

**Charter and Bylaw Review Committee Meeting Minutes  
Second Floor Conference Room, Town Hall  
Wednesday, January 8, 2020 7:00 p.m.**

**PRESENT:** Cathy Cordes, Chair; Betsey Anderson; Carol Amick; Jacinda Barbehenn; Daniel Brosgol; Bruce Murphy; Ed Pierce; and Jan Shepard

**ABSENT:** Maria Borino

**ALSO PRESENT:** Amy Hamilton, Recreation Dept.; John Linz, Historic Preservation Committee

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Ms. Cordes called the meeting to order at 7:03 p.m.

**1. Approval of the minutes of October 23, 2019, December 4, 2019 and December 18, 2019**

**Mr. Brosgol moved to accept the minutes of December 4, 2019. Ms. Barbehenn seconded. The motion passed 5-0-2. Ms. Amick and Ms. Anderson abstained.**

Mr. Pierce arrived at 7:15.

**Ms. Amick moved to accept the minutes of December 18, 2019 as amended. Mr. Murphy seconded. The motion passed 7-0-1. Mr. Brosgol abstained.**

**Mr. Brosgol moved to accept the minutes of October 23, 2019. Mr. Pierce seconded. The motion passed 5-0-3. Ms. Amick, Ms. Shepard and Mr. Murphy abstained.**

Ms. Cordes stated that she had been in contact with Ms. Borino, who indicated that she was resigning from the committee due to commitments of a new job.

**2. Communications from Departments and Committees**

**Recreation Commission**

Ms. Hamilton was present to discuss proposed revisions to the Recreation Commission bylaw. It was suggested that the bylaw should summarize the work of the Commission. There could be an additional document used by the Commission for recruiting and for new members. It was also noted that the Recreation Commission does not manage land and buildings used for recreation and that this should be eliminated from the bylaw. Ms. Hamilton will work with the chair of the Commission to simplify and update the proposed changes to the bylaw.

**Historic Preservation Commission**

Mr. Linz was present to ask if the committee had any questions about the proposed changes to Article 29, Historic Preservation Commission. It was suggested that the bylaws should include the date of the purchase and designation of responsibility for the Job Lane House. It was also suggested that the section relating to the Assessors could be eliminated. Ms. Amick will edit the wording and standardize references to the creation of the Commission.

## **Status updates from Member assignments**

### **Article 32 – Transportation Advisory Committee**

Ms. Barbehenn distributed proposed changes to Article 32. There was considerable discussion about the role of the committee as it relates to recommendations for traffic calming measures. In addition, the role of regional transit authorities and those of area communities were discussed. It was recommended that the language relating to traffic calming measures be simplified to include review and recommendations for traffic calming measures and that language related to expansion of transportation services be modified. Ms. Barbehenn will submit the proposed revised bylaw to the Transportation Advisory Committee for their review.

### **Article 20 – Historic District Commission**

Ms. Shepard presented proposed changes to Article 20 that included all of the special legislation that applies to the HDC and that clarifies that the functions and duties of the Commission are specified in the special legislation, not the bylaw.

It was noted that there are inconsistencies in the Bylaws in terms of references to Massachusetts General Laws and other special Acts of the Legislature. It was agreed to add two definitions to Article 1.6 and to review remaining articles for consistency in these citations. Recommended definitions to be added are:

- 1.6.1 Acts shall mean the Acts of the Massachusetts Legislature.
- 1.6.2 M.G.L. shall mean the Massachusetts General Laws. Ch. shall indicate the chapter of the law and Sec. shall indicate the section of the chapter.

### **Article 5.7 – Organization of elected boards and committees**

Ms. Anderson circulated proposed language that allows for reorganization later than 30 days after the election to allow for the practice of the School Committee to organize near the beginning of the new fiscal year. The recommended language is as follows:

- 5.7 All elected boards and committees of the Town shall organize after the Town election, but no later than July 1<sup>st</sup>. Within 30 days of the reorganization, they shall notify the Town Clerk in writing of their selection of Chair, Clerk, and any other officers.

It was agreed that no changes need to be made to the reorganization of appointed boards and committees since appointments take place after July 1<sup>st</sup> and during the fiscal year. There is a requirement for an annual reorganization of all appointed boards and committees.

## **Consideration of new bylaws**

Ms Amick distributed a draft of a proposed bylaw for the Patriotic Holiday Committee. This would require the Selectmen to make this a permanent committee. Ms. Pierce will discuss this with the Selectmen. Ms. Amick also suggested including the Fiscal Planning and Coordinating Committee in the Bylaws.

## **Votes on proposed changes to the Bylaws**

Ms. Cordes shared a document with the committee that included all current proposed changes to the bylaws. These will also be incorporated into the chart entitled Proposed Bylaw Changes..

