

Charter Review Committee Meeting Minutes December 14, 2006

Agenda Attached

Convened: 7:04 P.M.

Members Present: Janet Loewenstein, Barbara Gray, Reuben Cook, and Liz Stansell

Members Absent: Robert Hankey, Jerry Houk, and Sara Robinson

Public Participants: Ben Gitlow and Barb Taylor

Item 1: Minutes for November 29, 2006 Meeting

Motion to accept the minutes of the CRC for November 29, 2006 as written (Liz).

Motion seconded (Barbara).

Motion passed with three Yeas (Janet, Barbara, and Liz) and one abstention (Reuben).

Item 2: Public Comment

None

Item 3: Annual Town Report

Janet asked the CRC members if there were any changes, additions, or deletions to the draft CRC report she prepared for the Annual Town Report. Barbara thought that it should include a statement that Ben Gitlow resigned and that she took his place on the CRC as a representative of the Planning Board. Janet said she would add that.

Liz questioned whether or not to more fully discuss keeping the term “Board of Selectmen” instead of changing to “Select Board” as decided by the previous CRC. Ben Gitlow pointed out that while historically “Board of Selectmen” has been used, the previous CRC decided to change it to make the CRC completely gender neutral. Reuben said that the arguments for and against the change are equally profound and equally silly. Barbara said that the issue might come up on the floor during the Town Meeting. Liz agreed and also asked Janet to make a minor wording change to the report.

Item 4: Section 5-3-2 (j)

Liz presented new wording for Section 5-3-2 (j) and asked CRC members to look it over.

Motion to strike the words “after consultation with the Board of Health” in subsection (i), “after consultation with the conservation commission” in subsection (ii), “after consultation with the Planning Board” in subsection (iii), and subsection (iv) in its entirety (Barbara).

No second was made.

Liz reminded CRC members that the wording change for this section was strictly administrative as the CRC had wanted the change made at the previous meeting, except that the wording was unwieldy. Reuben questioned if the revised wording was consistent with the organizational chart as the Board of Health reported to the Board of Selectmen not the Town Administrator. However, Janet pointed out that the Health Agent does report to the Town Administrator and is not the same as the Board of Health.

Barbara stated that she had several other ideas to improve this section and would be happy to put them together for the next meeting. Liz reiterated that the CRC already decided on the content and just wanted to have the section read well, not rethink the whole issue. Furthermore, the changes represent the work, will, and request of specific boards. Janet noted that this change does not take away any power of the Town Administrator. Barbara said that she would not carry the issue further at this time.

Barb Taylor pointed out that the revision did not have appropriate capitalization on titles. These were changed on the proposed revision (attached).

Section 5-3-2(j)

Motion to accept Section 5-3-2(j) revision with the capitalization corrections (Liz).

Motion seconded (Janet).

Motion passed with three Yeas (Reuben, Janet, and Liz) and one Nay (Barbara).

Item 5: Chapter 8 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”.

Janet indicated that much of the changes in Section 8 concerned whether or not regulatory boards should be filled with registered voters only. Barbara said that one problem with the proposed revisions to Section 8 is that it has the requirement of

registered voters for some (regulatory) boards and is silent concerning the others. Janet agreed that the separation of the requirements could appear as two classes of boards.

Barb Taylor, a former non-resident taxpayer and current Wellfleet resident, told the CRC she believes that voting members of boards should be registered voters for several reasons. For example, people make a choice where to live and where to vote, if that choice is not Wellfleet, then being a voting member of a board appears inappropriate. In addition, being a Wellfleet resident indicates a commitment to Wellfleet and signifies your priority. Living here really is different than visiting, no matter how often those visits are. Furthermore, while people have been and continue to move to Wellfleet, more than 1,300 new registered voters in the past ten years, there appears to be little outreach to welcome new residents and provide them with information about Town government. The lack of outreach and the apparent factions in Town with negative undercurrents might discourage both new and long-time residents from becoming more involved. Thus, we need to do more to tap the human resources we already have here in Wellfleet.

Barbara suggested that the Charter should either be silent about this issue or members of all boards should be Wellfleet residents. Liz proposed that all boards have Wellfleet residents.

Ben Gitlow gave historical information that the original Charter was likely silent about the issue because no one would have thought that non-residents would be on Town boards. However, currently the charters for some Cape towns state that only registered voters can serve on town boards. When the previous CRC considered this issue, it initially had a registered voter requirement for all boards, but changed it to only the regulatory boards as a compromise.

Reuben believed that we should encourage summer people to come here and provide input at meetings and be members of boards. Janet noted that non-resident taxpayers are welcome to attend any open hearing or meeting and provide input.

Liz gave an example situation and stated that members of boards making critical decisions on property, financial considerations, and the future of Wellfleet should be fully invested here. Otherwise, resentment among residents could result. Furthermore, non-resident taxpayers simply are not as accountable to the citizens of Wellfleet as are the year round people who are seen on a regular basis around town. Janet pointed out that some of the decisions made by the boards could impact non-resident taxpayers, too.

Barbara said that she would rank her preferences as follows: 1) only registered voters be members of all boards; 2) leave it out of the Charter; and 3) registered voters to serve on regulatory boards only.

Section 8-10-2

Motion to strike the period (.) and add “all members of Town Boards, Commissions, and Committees shall be registered to vote in the Town of Wellfleet.” (Liz).

Motion seconded (Barbara).

Motion amended to keep the period (.) at the end of the first sentence in Section 8-10-2 and add the sentence “All members of Town Boards, Commissions, and Committees shall be registered to vote in the Town of Wellfleet.” (Liz).

Motion seconded (Barbara).

