renumbering – Status of Document

Barbara Taylor gave a brief status report on the Charter renumbering and typographical errors. Dawn will not be able to renumber the document, but she already started on the corrections and believes that a completion date of January 15th is doable.

Item 4: Annual Town Report – Due December 16th

Janet noted that a report of the CRC is needed by December 16th for the Annual Town Report and asked if anyone was experienced in writing that type of report. Jerry said he had some experience and Liz volunteered to proofread whatever Janet prepares. Janet indicated that the 2005 report was very detailed and extensive, but that the report of this CRC would be much shorter.

Item 5: Section 5-3-2 (j)

Sara asked whether the changes were needed. Jerry indicated that the Board of Health and the Conservation Commission both wanted more information added to this section to clarify their input into the appointment process. Janet further explained that currently, the Board of Health is cut out of the appointment decision for the Health Agent and the proposed revision requires that the Board of Health be consulted about that appointment. Similarly, for the appointments of Conservation Agent and Town Planner with respect to the Conservation Commission and Planning Board.

Sara suggested that all of the verbiage added to this section wouldn't really make any difference if the Town Administrator does not seriously consider the recommendations of the Boards or Commission. And, perhaps the best remedy is the veto power of the Board of Selectmen. Jerry confirmed that the Selectmen did have the power of veto, but that there were problems with its use, including: the 14-day limit may not be enough time to act (he'd prefer 21 days) and not having the resumes to read making a veto uncomfortable.

Barbara said she saw problems with the changes. For example, the term "consult" is vague, the actions would dilute the power of the Town Administrator, we might not be happy with the results we get if the Chair of the group making recommendations is not of our liking, and people need to know to whom they report. Thus, she did not support the proposed added verbiage in this section.

Jerry pointed out that it is completely clear once a person is appointed to a position, that person reports to the Town Administrator.

Janet noted that "the Draft" contained a definition of "consultation" as follows: "consultation shall mean that each board or commission cited herein shall have an opportunity to interview job candidates and make recommendations to the Town

Administrator.” She also indicated that the Boards or Commission should have an opportunity to review resumes and that it may need to be spelled out, however, the wording needs to be less cumbersome. She questioned if this was the appropriate place and way to address the situation. Finally, Janet stated that any Town Administrator would want to do a good job and appoint the very best person for the job, not necessarily the one with whom he seems to get along with best.

Jerry pointed out that since the Board of Health has considerable authority and works directly with the Health Agent, it should have input concerning the appointment of Health Agent.

Robert mentioned that he had served on the Zoning Board for many years and that Board also works closely with the Board of Health.

Barbara Gray stated that in one way she would love to see boards have more power of appointment because she sits on the Planning Board and she has lots of friends to push to get appointments, but that is not how things should happen. The Town Administrator should make the appointments so that the best people are chosen, not just friends of someone on a board.

Sara responded by stating that the changes being considered have absolutely nothing to do with friends being pushed to appointments. Instead, board members should have input into the appointments because they have technical expertise that the Town Administrator does not.

Jerry felt Barbara’s comment about pushing friends into appointments was insulting and simply has not happened in the past 20 years.

Liz added that the CRC was not changing the Town Administrator’s power to appoint people, only allowing the appropriate groups to look over his shoulder and provide input concerning the best candidate for the position.

Liz proposed possible changes, but the CRC decided to have Liz prepare the changed wording for this section to be discussed at the next meeting.

Item 6: Chapter 5 Changes (from Section 5-4-2 on)

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 5-5-2

Motion to accept Section 5-5-2 as presented in “the Draft”(Sara).

Motion seconded (Robert).

Motion passed unanimously

Section 5-7-2

Motion to accept Section 5-7-2 as it is in the Charter, except striking the words “the design, construction, operation, and maintenance of all water facilities when such facilities are developed” from (h) (Sara).

Motion seconded (Robert).

Motion passed unanimously.

Section 5-8-4

Motion to accept the wording of Section 5-8-4 as it appears in “the Draft”(Sara).

Motion seconded (Liz).

Motion passed unanimously.

