

CHARTER REVIEW COMMITTEE

MINUTES

April 4, 2022

Nauset Meeting Room, Orleans Town Hall
and via Zoom

Date approved:

May 2, 2022



The meeting of April 4, 2022 was called to order at 5:30 pm by Patricia Fallender, Vice-Chair. Present at Town Hall were Patricia Fallender, Robin Hubbard, Maxine Minkoff and Walter North. Gail Meyers Lavin and Mark Berson were present via Zoom. All confirmed attendance by roll call. Jon Fuller, Chair was unable to attend. Meff Runyon, Select Board Liaison, was not in attendance. **This meeting was convened at Town Hall, with remote participation, real time public access in person and provided by Channel 18 on the town website and cable television.**

The Minutes of March 21, 2022 were moved by Gail Meyers Lavin, seconded by Robin Hubbard, and unanimously voted by roll call 6-0-0.

Public Comment: None

Tracking sheet: None

Asst.
ORLEANS TOWN CLERK
E. C. BERRY
22 MAY 4 8:03am

Resource Page: Ms Lavin explained that in addition to the West Boylston Quorum language she wanted to place in the Articles section, she had noticed that there were some reorganizational tweaks needed to the Resource Folder since the new website went up. She said that the new Feb 22 version of the Charter should be listed at the top, more emphasis placed on the Quorum, a new heading for Pre-May Town Meeting Information under which could be the final Warrant articles showing Select Board and Finance Committee votes, and she thought that the previous drafts should be moved there as well. Members agreed by consensus.

Request to edit CRC Articles and move the placement of CRC Articles nearer the front of the Warrant: Ms Fallender said that the request had been sent to the Town Administrator's Office to move the placement of the articles nearer the front and to substitute the new language for the Summaries that the CRC had voted at the last meeting. Ms Lavin said that she, with help from Ms Fallender and Maxine Minkoff, had liaised with Liana Surdut, Assistant Town Administrator, to copyedit the CRC article drafts prepared for the Warrant, picking up some typos or necessary edits throughout the CRC Articles. One was the spelling of "flier" vs "flyer," which had been changed to "flyer" in one section of the first Article. She explained that after she told them that in Chapter 8 the word is spelled "flier" already, it was decided to change "flyer" to "flier" for consistency throughout.

Ms Lavin reported that the Select Board had voted in favor 5-0-0 for all Charter amendments, with Kevin Galligan commenting that he thought the Quorum article was bound to provoke a lot of discussion and asked Michael Herman's thoughts since he had raised questions at an earlier meeting. Mr Herman said that he had made his remarks at that time, which included bringing it forward for the voters to decide. She added that the CRC's request to move its articles up nearer the front in the Warrant, suggesting that it be near the pre-school vote, seemed to have resulted in its being placed after that article and only slightly closer to the beginning.

Ms Fallender commented that she had noticed the votes for the Select Board and the Finance Committee, which had been inserted in the most recent draft. She wondered why, when the FinCom had voted all the other articles as "No Significant Impact," the Quorum article had been voted against 0-6-0 despite the fact that the Article in fact was the only one that did have a fiscal impact – to avoid the additional expense that would be caused if a quorum was lost, the Town Meeting dissolved, and a new Warrant for all previous and remaining articles drawn up for a new Town Meeting. Walter North wondered whether the Finance Chair still misunderstood the difference between losing a quorum and voting to adjourn to a second night at the Moderator's request. Other members discussed whether or not to contact the Finance Committee, and Ms Lavin noted that the CRC meetings and Minutes had, as she understood it, been routinely reviewed, where the rationale for the change in quorum had been explained and was being repeated again at this meeting.

Chapters 5 and 10: Mr North said that there were no substantive changes to suggest in Chapter 5, other than voting for the Moderator to be able to select a neutral hearing officer in case of a Town Administrator recall. Ms Fallender noted that this had not yet been voted due to the CRC wanting to discuss it with David Lyttle first.

