

Date approved: 23 12:22PM
MAY 22, 2023
7-8-0
[Signature]

**CHARTER REVIEW COMMITTEE
MINUTES**

April 3, 2023

Orleans Town Hall Nauset Room and by Zoom

Chair Jon Fuller called the Charter Review Committee to order at 5:30 pm. Vice-Chair Patricia Fallender, Members Robin Hubbard, Maxine Minkoff, Walter North, and Board Liaison Michael Herman were present. Clerk Gail Meyers Lavin and Mark Berson were present via Zoom.

The Minutes of March 20, 2023 were moved by Patricia Fallender, seconded by Mark Berson, and voted unanimously by roll call 7-0-0.

Public Comment: None
Tracking Sheet Update: None
Resource Folder Update: None

CRC REPORT AND RECOMMENDATIONS: Mr Fuller thanked Ms Fallender for her outstanding job recapitulating the Articles that had been talked about. He noted that a majority of the Articles passed were really housekeeping in nature and said that he was working on the advertisement to go out ahead of Town Meeting and the Election ballot, reviewing the CRC's work. He added that he was looking at the 3rd week in April. Members discussed the process of preparing the various releases and whether the Committee should see a draft; but consensus was that there was no need for a vote, after Mr Fuller explained that he was getting guidance from the Chronicle and that the announcement on the website and in the Cape Codder and Exit 89 would be similar.

Mr Fuller thanked Ms Lavin for the Final Report and Recommendations and noted that he was impressed with the compilation. Members agreed and confirmed that the recommendations were excellent in covering what had previously been discussed. Ms Fallender commented that there would always be editing to do before the final draft was ready and Ms Lavin agreed, saying that she saw it as a first draft inserting everyone's language, but the order and style needed work. Suggestions for edits and moving the order of the recommendations were discussed and, by consensus, Ms Lavin will update the April 3 Draft and send a later dated draft for review with the Minutes, when she would welcome final individual edits from members, which she will try to slot in and bring that latest version to the May 22 meeting. Members agreed by consensus to organize the Report by the Select Board's numbered Charges first and the Recommendations by Process and Executive Considerations, followed by the Appendices. Mr North questioned whether the Committee wanted to add something specifically about the role of the Select Board.

Ms Fallender suggested that to be consistent with previous CRCs, all members should sign the document at the end, and Mr Fuller noted that it should be sent from the Charter Review Committee to the Select Board. She commented that the Bylaws had not been reviewed in years, and Mr Berson brought up his earlier concerns about the lack of specificity and consistency between the Charter and the Bylaws in the Code, which he felt must be addressed. He also remarked that, in the Appendices, using the phrase "clean copy"- was legally meaningless and felt strongly, as he had stated before, that the Town was at risk if there were litigation and inconsistencies between the Charter and General Bylaws were identified. He suggested an appropriate term in the context of the CRC's letter, it could say something like "a Charter suitable to be approved for certification," not "clean" with which members agreed.

Mr North suggested that the language for the Bylaws recommendation could read something like "In its deliberations, the CRC noticed significant inconsistencies between the Charter and the General Bylaws and would encourage the Select Board to give this its immediate attention. Mr Fuller expressed concern that the Town Clerk might not have time to work on it, but members noted that 3-8-4 of the Charter requires the Select Board to review the Bylaws periodically. They also noted that this was one instance where another multi-member task force would be well worth creating to bring its recommendations forward to the Select Board, which, if the Board agreed, could be placed on the Warrant for a Town Meeting vote. Mr Fuller stated that a Bylaw review was very

important, agreeing with Mr Berson's Point. He said that the CRC had done its part on the Charter, and now it was time for the Select Board to set up a talk force to review the Bylaws.

Mr Fuller asked generally how it will be determined when the next CRC would start because of how long this particular term had been, and Ms Fallender and Ms Lavin detailed the 2000, 2007, 2014, and 2020/21 reviews and the 7-year requirement. Members agreed that the Select Board should seek clarity from Town Counsel.

Ms Fallender described the meeting that she and Ms Lavin had had with the Town Clerk and the Coordinators of MIS Services and Media Programs to set in place an ongoing process to ensure that an accurate pdf Charter, dated and certified, would be on the website soon after the ballot approvals in May until it goes out to the eCode 360 vendor to be made searchable, currently the following March. She also noted that the Town Clerk continued to make current the spreadsheet that the previous Town Clerk had started and Ms Lavin had continued in 2007, which identified all amendments brought to all Town Meetings since the Charter was enacted and could be placed in the Appendices. She added that after the Town Clerk receives back the updated searchable Charter (and Code) from the eCode360 vendor and has certified it, she would put that version on the Town and Charter Information pages.

Ms Fallender reported that Peter VanDyck and Mia Baumgarten explained the Laserfiche process the Town is now working on and that they are methodically transferring all the historical paperwork onto it, which would eventually make all Town documents searchable. It was agreed to retitle the current CRC webpage to the Charter Information Page and include the May 2023 Town Meeting and Election Ballot, and Ms Baumgarten confirmed that the Page and its contents will be ready for the next CRC. Ms Lavin mentioned that she had not connected with the Librarian, who had responded to her message to discuss whether Charter materials could be housed at the Library.

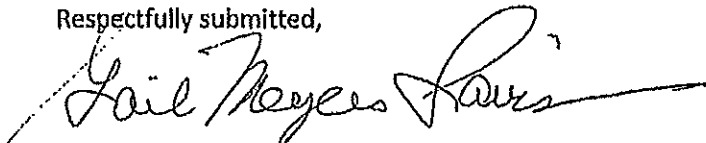
After further discussion regarding the Appendices, Mr Fuller said that he thought the final Draft could be reviewed at the CRC meeting on May 22nd. **Publicity about the Article/Publicity:** Mr Fuller confirmed that he had been working with someone at the Chronicle and hoped that the publicity could be in a prominent spot by the confirmed deadlines.

Future Agenda Items:

- Monday, May 8: Annual Town Meeting
- Tuesday, May 16: **ELECTION - REMINDER TO GO VOTE**
- Monday, May 22: Insert voting results from May 8 and May 16 votes.
Review and vote on Final Report and Recommendations.

Mr Fuller asked for a motion to adjourn which was moved by Ms Minkoff, seconded by Mr Berson, and voted unanimously by roll call 7-0-0 at 6:15 pm.

Respectfully submitted,



Gail Meyers Lavin, Clerk

The CRC will meet next in the
Nauset Room and via Zoom
on May 22 at 5:30 pm.