Section 5-10-1

Motion to accept Section 5-10-1 as it appears in “the Draft”, striking the last sentence (Sara).

Motion seconded (Robert).

Motion passed unanimously

Item 7: Chapter 6 Changes

Section 6-4-1

Motion to have Section 6-4-1 read as follows: “Any person duly elected to any Office or Board shall take up the duties of office immediately following certification, after having been sworn to the faithful performance of the duties of the office by the Town Clerk.”(Sara).

Motion seconded (Robert).

Motion passed unanimously.

Section 6-5-2

Motion to adopt Section 6-5-2 as provided in “the Draft”(Sara).

Motion seconded (Jerry).

Motion passed unanimously.

Section 6-5-5

Motion to adopt the wording of Section 6-5-5 as presented in “the Draft”(Sara).

Motion seconded (Robert).

Motion passed unanimously.

Section 6-5-6

Motion to make the first sentence of Section 6-5-6 read: “Any officer(s) sought to be removed may not be a candidate to succeed to the same office.” (Sara).

Motion seconded (Robert).

Jerry asked if “any officer” in this section included Selectmen. Janet said that it did. Jerry suggested that the words ”sought to be” should be removed from the text.

Motion amended to have the first sentence of Section 6-5-6 read: “Any removed officer(s) may not be a candidate to succeed to the same office.” (Sara).

Motion seconded (Jerry).

Motion passed unanimously.

Section 6-5-7

Motion to change Section 6-5-7 to read as it does in “the Draft” (Sara).

Motion seconded (Robert).

Motion passed unanimously.

Section 6-5-9

Motion to strike the words ”against him” in Section 6-5-9 (Sara).

Motion seconded (Jerry/Robert).

Motion passed with five Yeas (Janet, Robert, Jerry, Sara, and Liz) . Barbara was momentarily out of the room and did not vote.

Item 8: Chapter 7 Changes

Section 7-1-1

Motion to amend Section 7-1-1 to conform to “the Draft”, except to delete the word “chairman” and replace it with “chair” (Sara).

Motion seconded (Robert).

Motion passed unanimously.

Section 7-1-2

Motion to accept the wording in “the Draft” for Section 7-1-2 (Sara).

Motion seconded (Robert/Liz).

Motion passed unanimously.

Section 7-1-3

Motion to change the last sentence in Section 7-1-3 to read: “Any person appointed to fill out an unexpired term shall take up the duties immediately after being sworn to the faithful performance of the duties of the office by the Town Clerk.” (Sara).

Motion seconded (Robert).

Motion passed unanimously.

Section 7-1-4

Motion to accept Section 7-1-4 as put in “the Draft” adding a comma “,” after the word “Commissioners” (Sara).

Motion seconded (Robert).

Motion passed unanimously.

Section 7-2-1

Motion to adopt Section 7-2-1 in “the Draft” uncapitalizing the word “Policy” in the next to the last sentence (Sara).

Motion seconded (Liz).

Motion passed unanimously.

Section 7-2-2

Motion to accept the language for Section 7-2-2 in “the Draft” (Sara).

Motion seconded (Liz).

Motion passed unanimously

Section 7-2-3

Motion to adopt the proposed language in “the Draft” for Section 7-2-3 (Sara).

Motion seconded (Robert).

Motion passed unanimously.

Section 7-3-3

Janet indicated that this is a totally new section. Liz asked why it needed to be added to the Charter and Janet responded by saying it was at the request of the Finance Committee. Jerry commented that while the joint public hearings are being done currently, it is good to have it in the Charter. Janet agreed that this section was just codifying what was already being done.

Motion to accept the wording as presented in “the Draft” for Section 7-3-3 (Sara).

Motion seconded (Liz).

Motion passed unanimously.

Section 7-5-1

Motion to accept the wording in “the Draft” for Section 7-5-1 except to strike the word “a” in the first sentence and replace it with the word “and” (Sara).

Motion seconded (Liz)

Motion amended to include changing “plan” to Plan” in the second sentence (Sara).

Motion seconded (Liz).

Motion passed unanimously.