Mr North added that the CRC had previously discussed elected offices in general and whether or not a Board of Health should be elected or appointed, noting that if appointed, the Select Board could identify the technical skills the Board of Health might need. He recalled that Ms Lavin said that the elected Board was an "accident of history" in the run-up to passing the Charter, and members agreed that it had seemed to be working very well as an elected Board. Mark Berson remarked that in his experience, the Boards that had been appointed tended to have the right qualifications, stating that if one got someone with no experience in public health, it could be very difficult. Ms Lavin noted that the Board of Selectmen had acted as the Board of Health historically, with the Charter establishing an independent Board of Health for the first time. She said that with very few exceptions the people who had run for office had the requisite experience, although in one case she could remember a businessperson had run for the Board of Health to challenge what he considered were too restrictive regulations. She added that there had also been issues impacting the public – the no-smoking regulations that the Board of Health had initiated and issues at the transfer station – so one could argue that its independence made sense. Mr North said that he had brought it up because he thought it should be mentioned in that the CRC was charged with taking a structural approach every seven years and looking for problems to avert before they occurred, but members concluded that another appointed multi-member body for the Select Board would not be helpful.

Chapter 10: Mr North noted that the Definitions Section 10.4 referred to "appropriate local media," which, when reviewing Chapter 1 to incorporate Chapter 10, could be made consistent with the new term "news outlets" if the Article passes at Town Meeting.

Chapter VI: Ms Hubbard questioned the General Provisions in Chapter 6 and in Chapter 5 and asked if they could not be combined since most of what was in Chapter 6 was also required in Chapter 5. Ms Lavin agreed that there was a lot of repetition, and her first thought was to suggest a General Provisions umbrella, but it would have the effect of requiring too many changes in Chapters and sections. She also noted that 6-1-4 referred to the September Select Board meeting for all new members of multi-member bodies instead of possibly being in the Select Board chapter. Members discussed different ways of achieving the same objective, possibly by putting the general provisions in Chapter 1, and commented on the fact that the Charter, as our governmental framework, was not explaining the process for citizen participation as well as it could. Mr North suggested that they might fit better as part of the Introduction.

Ms Hubbard discussed the need to add the Planning Board interaction with other multi-member bodies that appeared in Chapter 9. It was moved by Ms Fallender, seconded by Ms Minkoff to add a new section 6-6-2 to read: **"The Planning Board shall cooperate closely with the Conservation Commission, the Board of Health, and the Board of Water and Sewer Commissioners."** The motion was voted unanimously 6-0-0 by roll call.

Ms Hubbard also noted the CRC's prior discussions about adding representation from the Recreation Advisory Committee to the Community Preservation Committee. It was noted that although the Select Board currently used one of its appointments to include representation from the RAC, modifying the section to include it formally had been recommended. It was moved by Ms Lavin, seconded by Ms Hubbard to modify the membership composition of the Community Preservation Committee to read:

"6-11-1 A Community Preservation Committee of nine members serving three-year overlapping terms shall be appointed as follows: ~~three~~ two members by the Select Board; one member by the Park Commissioners; one member by the Planning Board; one member by the Conservation Commission; one member by the Historical Commission; one member by the Housing Authority; and one member by the Open Space Committee; and one member by the Recreation Advisory Committee." The motion was voted unanimously 6-0-0 by roll call.

Future Agenda Items:

- May 2nd:** Review Town Meeting presentation and any last-minute changes
Ms Lavin – Any additional review of Chapter 7 not yet discussed
- May 9th:** Annual Town Meeting
- May 16th:** Review of Town Meeting
Ms Minkoff – Begin Review of Chapter 9
- June 6:** Ms Minkoff - Continue Review of Chapter 9
- June 20:** NO MEETING
- June 27:** Meeting in place of Juneteenth?

Members brainstormed the remaining issues to discuss for future agendas (listed below not in order of priority for Mr Fuller to determine):

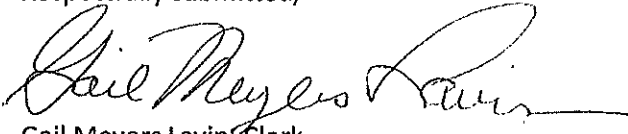
Three issues to go on the agenda as specific meeting topics:

- Code of Conduct
- Emergency Preparedness Plan
- Omnibus Town Organizational Structure incorporating General Provisions of Multi-Member Bodies

- Chapter 4 – Town Manager job description
- Check with Town Moderator – appoint neutral hearing officer
- Ms Fallender - Chapter 1 – Review moving Chapter 10 contents and other possible changes
- Mr Fuller - Chapter 8: Review of Finance Committee letter, etc.

It was moved by Ms Hubbard, seconded by Mr Berson, and voted unanimously by roll call 6-0-0 to adjourn the meeting at 6:25 pm.

Respectfully submitted,


Gail Meyers Lavin, Clerk

The next CRC Meeting will be held in the Nauset Room as a hybrid meeting (via Zoom) on MONDAY, May 2nd, 2022, at 5:30 pm.