

CHARTER REVIEW COMMITTEE
PUBLIC HEARING
MINUTES

February 27, 2023

Orleans Town Hall Nauset Room and by Zoom

Date approved:
3/20/23
JLR

Chair Jon Fuller called the Charter Review Committee to order at 5:30 pm. Vice-Chair Patricia Fallender, Clerk, Gail Meyers Lavin, and Members Robin Hubbard, Maxine Minkoff and Walter North were present. Mark Berson (5:33 pm) and Select Board Liaison Michael Herman were present via Zoom. There were no members of the public in either the Nauset Room or on Zoom.

The Minutes of February 7, 2023 will be reviewed at the March 20, 2023 Meeting.

PUBLIC HEARING: Jon Fuller opened the Public Hearing by reading the Public Hearing Notice and asked Gail Meyers Lavin and Robin Hubbard to present the PowerPoint slides. Ms Lavin reviewed the first two explanatory slides and then the Draft Articles and Summaries:

1. "Sixteen Charter Amendment Articles were approved at the 2022 May Annual and October Special Town Meetings by a two-thirds majority and have been accepted by the Attorney General's Office. All sixteen will be on the 2023 May 16 Election Ballot for the simple majority vote needed to put them into effect. **PLEASE REMEMBER TO VOTE ON TUESDAY, MAY 16.**
2. Clarify how members of the Community Preservation Committee are appointed - Delete Town Clerk residency requirement, update one position title, and add two other existing omitted positions, and finally add a third elected Constable.

THREE DRAFT ARTICLES for TOWN MEETING:

"6-11-1: A Community Preservation Committee of nine members ~~servng three-year overlapping terms~~ shall be appointed as follows: three members by the Select Board, servng three-year overlapping terms; one member ~~by of~~ the Park Commissioners as designated annually by the Park Commissioners; one member ~~by of~~ the Planning Board as designated annually by the Planning Board; one member ~~by of~~ the Conservation Commission as designated annually by the Conservation Commission; one member ~~by of~~ the Historical Commission as designated annually by the Historical Commission; one member ~~by of~~ the Housing Authority as designated annually by the Housing Authority; and one member ~~by of~~ the Open Space Committee as designated annually by the Open Space Committee. [Amended 5-13-2019 ATM, Art. 59, approved 6-23-2020 Annual Town Election, Question 5].

Summary: The amendment would clean up and update existing language to make this section more consistent with the bylaw enacted when the Town accepted General Law Chapter 44B, §§ 3 through 7 at Town Meeting and the subsequent Ballot to establish the Community Preservation Committee in 2001."

"4-4-1: Subject to the approval of the Select Board, the Town Manager shall appoint and, on the basis of merit and fitness alone, and except as otherwise is provided by general law, Charter, or personnel By-laws, may suspend or remove: a Town Clerk, ~~who need not be a Town resident~~; a Town Treasurer/Collector; a full-time professional Assessor who shall not be a member of the Board of Assessors; a Director of Planning and Community Development; a Conservation Agent who shall not be a member of the Conservation Commission; and a Director of Public Works and Natural Resources. The Town Manager may also appoint other positions, subject to the availability of funds.

Summary: This amendment would delete the requirement for the Town Clerk to be a resident since, due to a Special Act passed by the State Legislature, the requirement is no longer needed. It would also update the title of a position and insert two existing positions omitted from the current version of the Charter."

Ms Lavin said that she had checked with the Town Clerk on the rationale for requesting a third Constable in the Summary, which she read with the article:

"5-10-1: There shall be ~~two~~ three Constables. Constables shall be elected to terms of three years.

Summary: The amendment would provide a third Town Constable to be available when needed to spread the workload and to ensure that there can be two Constables present at the Town's Elections at any given time."

Mr Fuller explained that these three articles will not be listed on the May 16, 2023 ballot, if passed at the May 8 Town Meeting, but rather must wait until the May 2024 ballot for their confirmation ballot vote. Having checked that there were no attendees on Zoom, he closed the Public Hearing at 5:41 pm. Members agreed that the draft articles were ready to be presented to the Select Board on March 1, 2023, and tried to determine what time the CRC would be on the Agenda since it was quite far down at number 11. Mr Herman asked for members to confirm that physical presence of 4 members was necessary to meet the quorum requirement, since he believed the Zoom meetings were still allowed under the Governor's emergency orders.

It was moved by Mark Berson, seconded by Ms Lavin, to adjourn the meeting. Before adjourning, Mr Fuller reviewed the remaining meetings, and members reminded each other that they had agreed to discuss the process for writing the Final Report to the Select Board at the next meeting. Ms Fallender said that her recollection was that each should write something that they thought could/should be included and send it to Ms Lavin, who would put everything together for review on March 6, and by which time the CRC would also know if there was any feedback from the Select Board. It was agreed by consensus to wait until March 20 to meet.

Walter North asked if there were previous copies of CRC Final Reports, and Ms Lavin confirmed that 2007 and 2014 reports were on the website, but that she would send them out as well. He also asked about a Table of Contents, which Ms Lavin recalled had not been done in the previous reports, but that another suggestion she had mentioned last time to consider was to use the 1-9 numbers in the Charge and go through them in order as a second option. Members commented that some numbers would be longer or shorter than others. Mr Fuller said that the Report would be the topic of the Agenda on March 20th, and he remarked that the report need not be a "30-page summary," but could be a bulletized list or something similar, all of which can be discussed on March 20.

Future Agenda Items:

Wednesday, Mar 1: Meet with Select Board on the three Draft Articles. Use PowerPoint to present.

Monday, March 20: Final Report Discussion - Suggestions from previous meeting including sending language to Ms Lavin before that meeting to be consolidated for review at the meeting.

Monday, May 8: Annual Town Meeting

Tuesday, May 16: Annual Election

Monday, May 22: Vote on Final Report

Returning to the motion to adjourn, Mr Fuller adjourned the meeting by roll call at 5:51 pm.

Respectfully submitted,

Gail Meyers Lavin, Clerk

The CRC will meet next in the Nauset Room and via Zoom on March 20 at 5:30 pm.