

**Charter and Bylaw Review Committee Meeting Minutes
Second Floor Conference Room, Town Hall
Wednesday, September 11, 2019, 7:00 p.m.**

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

ALSO PRESENT: Town Manager Sarah A. Stanton; Human Resources Manager Colleen Doyle; Library Director Richard Callaghan Assistant Library Director Noreen O’Gara; Library Trustee Elizabeth Hacala; Finance Committee members Ben Thomas, Paul Mortenson, Stephen Carluccio, Stephen Steele, Karen Dunn and Erica Liu; and Press Representative Joan Bowen

Chair Cordes called the meeting to order at 7:01 p.m.

1. Approval of the minutes of September 4, 2019

Mr. Murphy moved to approve the minutes of September 4, 2019 as amended. Ms. Anderson seconded the motion.

The motion passed 6-0-2, Ms. Amick and Ms. Shepard abstained.

2. Open Discussion for public or staff input

Section 5-1b

Town Manager Sarah A. Stanton reported that the Town’s lawyer spoke with the Attorney General’s office to get some guidance on adding language to the Charter to change the reporting structure of the Assessing Department. The problem is that there are a few places in MGL that reference the function of the Assessing Director. The Town of Arlington accomplished this through a Home Rule petition and the Town of Sharon accomplished it through the Charter. The Attorney General’s office recommended that the proposed language would accomplish what the DOR report recommended. Mr. Murphy added that the Assessors are comfortable with this language.

Ms. Amick expressed concern that the proposed language was not strong enough based on the reasons this topic was brought up in the first place. Ms. Stanton replied that only a Home Rule Petition would allow the Town Manager’s role to be expanded. She is confident that this language would accomplish what is needed and that the previous situation would not happen again.

Mr. Murphy moved to accept the amendment to Section 5-1b as written in the Proposed Charter & Bylaw Changes chart dated September 11, 2019. Ms. Barbehenn seconded the motion.

The motion passed 8-0-0.

Section 6-1 The Finance Committee and Section 6-2 The Capital Expenditure Committee.

Chair Cordes referenced a survey that was done by the Mass Moderators Association that included 110 Towns. Bedford’s Appointing Authority for the Finance Committee is unique in that it requires a unanimous vote. Other communities are mixed in the makeup of the committee with some communities just have the Town Moderator, others have a combination of individuals but none of them required a unanimous vote.

There are three options before the committee.

1. Leave the language the way it is currently written

2. Change unanimous vote to majority vote
3. Have the Appointing Authorities consist of five members as follows with a super majority voting requirement.
 - a. the Chair of the Selectmen
 - b. Chair of the Finance Committee
 - c. Chair of the School Committee
 - d. Town Moderator and
 - e. Chair of the Board of Assessors

Ms. Amick did some research and it seems that Bedford has had the unanimous vote requirement for many years even before the creation of the Town Charter. It was previously in the Bylaws that way and the process was not changed with the creation of the Charter. She added that a majority vote makes the process more political and a unanimous vote forces the appointing authority to find good candidates that they all can agree on.

Finance Committee Chair Ben Thomas noted that the last round of interviews took 4 meetings not 8 as mentioned at an earlier meeting.

Erica Liu was the last member appointed and she explained that she thought the process was through and did not need to be changed.

Mr. Pierce arrived at 7:28 p.m.

Karen Dunn thought having more members on the appointing authority would only benefit the Town as it fosters more discussion when there are different opinions.

Noreen O’Gara added that she was a former School Committee member and would love to see the schools have a role on the appointing authorities.

Stephen Steele asked what problem the committee was trying to fix. Chair Cordes responded that people who have been on the appointing authority in the past have found the process to be difficult. Ms. Anderson added that a unanimous vote allows the minority vote to control the situation.

Ms. Barbehenn left for 10 minutes to attend a hearing of another committee.

Both Mr. Thomas and Mr. Mortenson added that they have not heard that the process has failed in the past. Ms. Liu added that the process may take compromise but that it brings out other perspectives.

Ms. Amick moved to retain the current language for the Finance Committee and Capital Expenditure Committee. Mr. Brosgol seconded the motion.

Ms. Shepard suggested that the committee wait to vote until Ms. Barbehenn returned.