### **Votes were taken on the following;**

**Article 2.3 Mr. Murphy moved to amend Article 2.3 (text below) to eliminate the capital A in Annual Town Caucus. Mr. Pierce seconded. Motion passed 8-0-0.**

#### **2.3 Nomination process**

Candidates for local office shall be nominated either by circulating nomination papers available from the Town Clerk, or by participation and nomination at the annual Town Caucus.

**Article 2.4 Mr. Brosgol moved to amend Article 2.4 (text below) to eliminate the reference to Citizen's in the description of the Town Caucus. Ms. Amick seconded. Motion passed 8-0-0.**

#### **2.4 Town ~~Citizen's~~ Caucus**

The Selectmen shall call a Town ~~citizen's~~ Caucus for the selection of nominees for various elective offices of the Town. The Caucus shall be held at least seven days before the date that nomination papers must be submitted for signature certification.

The first order of business of the Caucus shall be the selection of a presiding officer and secretary. The presiding officer shall outline the rules of the Caucus, which may be amended by vote of the Caucus. The Caucus shall receive nominations from the floor for each office. A person must be present at the Caucus to be nominated. The two candidates for each position that receive the highest number of votes shall be declared nominated, providing that any nominee receives at least a minimum vote of eight percent of the caucus members voting. Following written acceptance names of the Caucus nominees shall appear on the ballot without further requirements. Caucus nominees shall be designated as such on the ballot.

**Article 3.5 Mr. Pierce moved to amend Article 3.5 (text below). Ms. Shepard seconded. Motion passed 7-0-1. Ms. Amick abstained.**

#### **Article 3.5 – Limited to registered voters**

The attendance at any Town meeting shall be restricted to registered voters accounted for by the Town Clerk's check list, ~~and~~ The Moderator shall have the privilege of admitting and seating non-voters.

**Article 4.2.4.2 Ms. Amick moved to amend Article 4.2.4.2 to clarify the meaning of reconsideration and rescission (text below). Mr. Pierce. Shepard seconded. Motion passed 8-0-0.**

#### **Article 4.2.4.2 – Reconsider or rescind**

Reconsideration is a request to reopen debate on a motion previously voted. ~~on while~~  
Rescission overturns a previous affirmative vote and defeats the motion involved. Both are debatable, but not amendable.

Ms. Anderson will review *Town Meeting Time* and its treatment of a question of privilege in Article 4.2.1.5 which will be considered at the next meeting.

**Article 5.4 Ms. Shepard moved to amend Article 5.4 to clarify that it did not include members of the Select Board and the Moderator. Changes also include clarification of the qualification of an elected officer (text below). Mr. Brosgol seconded. Motion passed 8-0-0.**

#### **5.4 Vacancies in elected offices except Select Board and Moderator**

In accordance with M.G.L. Ch. 41, Sec. 11, if there is a vacancy in an elected committee or board consisting of two or more members, other than the office of Selectman, the remaining members shall give written notice of the vacancy to the Selectmen and Town Clerk within 30 days. The Selectmen and the remaining member or members of such board shall jointly fill the vacancy by a roll call vote. The Selectmen shall fill the vacancy if the notice is not given within the 30 days specified above. The Selectmen shall give notice of the vacancy 14 days before the planned appointment. The vote of a majority of the officers entitled to vote shall be necessary for this appointment. If a Town Election is scheduled within 120 days, these officers have the discretion to defer to the Town Election. The person appointed shall perform the duties of the office until the next Annual Election or until another person is qualified **by taking the oath of office**. The Selectmen shall give written notice of the new appointment to the Town Clerk within seven days.

**Article 5.5 Mr. Murphy moved to add Article 5.5 Vacancies in the Select Board (text below). Mr. Amick seconded. Motion passed 8-0-0.**

#### **5.5 Vacancies in Select Board**

**In accordance with M.G.L. Ch.41, Sec. 10, if there is a failure to elect or a vacancy occurs in the office of the Select Board, the remaining Select Board members or member may call a special election to fill the vacancy and shall call such election upon the request in writing of two hundred registered voters of the town, or twenty per cent of the total number of registered voters of the town, whichever number is the lesser; provided, that such request is filed with them not less than one hundred days prior to the date of the next annual election.**

A new section, to be numbered 5.6, will address a vacancy in the position of Moderator. Article 6.4 Board of Assessors will be reviewed and voted on at the next meeting.

It was requested that a definition of Arbor Resources be included in the proposed article. It was also suggested that the role of the committee is to advise rather than to assist.

#### **Next Meetings**

The committee will meet on January 15<sup>th</sup> and January 22<sup>nd</sup>. The committee will present to the Selectmen on January 27<sup>th</sup>.

5. Adjournment

**Mr. Brosgol moved to adjourn. Mr. Murphy seconded the motion.  
The motion passed 8-0-0.**

The meeting adjourned at 9:49 p.m.

Respectfully submitted,

Betsey Anderson

Clerk

Minutes approved: 1/15/2020