

ORLEANS TOWN CLERK
Julie Higgins
3:55 PM

**CHARTER REVIEW COMMITTEE
REVISED MINUTES**

June 6, 2022

Orleans Town Hall Nauset Room and by Zoom

Date approved as amended:
6/27/22
GML

The meeting of June 6, 2022 was called to order at 5:30 pm by Chair Jon Fuller. Confirmed present by roll call were Mr Fuller; Vice-Chair Patricia Fallender; Clerk Gail Meyers Lavin; Mark Berson, Robin Hubbard, and Maxine Minkoff. Walter North was unable to attend and Select Board Liaison Meff Runyon was not in attendance.

The Minutes of May 16, 2022 were moved by Robin Hubbard, seconded by Patricia Fallender, and unanimously approved by roll call 6-0-0. (Clerk's Note: - re-voted 5-0-1, as Mr Berson was not in attendance at the May 16 meeting.)

Public Comment: None

Tracking sheet: Patricia Fallender informed the Committee that she had gone through the spreadsheets to annotate the items that have been completed or dealt with, and will send a copy to members to review, add, and/or comment to review what is left before asking to put it in the Resource Folder.

Resource Page: None

Jon Fuller said that he had heard from the Town Clerk that the Attorney General had received the CRC Warrant Article votes and the Town Clerk's office will advise the Committee when the results of the AG's communication arrive.

Continued Review of Chapter 9: Jon Fuller and Maxine Minkoff noted that they had separately contacted George Meservey and/or Chet Crabtree, Planning Board Chair, and were surprised that neither were in attendance nor had responded after receiving the request to attend tonight's meeting. Mark Berson asked what the purpose was of the questions he had sent to Mr Fuller – would they be discussed before meeting with them or at what point? Mr Fuller indicated that he had taken them to Mr Meservey who said he would share them with Mr Crabtree but had not heard back and had been unable to follow up today. Ms Minkoff said she had spoken with one Planning Board Member and with Walter North as well but had no formal responses or suggested feedback.

Robin Hubbard reminded members that the Committee had discussed reversing the order in 9-1-3 to be Town Administrator/Manager, Select Board, and Town Meeting rather than the way it read now in the Charter. Mr Fuller said he felt that this order should be reversed to follow an appropriate chain of command. Ms Lavin recalled that the section might be another "legacy" from the time the Charter Commission switched the Planning Board from elected to appointed after a public hearing and had intended that it would have the power to take its recommendations directly to Town Meeting for its approval. Mr Fuller said that in the new division of responsibilities, the Town Manager could be appointing the Planning Board, so the order should be reversed.

It was moved by Ms Hubbard, seconded by Ms Minkoff to change the order of this section of 9-1-3 to read: "The Planning Board may make recommendations to the Town Manager, the Select Board, and the Town Meeting on all matters concerning the physical, economic, and environmental development of the Town." It was passed unanimously 6-0-0 by roll call.

Mr Berson expressed concern that the words "environmental, economic and physical" had no definitions, and that these were crucial in the life of a town now and going forward. He said that the questions he sent to Mr Fuller for the Planning Board were to gain an understanding of its mandate and whether that mandate was to implement the policy of the Select Board. He added that without definitions the words became a preamble rather than a charge. Mr Fuller noted that the Planning Board itself did not remain static, and as it changed

members, its interests evolved other than its statutory responsibilities. Ms Minkoff noted that the other Committees had charges, but Mr Berson noted that the Planning Board did not – and that was why it needed guidance through these definitions. Ms Hubbard said she believed that the Introduction to the Orleans Comprehensive Plan addressed the charge, and others noted that 9-1-2 referred to their “powers and duties as prescribed by General Law, this Charter, and by By-Law.”

Ms Lavin mentioned that she had come away from the last meeting thinking that the Committee was going to look at those three words and define them. She said she had also looked through old Town Reports and discovered that Orleans once had had an Economic Development Council similar to that which Mr Berson had raised when the CRC began its work, but that the Council, which she learned included Mr Mefford as a member, was established in 1997 and disbanded in 2002. But she added that she had been unable to locate any Minutes or reports and had hoped Mr Runyon had been present to ask.

Ms Hubbard recommended that members consider adding definitions for “environmental, economic and physical” when they considered the Definitions section that they had discussed moving from Chapter 10 to Chapter 1. Members reflected on whether that could be a place to insert which multi-member bodies were related to each. Ms Fallender reminded the CRC that Chapters 1 and 10 would be on the agenda and that additional definitions could be considered at the end of the month when those chapters were reviewed. Mr Fuller agreed that Chapter 1 might be a more appropriate place than Chapter 9 and reminded members to think of possible definitions to bring to that meeting.

9-2-4: Ms Minkoff said that she had made some changes in this section to emphasize the need for all multi-member bodies to be part of the Comprehensive Plan process and that there should be a way for them to be included, which others agreed.

9-2-6: She also suggested a new section 9-2-6, where several amendments were suggested.

Ms Fallender questioned, having voted the change from “shall” to “may” in 9-2-5 at the Annual Town Meeting, whether using the word “shall” for status reports to be presented annually was appropriate for this section. She recalled that they were not presented annually when her husband John served as a long-term member of the Planning Board. Ms Minkoff explained that this section referred to implementation, not alteration of the plan to provide accountability. Mr Berson asked whether the Orleans Comprehensive Plan had any mandate to be implemented by the multi-member bodies and officials. Mr Fuller stated that the Plan was to be updated annually, and had been set up with immediate, medium, and long-term goals. He explained that the Planning Board asked each department in early fall to update which of each of its goals identified in the Plan had been accomplished and provided a report to the Planning Board. The PB would then to compile the data into a report for the Select Board by November 15th. Mr Berson asked him to confirm then that the Planning Board had oversight over the other departments, which he did. Ms Minkoff pointed out that this was what she wanted to emphasize in 9-2-4 - that the Planning Board should be guided by it.

Members continued to discuss the updating of the Plan and noted that the last one, a spreadsheet, had not been updated since 2019, pre-pandemic. As the Committee discussed potential revisions of Ms Minkoff’s proposed new language, Ms Lavin spoke of the distinction between reporting to Town Meeting, which had been voted to say “may” in 9-2-5 and using “shall” to write a status report for the Select Board, which was what was being considered for 9-2-6. Mr Fuller commented that in his view it should be the Town Administrator presenting the Plan to Town Meeting, not the Planning Board, which prepared it but should end its involvement at that point. Ms Lavin remarked that she was disturbed that no member of the Planning Board nor George Meservey had been present tonight to provide their input and feedback before the Committee would possibly vote on it. As an aside, she noted that in the Town Code, the Orleans Comprehensive Plan was still called the Official Town Plan, which needed to be changed.