The committee discussed the following housekeeping options,

1. Adding Oxford Commas
2. Making the Charter Gender Neutral
3. Capitalizing the “T” in Town where applicable.

Ms. Barbehenn returned at 7:48 p.m.

Mr. Murphy moved to accept the housekeeping changes of adding oxford commas, making the charter gender neutral and capitalizing the T in Town where applicable. Ms. Anderson seconded the motion. The motion passed 9-0-0.

Chair Cordes reminded the committee that Ms. Amick moved to retain the current language for the Finance Committee and Capital Expenditure Committee. The motion was seconded by Mr. Brosgol. She asked the committee to vote.

The motion failed 4-0-5. Chair Cordes, Ms. Barbehenn, Ms. Anderson, Ms. Borino and Ms. Shepard abstained.

Ms. Shepard moved to change the unanimous vote to a majority vote in Section 6-1 Finance Committee and Section 6-2 Capital Expenditure Committee. Ms. Anderson seconded the motion. The motion failed 4-5-0. Mr. Pierce, Ms. Borino, Ms. Amick, Mr. Brosgol, and Mr. Murphy voted against.

Ms. Barbehenn moved to make the Finance Committee and Capital Expenditure Committee Appointing Authority consist of the five members, the Chair of the Selectmen, Chair of the Finance Committee, Chair of the School Committee, Town Moderator and Chair of the Board of Assessors with a super majority vote. Mr. Murphy seconded the motion. The motion failed 2-0-7, Chair Cordes, Mr. Pierce, Ms. Anderson, Ms. Amick, Mr. Brosgol, Ms. Shepard, and Mr. Murphy voted against.

3. Review of Charter

Section 5-1h

Ms. Shepard reported that when she researched Chapter 150E. Executive Officer does not need to be plural. The other change to section 5-1h is adding the word “the” before negotiation.

Mr. Pierce left for 7 minutes at 7:55 p.m.

Ms. Amick moved to add the word “the” before negotiation in the last sentence of Section 5-1h.

It was suggested that instead of adding “the” the committee should change “negotiation” to “negotiating”

The motion failed after further discussion.

Ms. Amick moved to change “negotiation of” to “negotiating” in the last sentence of Section 5-1h. Mr. Brosgol seconded the motion.

The motion passed 8-0-0.

Mr. Pierce returned at 8:02 p.m.

Article 8 – Recall of Elected Officials

Ms. Amick reported that she did more research of whether to include a section about recalling appointed officials but thinks Section 5.12 of the Bylaws accomplishes this and that if the committee wants to change the process that it should be done in the bylaws.

The committee discussed the last sentence in section 8-5 Incumbent to Continue Duties Until Recalled.

It currently reads as follows,

If the successor fails to qualify within five working days after receiving notification of his or her election, the office shall thereupon be deemed vacant.

The committee is suggesting changing it to read as follows,

If the successor fails to **take the oath of office** within five **business** days after receiving notification **from the Town Clerk** of his or her election, the office shall thereupon be deemed vacant.

Mr. Murphy moved to approve the amended language for Section 8-5 as written except for replacing “working days” with “business days”, changing “his or her” to “their” and adding official before notification. Ms. Amick seconded the motion.

The motion passed 9-0-0.

Ms. Anderson made the changes in the Charter to reflect the change for Selectmen to Select Board.

Ms. Shepard moved to change Selectmen to Select Board throughout the Charter as provided by Ms. Anderson. Ms. Amick seconded the motion.

The motion passed 9-0-0.

4. Open discussion

Chair Cordes will be presenting the Committee’s recommended changes to the Selectmen at their September 23, 2019 Meeting. She will send the draft report for the committee to review. The Committee agreed that the public hearing should be posted for after the September 23rd meeting since the Selectmen have not heard any of the recommendations yet.

5. Scheduling of Next Meetings

Ms. Doyle reminded the committee that they need to fill out the doodle poll for October through January to begin the review of the bylaws. Ms. Anderson stated that this committee historically reviewed only the bylaws of the general government and general formatting, grammatical or formatting changes in the rest of the bylaws. Chair Cordes offered to identify which Bylaws the committee should review.

Mr. Brosgol moved to adjourn. Ms. Amick seconded the motion.

The motion passed 9-0-0.

The meeting adjourned at 8:32 p.m.