

CHARTER COMMITTEE MINUTES

January 18, 2023

MEMBERS PRESENT: Kyle Bueno, Lilia Cabral-Bernard, Linda Gallant, Robert Grindrod, Cathy Melanson, Morgan Dawicki, Ronnie Medina

Members Absent: Brendalee Smith, Marybeth Vargas

Others present: Fairhaven TV, Angie Lopes Ellison

Pledge of Allegiance

Roll call: 7 members present

Approval of minutes: Motion to approve minutes from 12/7/22 made by Ms. Melanson seconded by Ms. Cabral-Benard. Approved unanimously 7-0 by roll call vote

PUBLIC COMMENT: Person present. Kyle explained what this time was for. Person present stated actually there for Belonging Meeting which was cancelled but interested in seeing our agenda. Kyle directed him to how to access this. No other comments

Discussions/Actions:

1. **Kyle introduction of MMA Representatives Kelly and Paul,**
Speaking first Kelly from Lexington which is representative town meeting which meets approx. 2x/year Her town meets earlier than most in March. Her role is to prep warrant in timely manner, getting articles and warrant together, depends on community what you choose to do.
Paul: Town administrator Chelmsford 17 years, representative form of town meetings. First charter 1989, with review every 7 years. He's been through two of those reviews. Also lives in Harvard and served on their charter commission which was able to pass charter first time.
Advice he would give is to communicate to anyone who will listen about the charter. People are reluctant to change. Getting people to know this is to better organize and formalize.
Question from Bob: how many town meeting members do you have? Paul: 165 Kelly 190
Bob stating Fairhaven has 425. Paul's initial reaction is this is way too many.
Bob continues with overview of previous charter committees failing to pass this after 5 previous attempts.
Question to Paul what does he think will help. Suggests trying to find why previous attempts at charters. failed Bob states recommendations have been don't try and change too much. Also feels obstacle is about state wanting town doing away with independent BPW. Have been advised to get charter in place first.
Paul stating, he agrees that its important to try to codify or organize the form of government.
Discussion from group continues, Kathy agrees that minimal changes in structure should be done. Kelly agrees with Paul about getting charter in pace then make revisions during reviews.
What are the must haves to get a charter that would work.
Question from Kyle: The 7-year review, how did they come up wit timeframe and what does formation consist of? Paul responding that typically it is every 7 or 10 years. And the formation is specific in the charter: for example, moderator appoints 3 selectmen appoint 3 planner appoints.

They also do it with bylaws, just like updating your master plan. These changes aren't radical just tweaks. 7-10 years is good and often moderator is seen as a neutral party.

Kelly agreeing with Paul although she has not personally gone through review.

Thinks her review committee is appointed by the town moderator.

Bob questions whether review should be sooner to allow for changes. Paul stating, they clarify with amendment outside of review times and thinks making it sooner would possibly become a distraction for adopting a charter. He states at any time a citizen or board petition an amendment to charter by town vote, and/ or sending to legislation for approval. Kelly also mentions if done too soon you're not giving the system a chance.

Questions continued from Linda regarding how much detail we should have in charter,

Discussion with Kelly and Paul on topic, concluding they feel it should be high level, specifying who is elected/appointed and focusing on Town manager and Selectboard positions, suggests we compare to other communities and get feedback. Has helped when presenting ideas.

2. Charter Table of contents, each person discusses their section:

Bob Article 1: Took info from town charters of Wareham, Acushnet, Oxford, info from town Bylaws. Did 6 sections

Linda Article 2: went to town's web site for information. Committees 21 in town

Question from Bob are we just looking at these in broad scope then later going into each section.

Kyle suggesting, we do this overview first Question from Town Administrator: did everyone in group receive this info prior to meeting. Question asked because if everyone has seen it you can set for next meeting or this meeting what are concerns in each article, for example all the committees do you want to do just regulatory committees

Kyle Article 3: Elected officers, looked at organizational chart, bylaws and responsibilities for Selectboard., school committee. Looked at MA general laws, which listed some parts, Also Town Moderator, Town Clerk. Board of Health could only find general info, needs to look further Board of Public works and Housing Authority which he didn't realize had so much authority. Also, Trust fund, planning board and town meeting members. Also felt important to add recall of elected officials here. Other towns had it in other places.

Got sections from town bylaws and MA general Laws

Cathy Article 4: Town administrator 4-1 through 4-5 Got information from special acts, didn't break it up. Only change would be in acting town administrator

Marybeth Article 5: Kyle spoke on it. Fiscal Procedure, school committee. Information obtained from bylaws, special acts and spoke to school committee business administrator

Lila Article 6; Administrative Organization Language from bylaws, municipal departments, somewhat confused if they are actually departments or not as referred to from Bylaws department finance, council of aging, some not sure official department but listed on organizational chart. Included special municipal employees because not sure where they would go. Personnel organizational plan, language from bylaws

Comment from Angie, special municipal employees allow collective positions but not necessarily need in charter, its bylaws. Function of selectboard to deem a special employee. duty of selectboard

Morgan /Kyle Article 7 General provisions, changes to charter, severability standard legal process. Definitions throughout charter. periodic review of charter; Wareham had some language that will be added here

Ronni/Brendalee Article 8 Kyle spoke on it Transitional Provisions. Existing laws in place, list of specific content from bylaws

Kyle opening up to general questions, Lila: after hearing from Angi earlier are we trying to incorporate bylaws into charter or not. Response from Angi: you would have a charter and a bylaw. Bigger functions pulled out of bylaw into charter, for example Finance director could be on charter but bylaws could state finance director does A, B, C.

Answer you will have a charter and you will also have a bylaw. Hope is your charter encompasses a lot that is in your bylaws

Other comments in general. Bob feels we should reorganize so everything is listed in same place. For example Town moderator found in different articles put it together under one.

Discussion from committee members. Agreement that charter needs to be readable for all, need to rearrange our info and put things together that go together. Other suggestions restructure, reach out to officials in these areas (i.e., legislative branch) and share what we have and their opinions. Bring in stakeholders. Other thoughts include taking time to work on it to get it to where we can share it with these departments/people

Discussion about format leading to Suggestions: Article 1: leave as is all legal stuff legislative
Article 2: Legislative Article 3: Executive under this Town Administrator

Under this departments that report to Town Administrator

Finance Department, Municipal Department Then school committee, Board of Public works possibly under legislative as overseen by town voters. Other suggestion off by themselves
Suggesting everyone think about it and come up with their own index. Possible look at the other charters index, Linda suggested Auburn

3. Rescind from agenda scheduling public meetings. Not quite there yet

UPCOMING EVENTS: Next meeting Wednesday Feb.15th at 6:30

Other/New Business: None

Review Action Items:

1. Bob to look for town charter matching what we want
2. Members create index for frameworks

Questions/Comments:

Adjournment:

Motion to adjourn made by Ms. Melanson seconded by Ms. Bernard-Cabral

Approved 7-0 roll call vote

Meeting adjourned @ 8:11 PM

Marybeth Vargas

Recording Secretary to Charter Committee