

ORLEANS
23 MAR 21 8:35 AM

CHARTER REVIEW COMMITTEE
PUBLIC HEARING
MINUTES
March 1, 2023

Date approved:
3/20/23
[Signature]

Orleans Town Hall Nauset Room and by Zoom

Chair Jon Fuller called the Charter Review Committee to order at 6:22 pm. Vice-Chair Patricia Fallender, Clerk, Gail Meyers Lavin, and Member Robin Hubbard were present in the Nauset Room, and Maxine Minkoff and Walter North were present via Zoom. Mark Berson was unable to attend.

Jon Fuller asked Gail Meyers Lavin and Robin Hubbard to present the PowerPoint slides which included a reminder to not forget to vote on May 16, 2023 on the sixteen Charter Articles, and to recognize that the upcoming three articles even if passed will not be on the ballot until the following May 2024.

THREE DRAFT ARTICLES for TOWN MEETING:

Ms Lavin reviewed the language of the Draft Articles and Summaries and explained that in researching 6-11-1 quite early in the CRC's work, it was noted that the language inserted in the Charter was considerably different than that approved as a Bylaw in the Town Code when Town Meeting voted to accept the Community Preservation Act and is actually incorrect. She said that in discussing it with Town Counsel, Michael Ford recommended that the Charter mirror the language of the Code as much as possible to make them consistent.

"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."

Ms Lavin explained 4-4-1 as another article proposed to clean up language - to delete the Town Clerk residency requirement, correct the title of the Treasurer/Collector and insert two positions inadvertently left out of the list.

"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 the Town Clerk had requested the addition of a third Constable, as the Summary indicated, to consider and bring to the Select Board, noting that at the last Election one of the Constables became unwell and had to leave, and the remaining Constable was there from 8 am until midnight.

"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."

Discussion of 6-11-1: Select Board member Mefford Runyon noted that the Town had three official committees that are housing-based –the Housing Authority, the Affordable Housing Trust, and the Affordable Housing Committee, and asked if there was a requirement from the state that the Housing Authority was the only group from which a member could be drawn. Ms Lavin said that all the current listed committees were identified in the Community Preservation Act except for Open Space, which was added a few years ago at Town Meeting, and there was a maximum of nine members allowed.

Select Board Chair Andrea Reed asked if there was any flexibility since the CPC had expanded its number of “buckets” it invests in, but membership of Recreation and Housing had not expanded with it. She asked if the Charter Review Committee had had any thoughts or ways that it could be addressed. Ms Lavin responded that the CRC had studied it quite carefully near the beginning of its work because the Recreation Advisory Committee had asked it to consider recommending a membership on the CPC. After a lot of debate, and in fact discussing it with the Select Board, she said that it was decided to recommend that the Select Board could opt to choose one of its three appointments become an RAC member – the only one the CRC was asked to consider – but that she thought another could also be taken to add one of the other housing ones as long as the Committee did not exceed nine members. She confirmed that in terms of the statute, except for Open Space, the multi-member bodies listed were the way it was constructed. Ms Reed commented that it was constrained by state mandate even though the State was requiring the distribution of funds.

Member Kevin Galligan remarked, acknowledging that it was a question not on the amendments which he supported, that in October the Special Town Meeting members had been uncommonly “restless,” and that some of the CRC amendments had failed despite a couple of them being so reasonable. He asked how soon they could come back to the Warrant again. Patricia Fallender answered that they had to wait at least one year. Mr Fuller noted that if those Articles had been indefinitely postponed, they could have been brought back this May. Ms Fallender added that this was why parts of 4-4-1, all of which had been indefinitely postponed ahead of the meeting, were being brought back now. She said that the CRC took what it considered to be non-controversial for this amendment and felt that the remainder was something that could be reviewed in the future after a new Town Manager was in place and noted that there might be other amendments as well either for the next Charter Review Committee or taken up at any subsequent Town Meeting.

Ms Lavin asked, before the CRC adjourned its part of the meeting, about a question that had come up regarding whether there was any way of putting some kind of header before all the Charter articles in the ballot to explain that these had all been approved at the last two Town Meetings, although she did not think it had been done before. Ms Reed deferred to Interim Town Manager Charlie Sumner, who commented that his instinct was to say probably not, but he would check. Mr Runyon suggested that it could possibly be a handout.

Mr Fuller concluded the CRC participation by noting that there had been a Public Hearing on February 27 that no members of the public attended, so the Committee had discussed it again among themselves and reiterated support for all three. He said that the proposed articles were relatively simple compared to the ones proposed before. He added that the Committee would present them at Town Meeting and immediately after would request a meeting to discharge the CRC at which time he would present the Board with a Final Report and a large book with all the “doings.”

It was moved by Ms Fallender, seconded by Ms Lavin, and voted unanimously by roll call 6-0-0 at 6:37 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.
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