

Minutes of Charter Review Committee

12/12/2018

Location: Ritter Building

Call to Order: 7:02

Present: Jaime Toale (Selectmen), Terri Burchfield (Finance Committee), Mark Erickson (Finance Committee), Nancy Gray (Community Representative), Steve Archambault (Community Representative), Tanner Cole (Planning Board), Jim LaVeck (School Committee), Heather Sroka (School Committee)

Absent: Phyllis Luck (Selectmen)

Welcome new member(s): Tanner Cole and Phyllis Luck

Also present: Katie Adams, Dave Passios

Meeting being recorded for broadcast.

2. PUBLIC COMMENT

Dave Passios: Park Commissioners section 3-9; MGL 45-2 allows for 3 or 5 members; He proposes we use the same language for our charter.

Darren Masse: verbiage for BOS section 3-2 (d); registered voter requirement disenfranchises residents; Terri gave background on the requirement for Fincom to be a voter; we agreed more discussion is needed.

3. Organization of the Committee (Chair and Clerk)

Jamie prefaced by saying it should be clear that this is a commission, therefore a selectman should not be chair; situation with Bob was unique. Our votes were as follows:

Terri nominated Steve as Chair, Heather seconded; vote unanimous (8-0).

Jamie nominated Mark as Clerk, Heather seconded; vote unanimous (8-0).

Heather nominated Terri as Vice Chair, Jamie seconded; vote unanimous (8-0).

4. APPROVE MINUTES

October 24, 2018: TBA; Mark to prepare

November 28, 2018: Terri moved to approve, Jamie seconded; vote unanimous (8-0).

5. REVIEW FEEDBACK FROM TOWN COUNSEL

Jamie has a copy of what was sent to Bob, he will send to committee.

Language for minimum vote; 53 is the new number based on the latest gubernatorial election; Terri willing to set a specific number, e.g., 20; Jim argued for the same threshold as getting on the ballot (1% of gubernatorial election); if not elected, appointed by a small number; if running as a write-in, you need

to meet a threshold. Tanner: if no one is nominated by caucus and no one is on the ballot, then why not accept them; when has it been a problem? Jamie: if appointed, at least it's in open session; Jim: someone gets in with 5 votes and turns out to be a disrupter; Terri: example of BOS overruling planning board; Mark suggested a minimum of 10 for discussion. Terri said they need to be "in proper form;" (Terri checked MGL: intent of voter needs to be clear, name and address is ideal but not required). As this is marked in red, it is considered controversial; Steve clarified we would want a super majority on this; we agreed to table this item until the next agenda item.

6. REVIEW DRAFT CHARTER, AS OF NOVEMBER 13

Purple items: non-substantive, non-controversial

Number of days needs to be defined; Terri moved to define days as calendar days; Jamie seconded. Discussion: listed but not defined currently; days might need to be adjusted accordingly; Jim raised concern about 48 hours; Mark suggested a general rule with specific exceptions. We checked how many times "days" is used: 28, most context is calendar days.

Terri modified her motion to define day as calendar day unless defined otherwise; Jim seconded; Jamie agreed based on his second of the previous motion; vote unanimous (8-0).

Terri moved to convert months to days and mark the changes as brown; Jim seconded; vote unanimous (8-0).

⇒ Steve to modify document to put definition in section 1 and edit instances of days throughout.

Mark moved to approve purple items except those that refer to days or months, Tanner seconded; vote unanimous (8-0).

Brown changes

Sections 2-3 (b) and 3-2 (d): appointments should be registered voters; discussion ensued on how do we include even those who are not registered to vote; elsewhere we say that any voter can be elected; Mark suggested we separate the two issues, keep the voter requirement language in Fincom and strike it from the general appointments section; Mark moved to approve, Jim seconded; some discussion back and forth; vote 7-1, Jamie opposed.

Section 3-10 (c): Terri moved to accept wording added in brown; Mark seconded. Discussion: Tanner raised concern about 15 days to reject an appointment; however, this is not marked as a change; vote unanimous (8-0).

Section 3-13 (c): Jim moved to approve, Jamie seconded; vote unanimous (8-0).

Section 4-1: Terri moved to approve, Jamie seconded; discussion: amended to 2 town residents; vote unanimous (8-0).

Section 4-2(c): Jim moved to approve; Terri seconded; discussion: none; vote unanimous (8-0).

Section 4-2(i): accept the brown and make cemetery red; Jamie moved to approve, Terri seconded, vote unanimous (8-0).

Section 4-2(l): Mark moved to approve, Terri seconded, vote unanimous (8-0).

Section 4-5(b): Terri moved to approve, Jim seconded, vote unanimous (8-0).

Section 7-8(f): Terri gave background; Terri concerned with who has authority and how does it return to the appointing authority; Terri moved to accept the brown language; Jim seconded; vote unanimous (8-0)

Section 7-11: Mark moved to approve, Nancy seconded; no discussion; vote unanimous (8-0)

Red changes require more discussion: select board; minimum vote for write-ins; town clerk elected; we'll develop pros and cons after the public hearings.

Section 2-4: Brown but needs input from Town Counsel; vote postponed.

7. Discuss Public Hearing Schedule –

January 9, 2019 Location and Notice: Town Hall; Steve to send agenda to Ellen Griffin and Kathy Herrick; public hearing notice to Ledger and Facebook via Heather Lemieux

Jan 23: meeting to respond to PH changes clean up draft

Feb 13: meeting to prepare for 2nd PH

Second Hearing Location and Formal Notice: consider MSHS on Feb 27

Mar 13 regular meeting

Mar 27 finalize warrant

Apr 10/Apr 24 prepare for ATM

8. REVIEW AND FINALIZE SCHEDULE

Warrant closes Mar 21

Feb 27 second PH; warrant goes to press Apr 5

9. Committee Assignments

Check cemetery notes (all); Jamie to send legal notes

10. NEXT MEETING: January 9, 2019

Agenda adjusted to allow Public Comment

Katie Adams commented on registered voter requirement; are there other committees that have a similar requirement? Resident could include those not yet old enough to vote.

Dave Passios: Changes voted tonight should be made to what is posted online.

Mark pointed out we will also need another legal review of the changes made this evening.

11. ADJOURNMENT 9:18 Terri moved to adjourn, Tanner seconded, vote unanimous (8-0)