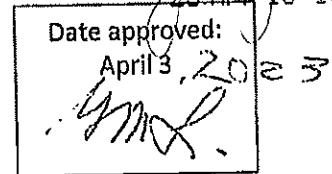


*Wright Higgins*  
23 APR 10 10:50AM

**CHARTER REVIEW COMMITTEE  
MINUTES**

March 20, 2023

Orleans Town Hall SKAKET Room and by Zoom



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

The Minutes of February 6, 2023 were moved by Mark Berson, seconded by Walter North, and voted 6-0-1, with Maxine Minkoff abstaining.

The Minutes of the Public Hearing, February 27, 2023 were moved by Mr Berson, seconded by Robin Hubbard, and voted unanimously – 7-0-0.

The Minutes of the March 1, 2023 Meeting with the Select Board were moved by Ms Hubbard, seconded by Walter North, and voted 6-0-1, with Mr Berson abstaining.

Gail Meyers Lavin asked for clarification about whether a member who watched the video of a meeting he or she had missed could vote on the Minutes at the next meeting. Ms Minkoff said she had just done so at another meeting, and several other members agreed that this was now the case.

**Public Comment: None**

**Tracking Sheet Update: None**

**Resource Folder Update:** Ms Lavin explained that she had missed putting the last Charter Ideas Ms Fallender had provided to Mia Baumgartner in her reorganization, but it had now been placed under its own heading in the CRC Research 1 folder, and the Warrant Articles sent to the Liana Surdut had also been posted under the Preparation for May 8, 2023 Annual Town Meeting heading, which members accepted by consensus.

**Discussion of May 1, 2023 Meeting with Select Board:** Mr Fuller remarked that the meeting and reception to the Articles had been straightforward, and asked Liaison Michael Herman if he could confirm that they had been placed on the Warrant. Mr Herman responded that the Articles had been placed on the Warrant, but although no votes had been taken yet, he thought they might be taken on Wednesday, March 22, 2023.

**Promote Articles and Reminder to Vote:** Ms Fallender said that a press release had been discussed previously to be sent to the Cape Codder and Cape Cod Chronicle, suggested that one also be sent to online publication Exit 89 as well, about the remaining three articles, a re-cap and review of the other sixteen articles that would be on the May 16 Ballot. Ms Hubbard suggested an interview with Ryan Bray. Mr North expressed concern that an article might not ensure that the substance of what the CRC wanted to convey to the public was complete. Members concluded that an Op-ed might be the best venue, and Mr North recommended that it come from the Chair. Mr Fuller agreed and asked for a drafter to state that the Town Meetings last spring and fall had approved a series of articles, and that this spring the CRC wanted to make sure voters' action will be re-affirmed at the ballot on Tuesday, May 16. It was mentioned that Exit 89 could be sent to Lynn Bruneau for insertion. Mr Fuller confirmed that he would make sure the Op-ed got to all three media. After discussing whether the Committee should vote acceptance of the Op-ed in advance, Mr North was selected by consensus to draft it.

Ms Lavin suggested that a CRC meeting on April 3<sup>rd</sup> would be necessary in any case to work further on the Annual Report, so the CRC would be able to see a draft. Members felt that the end of April would be the appropriate time for publication.

**Develop draft of Final Report to the Select Board:** Ms Lavin thanked all members for sending language and noted that she had compiled all comments received, which had quite a lot of repetition she had tried to frame in three categories for discussion. Mr Fuller commented that if more than one member had mentioned the same issue, it should probably go in the report. Mr North suggested some kind of statement in the cover letter or elsewhere about the 1987 passage of the Charter, that it was updated every seven years, that the Charter was serving the Town well, and that the changes made by this Committee were quite minimal, mostly housekeeping.

Ms Lavin said that the Committee needed to decide how much it wanted to say or how it wanted to discuss the issues around Chapter 4, asked if all items had been covered and if the framework of General Comments, the Charge, with each followed by the CRC's comments related to it, and Recommendations would work. She said that a review of previous reports had shown cover letters, long Appendices that included every article that passed and several other items but pointed out that most of this Committee's work was already online. She wanted to ensure that this CRC's work would not be lost, as much of the previous work had been from the last three Charter Review Committees, but she was uncertain how to go about doing this – perhaps starting with getting clearance from the Board. Michael Herman suggested that with all the archiving the Town had been working on, members might want to consider seeking Management Information Services Coordinator Peter VanDyck's advice. She also noted that the previous two CRCs had included an index, which Mr North had suggested at an earlier meeting, and with which she agreed.

**Charge:** Mr Fuller said he liked addressing each of the charges first and then what the Committee did to fulfill them, since that was the direction that informed what needed to be studied. Ms Lavin agreed, noting that the next step would be to take the draft and try to fit the language in the right places under the nine charges.

**Chapter 4, how to present it, and the Select Board.** Ms Lavin stated that the Notes to the Select Board that Mr Berson and Mr North had created last summer had been excellent and maybe updating it would be one way to go. Members felt that some of the language in the draft compilation needed to be softened up and should not be judgmental. Ms Lavin recalled that the 2014 CRC did a list of proposed Charter Amendments by chapter, and wondered, if a similar list were done, whether under Chapter 4 reference could be made to those Minutes and the substantive discussions.

**Minutes:** Mr Fuller noted that the CRC Minutes were comprehensive and suggested that a paragraph encouraging people to look at them might be useful. Ms Lavin mentioned that a few meetings ago, she had quickly tagged and sent all the dates of the interviews of town officials reported in the Minutes and could do a complete list of where to find topics. She said that the interviews were less about their individual jobs and more about the larger framework, especially concerns about a plan of succession from several department heads, so remained relevant.

