

Charter Review Committee Minutes for June 20, 2006

Convened at 7:00 PM

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

Public: Dale Donovan, Rex Peterson, Harry Terkanian, Suzanne Thomas, Helen M. Wilson 8:00 PM

Approved minutes for June 6, 2006

Public Comment: Rex Peterson discussed his memo to the Committee of June 20, 2006.

- He questioned the need for the Personnel Board and asked what functions such a Board would perform that were not covered by union contracts or Policies of the Board of Selectmen. Ben Gitlow pointed out that town personnel policies should not be established by union contracts and the resolution of issues like those related to the recent controversy over the Fire Chief was a circumstance not covered by union contracts. Jerry Houk observed that there are employees not covered by union contract. The committee will review current Personnel Bylaws and union contracts when it considers changes to the Personnel Bylaws. Rex Peterson noted that the current Personnel Board recommends that the Personnel Board be discontinued. Ben Gitlow expressed a concern that it may be difficult to find qualified volunteers for the Personnel Board.
- The memo pointed out that the report did not address the changes in 5-3-2, 8-6-5 and 8-7-2[8-7-3?] relating to changes in the accountability of the Health and Conservation Agent and the Town Planner. Ben Gitlow noted that all technical support staff remain accountable to the Town Administrator and the provisions, (a) that the Town Administrator consult with the relevant boards before appointing support staff to these boards and (b) that personnel appointed to these positions shall provide service within the scope of the general policy and the direction established by the relevant boards are contained in a number Charters for towns on the Cape.
- The statement in Paragraph 3-6-1(g)(ii) that the Assistant Town Administrator shall have “similar” qualifications to the Town Administrator is not clear. The committee will consider changes to

3-6-1(g)(ii) to clarify the distinction, if any, between the qualifications of the Town Administrator and the Assistant Town Administrator.

- The memo asks why the four positions listed in paragraph 3-6-1(h) were selected for appointment by the Selectmen. Ben Gitlow noted that the Charter allows the Assistant Town Administrator to be appointed Town Administrator and that the Director of Public Works, the Director of the Council on Aging, and the Harbor Master are responsible for direct services to the public and that the Harbor Master exercises police powers.

- Questions were raised with regard to personnel functions exercised by the Board of Library Trustees.

- With regard to paragraph 5-3-2(j)(i) with regard to technical support staff; “What makes volunteer board members qualified to conduct interviews and make recommendations to the Town Administrator?” Again, this provision is contained in a number of Charters for Cape towns. The committee believes that members of the Board of Health, Planning Board and Conservation Commission are well qualified by their experience to interview potential appointees that will serve these agencies and to make recommendations to the Town Administrator.

- 5-3-2 and 8-7-2 place professional staff in an untenable position when they are under the day-to-day supervision of the Town Administrator and are required to provide services in “within the scope of the general policy and the direction established by the relevant board.” Again, in a number of Cape towns professional staff operates under the same provisions. The paragraph in italics is concerned with volunteer boards evaluating professional staff. The proposed changes to the charter no longer include such a provision.

Notes prepared by Ben Gitlow relative to other town Charters were distributed to the committee and to Rex Peterson, Suzanne Thomas, and Helen M. Wilson. (These are personal notes and not final positions on anything. They had not been distributed to the Committee before the meeting.)

Review of Chapter 2; Terkanian letter

Changes suggested by Harry Terkanian in his letter to the Committee of April 26, 2006 were considered.

- The Committee agreed to recommend that “Robert’s Rules of Order” be replaced with “Town Meeting Time” in paragraphs 2-2-2 & 2-7-6 of the Charter.
- Mr. Terkanian suggested that paragraph 2-3-1 is not needed because this requirement is included in Mass. General Law. The committee noted that other Cape Charters contain a paragraph similar or identical with 2-3-1 and might be helpful to voters who are not familiar with MGL.
- Mr. Terkanian pointed out an inconsistency in paragraph 2-4-2 with regard to this paragraph that has not been modified since the Charter was first adopted. As written the paragraph precludes the submission of petitioned articles for Special Town Meetings called at the initiative of the Selectmen. The Committee will consider changes to this paragraph.
- Mr. Terkanian pointed out provisions of MGL that could create a problem the requirement proposed by the Committee that the Town Meeting act on all articles and suggested that it would be better if the requirement to “act on all articles” were replaced by a requirement to “consider all articles” the Committee agreed to propose such a change.
- Mr. Terkanian raised some concerns with paragraph 2-7-9 that deals with reconsideration of an article. The Committee agreed to revise its recommendations for this paragraph.

Mr. Terkanian agreed to help the Committee in preparing the format of an article for town meeting.

The Committee will not meet on July 4th. The next meeting of the Committee will be July 18, 2006.

Action on the remaining items on the agenda was deferred.

No member of the public wanted to continue with public comment and the meeting was adjourned at 8:15.

Approved: 7/18/06

