

**Charter Review Committee Meeting Minutes
Second Floor Conference Room, Town Hall
Thursday, July 31, 2014, 7:30 p.m.**

PRESENT: Betsey Anderson, Anne Bickford, Steve Hagan, Amy Lloyd, Joanna Nickerson, Michael Rosenberg, and Jan Shepard

ALSO PRESENT: Human Resources/Management Analyst Sarah Buhler

ABSENT: Polly Herz and Ed Pierce

Committee Chair Betsey Anderson called the meeting to order at 7:30 p.m.

1. Approval of minutes of June 25, 2014

Ms. Shepard made a motion to approve Minutes of June 25, 2014 as written. Ms. LLOYD seconded the motion.

The motion passed 5-0-1, Mr. Hagan abstained.

2. Public input to Charter Review process

No members of the public were present.

Ms. Anderson suggested that the committees that are affected by any proposed amendments should be invited to a Charter Review Committee (CRC) meeting after the CRC takes their preliminary votes. The last meeting in August was identified as a potential date to do this.

3. Reports from Members

Ms. Shepard located information regarding recall provisions from the Massachusetts Department of Housing and Community Development website. A print out of this information was distributed to the Committee. Ms. Shepard noted that there is no State law related to a recall process, therefore all communities that have recall provisions, have them stipulated in the community's Charter. In terms of filing an affidavit, Bedford is with the majority of Massachusetts communities that require a small number of voters to file an affidavit. In regards to the percentage of voters required for the petition forms, the most common requirement is 20%, where Bedford only requires 10% of voters. The most common period of time specified for the collection of voters' signatures is 20 days, while Bedford designates a 30 day period.

Ms. Shepard also looked into how the term "qualified voters" is used throughout the Charter and noted that the term is only used in Article 8, Recall of Elected Officials. Ms. Shepard recommended that the term "qualified voters" be changed to "registered voters" as there is no such thing as a "qualified voter". One must be qualified in order to become a registered voter. It was the consensus of the Committee to change the term "qualified voters" to "registered voters" as it appears in Article 8.

A brief discussion then occurred regarding potentially changing Section 8-2, Affidavit, Petition, Preparation and Filing. Ms. Lloyd commented that she feels the process in the Town's Charter would make recalling an elected official too easy in times of contention. Ms. Shepard noted that since this is a political process, it should not have too many barriers. Rather than making a change to the number of voters required to file an affidavit, Ms. Shepard stated that if a change must be made she would feel more comfortable changing the percentage of voters required for petition forms. As it is more common amongst Massachusetts communities to require 20% of voters, the Committee discussed potentially changing that requirement in Section 8-2.

Ms. Lloyd agreed to review Section 8-2, Affidavit, Petition, Preparation and Filing to identify potential further amendments to the process.

Mr. Rosenberg commented that he reviewed Section 3-3, Appointments in regards to whether the Town Manager and Town Counsel should be listed in this section. Mr. Rosenberg suggested that since Town Counsel is a true appointment by the Selectmen, this position should remain in this section. The Town Manager however, is more of a contractual agreement between the Selectmen and the individual. It was noted that it is explicitly stated in Article 5, Town Manager, Section 5-1 that the Selectmen shall appoint a Town Manager. The Committee agreed to ask Town Counsel whether it is necessary to list the Town Manager in this section if it is specified elsewhere in the Charter that the Selectmen appoint the Town Manager.

It was noted that there appears to be a few committees missing from the list in Section 3-3 that are appointed by the Selectmen and are not ad-hoc committees. Ms. Anderson offered to compare the committees and board listed in the Charter and Bylaws to identify committees and boards that should be added to Section 3-3, Appointments.

Ms. Anderson suggested an amendment to Section 2-5, The Moderator, Election, Temporary Moderator based on feedback that she received from other Moderators in Massachusetts regarding Deputy Moderators. The Committee reviewed the proposed changes and agreed that it would be beneficial to have a Deputy Moderator appointed by the Town Moderator and approved by Town Meeting at the beginning of each Annual Town Meeting. The Deputy Moderator would only have the powers of the Moderator when presiding at Town Meeting sessions, but will have no other powers or duties of the Moderator.