Members discussed how people could be pointed to the Minutes. Mr Fuller stated that they were a resource that somebody could have if they had any questions about any of the Committee's deliberations, and that somewhere in the Report it should say that the Minutes would be particularly relevant for the next CRC and that this Committee encouraged them to read them.

Ms Minkoff suggested that the agendas would be a good place to find information, and that a link could be provided so people would know which Minutes were being referred to. Ms Lavin hoped that the materials could remain online as an historical record.

**Future Process for ensuring adequate retrieval of documents:** Ms Hubbard urged that Peter VanDyke be consulted and asked to help ensure that the CRC information would not disappear if the system changed again. Ms Lavin stated that her biggest concern continued to be the loss of the historic records since 1987 when the Charter became law. She added that every set of the Charter Commission's 1985-

87 paper Minutes had references to labelled cassette tapes with exact numbers where each deliberation or topic could be found, and most of it was lost during the Town Hall renovation. She reiterated how, in 2007, she and Ms Fallender had found several errors in the Charter that the CRC had been given to work with, and they had been able to collaborate with the Town Clerk to rectify them, but it took time for the corrections to be updated through the e360 vendor. Then, she said, in 2014, Ms Fallender's CRC found similar problems, as this year's did again when it started in 2020. She strongly felt that, given that the Charter was a legal document, it needed to always be current and accurate so that each Chapter was followed appropriately.

**Members identified several problems and options for presenting the Report and what it should include:**

1. Find a way to be sure that a clean, clear copy of what this Committee's passed articles were and that the latest Charter was posted on the Town's website. Members agreed that this work should be done collaboratively with the Town Clerk.
2. **The process currently used for updating the Charter is not working and a solution must be found.** There remained a serious problem with the vendor's process. There should be a way to put amendments that had passed and not passed on the website in-house with the Town Clerk's help, not just at each seven-year review but also whenever other articles come to any Town Meeting and were passed there and at the ballot. There was a discussion about having a "certified copy" on the website, placing articles that had been indefinitely postponed or voted down somewhere as well, and again establishing a way to improve the lag time after the final affirmations of the Articles had gone through the ballot of getting the most recently voted document on the website.
3. **Suggestion to put all historic documents at the public library, as has been done in other towns, as well as on the website.**
4. **Include the most recent as voted Charter in the Final Report, as well as the Warrant Articles and Ballot questions.** Ms Lavin expressed concern about the CRC making mistakes or omitting something and would need the Town Clerk's help.
5. **Create or find a/the master document that reflected all Charter language back to the beginning.** Several members commented that the current Charter only reflected the changes that had been made and the dates, but not what was replaced, and felt strongly that this should be done to date and from now into the future. It was noted that every Warrant showed the original, crossouts and bold, underlined new language, so it was possible for it all to be retrieved to create a master document, possibly color coded in some way.
6. **Recommend that a process of the Select Board reviewing the whole Code be done on a regular basis, not just what was updated (3-3-3).**
7. **As mentioned above, since the Charter was part of the Code and the Code was not up to date and did not appear to be a regularly certified document, the current process was not working.**

**Next Steps:** Ms Lavin said that she will ask Liana Surdut for the Word documents she used to insert in the Warrants CRC articles were in, and copy and paste them directly into the Charter, if voted. Further discussion included creating an index of the Chapters, finding a place for the articles that did not pass, and perhaps a few comments about the recent MA Supreme Judicial Court Code of Conduct ruling. It was moved by Mr North, seconded by Ms Minkoff to construct the Charter as the CRC expected it to be based on what was voted at the ballot, and place that in its Final Report, and voted unanimously by roll call 7-0-0.

Ms Lavin explained that to move forward with the Report, she needed each member to take the six-page draft document and edit it individually using the three frameworks or categories – General Comments, Charges 1-9, and Recommendations, and send them to her, and she will try to bring a new draft next time. She requested

that all make sure nothing important had been forgotten. Mr Berson recommended having Ms Minkoff's multi-member study and analysis be included as one Appendix to ensure it was not lost. Members agreed.

**Select Board Chair's request related to the Warrant for four lines of text, to answer:**

*Why do we need this TM action? How will success at Town Meeting make the Town?* After a brief discussion, Mr North suggested something like, "Under the charge provided by the Select Board to complete its charge, the CRC is completing its work and needs voters' approval for what it is proposing." Ms Minkoff suggested something like, "The CRC's role was to make sure that the Charter is representative of the changes, through the Warrant, that led us to improve various services and areas in Chapters 1 through 9." It was agreed by consensus that Mr Fuller should send the response to Andrea Reed, Charlie Sumner and Molly Bates.

**Future Agenda Items:**

**Monday, April 3:** Work on Final Report – On the basis of the March meeting, members were to edit, "clean up" sections, remove redundancies, and send the pieces individually to Ms Lavin to compile again in as close to final form as possible except for the May 8 and May 16 votes, which will be inserted later.

**Monday, May 8:** Annual Town Meeting

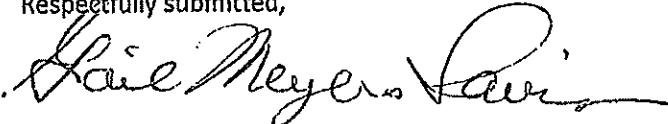
**Tuesday, May 16:** REMINDER TO GO VOTE

**Monday, May 22:** Insert voting results and vote on Final Report

Mr Fuller suggested that a CRC request to be dissolved could be the last line of the report.

Mr Fuller asked for a motion to adjourn which was moved by Ms Hubbard, seconded by Mr North, and voted unanimously – 7-0-0 at 6:38 pm.

Respectfully submitted,



Gail Meyers Lavin, Clerk

The CRC will meet next in the Nauset Room and via Zoom on April 3 at 5:30 pm.