

CHARTER COMMITTEE MINUTES

February 15, 2023

MEMBERS PRESENT: Kyle Bueno, Lilia Cabral-Bernard, Linda Gallant, Robert Grindrod, Morgan Dawicki, Brendalee Smith, Marybeth Vargas

Absent: Cathy Melanson, Ronnie Medina

Others present: Fairhaven TV, Angie Lopes Ellison

Meeting called to order at 6:30 PM by Chair Kyle Bueno

Pledge of Allegiance

Roll call: 7 members present

Approval of minutes: Motion to approve minutes from 1/18/23 made by Ms. Smith seconded by Ms. Cabral-Benard. Approved unanimously 7-0 by roll call vote

PUBLIC COMMENT: None

Discussions/Actions:

1. Index discussion

Kyle discussing how at last meeting we were looking to get layout and the table of context being a good start. Bob did draft which Kyle shared with group prior to meeting. Kyle asking Bob to Discuss draft that was shared with group. Bob presented overviewed on how he developed the sample index. Using the criteria, we discussed at last meeting. Trying to separate more by departments and could be almost used as handbook by people in the town. He divided each article this way. Inc./powers of town, Executive Branch, Town Administer, Legislative Branch Finance Department, Administrative Organization, School Department, Public safety, public works, general provisions. When setting these up he asked the same four questions: position how selected, who they report to, for how long is their term, what their powers and authority was and used these same criteria for everything. Could have made administrator group longer and there are things that still need to be covered. He feels they should be in administration but want others' opinions. Those are Town clerk, Board of Health, Housing Authority, planning Board, Harbor Master, Conservation Agent and Building inspector. Those are all positions that should show up somewhere. Kyle stating his appreciation for Bob's work. Keeping it simple so people of Fairhaven can see clearly about the departments, committees, and administrative personnel.

Kyle would like group to discuss their opinions on index. Discussion from group members. Mr. Dawicki likes the direction, clarifies things easier for average consumer and doesn't deviate a lot from original structure. Ms. Vargas question about short title, clarified by Bob. Question from Linda: does charter support bylaws or bylaws support charter? is there a distinction between the two?

Town administrator giving guidance regarding questions. Charter is considered like the constitution and your bylaws are your rules and regulations. Constitution framework, structure can't be changed. Charters can't be changed quickly; foundation you build your government

from. Some of the the bylaws are incorporated into the charter. Linda suggests that a bylaw that is more dynamic, that changes all the time would not be in charter. Ms. Lopes states you can but would recommend not. Charter can't contradict state laws. Question from Brendalee regarding Town Administrator being in charter. Ms. Lopes providing explanation of special Act Reference which is A52 -6 which talks about the legislation and Town Administrator. Based on that some of the things may or may not be relevant for charter because of the special act. Powers and duties, acting Town Administrator information, some language regarding this might also be useful. For example, if Town Administrator incapacitated then Select board would have the power to appoint. Clarification from Kyle these questions relate to previous table of contents we had listed out and some clarification from that. Ms. Lopes stating it is a provision that we can choose to have or not have, some communities have it, others don't and feels it may be better to have it in if needed then not have it and to be stuck. Also discussing difference between interim and acting administrator. Ms. Lopes also clarifying some points of administrative leave., disciplinary would fall under acting. Acting would be if the Town Administrator unable to do their job. A leave. A leave imposed on her or incapacitated an unable to do the job.

Mr. Bueno asking groups input regarding Article VI where we fit in some of the positions mentioned previously. Discussion on Article VI Administrative Organization and who should be included in this. For example: Elected: Town Clerk, Board of health, housing authority, Planning Board Appointee: Harbormaster, conservation Agent, Building inspector. Mr. Dawicki clarifying where this information is. Bob sting he feels Town Clerk, board of health, housing Authority, planning board(elected), Harbormaster, conservation agent and building inspector (appointed) under administration. He's not sure if he missed any, idea being make sure everyone feels comfortable and you are not changing too much. Discussion by group members on topic.

Morgan agrees with general idea put as much as we can even if it's a statement of here are the laws applicable to this office. Suggested by Morgan it may be worthwhile to just to create another article, calling it something like other offices that don't quite fit. Ms. Cabral-Bernard agrees and if there is no article, they fit into to add one as Morgan suggested but feels it could be under administrative as well.

Bob wonders if harbormaster should be under this or public safety, tends to think administration.

Kyle feels Town Clerk, Board of health, building inspector, conservation agent, appointed offices would be the right fit for administrative. Not opposed to other offices section, Thinks Harbor agent should be public safety because they go out into public waters. Bob mentions functions also shellfish warden which isn't public safety. Once we get these into sections, we can send them out to the offices and say is this an appropriate place for you to be in and get feedback. Morgan suggests getting list from org chart to see where they should go in charter, possibly creating word doc. with this list.

Mr. Bueno would like to get opinion from group about structure, bones of index. Do we feel we should move forward with this. Ms. Cabral-Bernard: remember it's a draft and we can change it but it looks good. Group agrees it looks good and make revisions and needed.

Kyle would like group to discuss their opinions on index. Overall agreement template is good draft and place to start.

UPCOMING EVENTS: Next meeting Wednesday March 15 at 6:30

Other/New Business: None

Review Action Items:

1. Morgan: Create word doc for list of committees using org chart. Ms. Lopes recommends contacting Town Clerk for list of appointed and elected officials, boards & committees
2. Committee members: Based on the Town Clerk's list of appointed/elected officials, boards and committees, determine whether positions fit within administrative organization section or add in "Other Offices" heading.
3. Kyle: Submit Organizational Chart to town page

Questions/Comments:

Ms. Vargas had question about organizational chart. Clarification provided

Mr. Bueno discussing document sent to him from Ms. Gallant regarding organizing a charter. Ms. Gallant spoke on document, Guide for Charter Commissions, and feels it is a helpful reference. Most important thing to keep charter simple, keeping it high level, compact and exact, without too much detail. Mr. Bueno to share document again with group.

Adjournment: Motion to adjourn made by Bob seconded by Ms. Gallant

Meeting adjourned at 7:23 PM

Marybeth Vargas

Recording Secretary to Charter Committee