4. Proposed changes/issues submitted to committee

A memo from the Volunteer Coordinating Committee drafted in response to the question regarding the reappointment of incumbents in Section 3-5 was circulated. Ms. Nickerson then distributed her proposed revision to Section 3-5 for comparison. The Committee discussed potentially making a Bylaw amendment to Article 30, Volunteer Coordinating Committee along with an amendment to Section 3-5 of the Charter. Ms. Anderson and Ms. Nickerson agreed to work on this for the next meeting.

5. Voting on Proposed Changes

Ms. Nickerson made a motion to recommend revisions to Section 2-5, The Moderator, Election, Deputy Moderator as amended. Ms. Shepard seconded the motion.

The motion passed 7-0-0.

The Committee discussed the proposed amendment to increase the period of time that an individual must be out of an elected office before becoming Town Manager. The Committee agreed to hold off voting on this amendment until further research into the Massachusetts Conflict of Interest Law pertaining to this situation is conducted.

Ms. Bickford made a motion to recommend revisions to Section 5-1, Conditions of Office, Duties by striking the phrase “training, or previous” and adding the word “and.” Ms. Lloyd seconded the motion.

The motion passed 7-0-0.

Ms. Bickford made a motion to recommend revisions to Section 5-1, Conditions of Office, Duties by striking the phrase “if the individual is to be removed from office” and adding the phrase “from the position.” Ms. Shepard seconded the motion.

The motion passed 7-0-0.

Ms. Lloyd made a motion to recommend revisions to Section 5-1, Conditions of Office, Duties, a. as amended. Ms. Nickerson seconded the motion.

The motion passed 5-1-1, Ms. Anderson voted against and Ms. Shepard abstained.

Ms. Bickford made a motion to recommend revisions to Section 5-1, Conditions of Office, Duties, c. as amended. Ms. Lloyd seconded the motion.

The motion passed 7-0-0.

Ms. Bickford made a motion to recommend revisions to Section 5-1, Conditions of Office, Duties, e. as amended. Mr. Rosenberg seconded the motion.

The motion passed 7-0-0.

Ms. Lloyd made a motion to recommend revisions to Section 5-1, Conditions of Office, Duties, f. as amended. Ms. Bickford seconded the motion.

The motion passed 7-0-0.

6. Review major issues still pending and further actions, research required

Ms. Anderson indicated that she took a poll in regards to a potential amendment to the Finance Committee appointing authority in Section 6-1 and received varying opinions. Ms. Anderson will type a summary of these opinions for the next meeting.

7. Adjournment

Ms. Bickford made a motion to adjourn. Ms. Lloyd seconded the motion.

The motion passed 7-0-0.

The meeting adjourned at 9:26 p.m.

Action Items:

- Ms. Lloyd: review Section 8-2, Affidavit, Petition, Preparation and Filing and prepare potential amendment recall process.
- Ms. Anderson: Compare committees and board listed in the Charter and Bylaws, identify committees and boards that should be added to Section 3-3, Appointments.
- Ms. Anderson: Seek the opinion of the Finance Committee in regards to the proposed amendment to Section 2-11, Submission of Budgets by Elected Boards and Elected Committees to the Finance Committee.

- Ms. Anderson: Summarize varying opinions of a potential amendment to the Fincom appointing authority listed in Section 6-1, The Finance Committee.
- Ms. Anderson and Ms. Nickerson: Work on amendment to Section 3-5, Duties of Volunteer Coordinating Committee and potentially draft corresponding Bylaw amendment.
- Mr. Rosenberg: Review enabling legislature which describes the structure of terms for members of HATS.

Items to request of Town Counsel input:

- Section 2-7, Petitioner's Warrant Articles, confirmation as to whether the Town could change the number of signatures for a petitioner's article under Home Rule or if we are required to keep 10 under State Law.
- Section 5-3, The Warrant Report, confirmation that the timing of distribution of the notice along with the number of required signatures is stipulated by State Law but the method of distribution is not.
- Section 3-3, Appointments, is it necessary to list the Town Manager in this section, if it is specified elsewhere in the Charter that the Selectmen appoint the Town Manager?