Reuben reiterated that this addition would exclude people and that the negativity of this statement erects one more barrier to people becoming involved. Furthermore, he would speak against it and would prefer that some more positive statement be made about non-resident taxpayers in the Charter to indicate that they are welcome to participate.

Janet responded that this addition did not exclude people from voicing opinions, just from serving on the boards. Barbara stated that the Planning Board invites people in and seeks their advice. Liz added that if people care enough to provide input they will do so and the input and expertise from non-resident taxpayers is both welcome and important. However, adding positive verbiage about non-resident taxpayers and their important role in Town government should be in the report that goes with the proposed Charter changes, not in the body of the Charter, which should remain straightforward. The discussion continued in the same vein until Ben Gitlow mentioned that if the motion passed, the CRC might want to check with Harry Terkanian about it.

Motion passed unanimously

Section 8-1-3

Liz asked if this section was added to fit with the revision of Section 5-3-2 (j) and Janet said that was correct.

Motion to accept Section 8-1-3 as it appears in “the Draft” (Liz).

Motion seconded (Janet).

Motion passed with three Yeas (Reuben, Janet, and Liz) and one Nay (Barbara).

Section 8-6-2

Barbara thought that the details added in “the Draft” version of Section 8-6-2 were unnecessary and might cause confusion. Ben Gitlow responded that specificity was needed concerning the Board of Water Commissioners in a later section and specifics also were added in this section to be consistent. Liz asked if there were any issues if the general terms were maintained and Ben Gitlow responded that he did not know of any. As a result, no change was made to Section 8-6-2 in the current Charter.

Section 8-6-3

There was considerable discussion concerning the wording of the proposed changes for this section in “the Draft”. Barbara offered to come back with better wording as the first

sentence could be in error. Ben Gitlow stated that the Local Comprehensive Plan has never been certified, the Town adopted the goals and policies, but not the entire document. Liz noted that if this section is not revised, the Plan could be confused with the revision of the Plan. Barbara indicated that the revision was not done yet and probably would not be done for another year.

Motion to accept Section 8-6-3 as it is printed in “the Draft” with the exception that the first word (“After”) be deleted and the word “Once” be put in its place (Liz).

Motion seconded (Barbara).

Motion passed unanimously

Section 8-6-4

Motion to adopt Section 8-6-4 as presented in “the Draft” (Liz).

Motion seconded (Barbara).

Motion passed unanimously

Section 8-6-5

While on the subject of the Planning Board, Barbara wanted it on the record that it is customary in many places to have the Planning Board elected and the Zoning Board of Appeals appointed.

Motion to adopt Section 8-6-5 as printed in “the Draft”(Liz).

Motion seconded (Janet).

Motion was a tie with two Yeas (Janet and Liz) and two Nays (Barbara and Reuben).

Further discussion took place focusing on Reuben’s concern over the words “if appointed” in this section. Both Liz and Janet pointed out that “if appointed” is in the current Charter and is not a proposed change and that “if appointed” is needed because the Planning Board does not always need staff. The “if appointed” just covers the bases should staff be required. Reuben stated that he would vote yes for this, but wanted to be able to tell why he thought having “if appointed” was not correct. Janet indicated that if Reuben would like to do so, he could make a minority report about the topic.

Motion to adopt Section 8-6-5 as printed in “the Draft”(Liz).

Motion seconded (Janet).

Motion passed with three Yeas (Reuben, Janet, and Liz) and one Nay (Barbara).

Section 8-7-3

Motion that Section 8-7-3 be accepted as printed in “the Draft”(Liz).

Motion seconded (Janet).

Motion passed with three Yeas (Reuben, Janet, and Liz) and one Nay (Barbara).

Section 8-8-2

Janet indicated that more information was added in Section 8-8 in “the Draft” in order to better define the duties and rights of the Board of Water Commissioners. Ben Gitlow noted that the specific chapters of the MGL were added to Section 8-8-2 in “the Draft” at the request of Town Counsel. As previously written, the Board of Water Commissioners would have the right of eminent domain and the authority for contracting. Thus, there was a need to be specific and spell out the powers and authority.

Motion to accept Section 8-8 in its entirety as written in “the Draft” (Liz).

Motion seconded (Janet).

It was noted that Section 8-8-1 of “the Draft” no longer applied because of the change to Section 8-10-2, thus the motion was amended.

Motion amended to adopt Sections 8-8-2 through 8-8-7 as printed in “the Draft” (Liz).

Motion seconded (Barbara).

Janet stated that she would be happy to open any of these sections to further discussion if any of the CRC members have any concerns.

Motion passed unanimously.

Section 8-10-1

Motion to accept Section 8-10-1 from “the Draft” (Liz).

Motion seconded (Barbara).

Motion passed unanimously.

Section 8-10-4

Motion to adopt Section 8-10-4 as printed in “the Draft” (Liz).

Motion seconded (Barbara).

Motion passed unanimously.

Section 8-10-5

Ben Gitlow explained why the proposed change was made. When one member of a board is going to be absent for a long period of time, the board can notify the appointing authority without that member being removed from the board.

Motion to accept Section 8-10-5 as printed in “the Draft” (Liz).

Motion seconded (Janet).

Motion passed unanimously.

Section 8-10-7

Motion to accept the wording in “the Draft” for Section 8-10-7 (Liz).

Motion seconded (Barbara).

Motion passed unanimously.

Item 6: Next Meeting

The next meeting times are: Tuesday December 19, 2006 @ 7 P.M.

Item 7: Other Business

None

Motion to adjourn the meeting (Barbara).

Motion seconded (Liz).

Motion passed unanimously.

Adjourned: 9:14 P.M.

Minutes approved on: December 19, 2006