

Minutes of Charter Review Committee

1/9/2019

Location: Lunenburg MHS MS Collaborative Room

1. CALL TO ORDER: 7:00 PM

Present: Steve Archambault, Chair (Community Representative), Terri Burchfield, Vice Chair (Finance Committee), Mark Erickson, Clerk (Finance Committee), Jaime Toale (Selectmen), Phyllis Luck (Selectmen), Nancy Gray (Community Representative), Tanner Cole (Planning Board), Jim LaVeck (School Committee), Heather Sroka (School Committee)

Absent: None

Meeting being recorded for broadcast.

2. APPROVAL OF MINUTES

10/24/2018: Terri moved to approve, Jamie seconded, vote unanimous

12/12/2018: Heather moved to approve, Jim seconded, vote unanimous

3. PUBLIC HEARING ON DRAFT CHARTER

Charter Committee Report: Steve (Chair) read the current version of the committee report into the record.

Comments by committee members: Phyllis asked why section 7-1, elections, not included; Terri clarified that it had not yet been voted but could be discussed during public comment. Terri also explained that we changed the Fincom section to be registered voter but other sections default to resident.

Read written comments on draft Charter into record: Steve read into the record comments from Jim, from the Town Moderator and from Bill Tyler, Cemetery commission.

Public Comments:

Clarence Floyd, 720 Goodrich St. spoke in favor of the Town Clerk being elected. He also sees no reason to change BOS to Select Board.

Dave Rodgers, 82 Highland St: Asked about opportunities for public comment. Steve clarified that each item can be commented upon.

Tim Murphy, 97 Island Rd: asked that days be clarified to say "including weekends and holidays." Town Manager selection committee should submit "name or names" in lieu of a list.

Bill Tyler, 5 Graham St: clarified cemetery changes: "sole" responsibility; section 4-2 (i) "Town Manager has control of property except" should include cemetery commission.

Carl Luck, 50 Sunset Lane: Asked if the document on the website is current. Steve said yes. He also asked about the minimum vote requirement, which will be discussed. He also questioned whether the super majority requirement still stands. Steve explained that purple and brown

changes have already been approved, en masse. He expects a super majority to be needed for any red items, individually, for the committee's recommendation. Discussion ensued as to when a super majority would be required or appropriate.

Katie Adams, Williams Dr: One option is to not make a change; we should resist changes if they are not needed.

Dave Rodgers: Thought we would go through the proposed changes and get options from the public, then the committee will act on it or not.

Close Public Comment Period: We decided to keep public comment open for the duration of the discussion portion of the agenda.

4. DISCUSSION

Deliberate, amend and vote of topics addressed in board/public comments.

Change to Select Board: Phyllis asked if there is a cost to the town; we think not. Clarence Floyd asked why we want to change. Steve explained the rationale that Select Board is more inclusive. Katie Adams commented that BOS is an easy acronym. Jim said he has heard both terms used and it seems interchangeable. Item marked as red so town can vote on the proposed change.

Town Clerk elected versus appointed: Steve asked Town Manager where "appointed" language would be placed: section 4-2 (c). Clarence Floyd said the position has always been elected and townspeople like it that way. Steve explained that many towns have an appointed position and that this is the only elected position that is paid. Jamie added that we plan to present pros/cons. It is split in the commonwealth; Town Clerks like it the way it is, either way. The differentiator is that it has become a position that needs substantial skills. Dave Rodgers said he has confidence that the voters will make sure candidates are well qualified. He questioned the requirement that they should be a resident and voiced his support that it be elected. He also said it is underpaid. Carl Luck asked if there are unintended consequences of the position being appointed. → Steve to check to see if it's union or non-union. Katie Adams suggested we may not be prepared to make a change, given some of the unknowns. She questioned whether the skillset means it needs to be appointed. In a democracy, it's sometimes less efficient but she favors that over moving the position to being appointed.

Second Town Meeting: Steve shared Town Counsel recommended language to section 2-4: Treat under the rules of ATM, not STM. Jim moved to approve, Phyllis seconded, vote unanimous (9-0).

Voter requirement versus resident: We had voted to approve "registered voter" for the fincom and leave the charter silent otherwise ("inhabitants" or resident for all other positions as laid out in section 1-1). Discussion ensued about age of candidates. Mark pointed out that these are appointed positions so let's not make it too complicated. Carl argued for keeping it as open as we can. Karin Menard said just because you're at Town Meeting doesn't mean you're going to vote and raised a concern about not having a voter requirement in other sections. She suggest we change section 3-2 (d) to consider "residents who are of age to vote."

Town Meeting Times: formalizes use for our Town; no discussion.

Appointments section 7-8 (f): clarifies who makes appointments, appointing authority or members of the committee itself. Town Counsel has proposed language. Dave Passios, Whiting St.: Agrees 30 days may be too short; questions what is meant by “pool”; could be a pool of 1; → Steve to send to the commission a PDF of Town Counsel’s proposed language.

Town Manager: responsibilities for charter enforcement, section 7-11; Tim Murphy: if we want to use “agency”, it needs to be defined in terms, and it is. Carl Luck raised a question of where a resident would go with a concern; it’s the Town Manager; if he/she’s not doing it, it goes to BOS.

TM has responsibilities for facilities except...Section 4-2 (i): Cemetery Commission wants to be included in this section. Steve referenced 1935 grant of land from Dickinson. Bill Tyler made comments in favor of making this change so that a building they are constructing from their own funds be dedicated to their use. Tanner urged caution about assigning jurisdiction for facilities outside of the commissions responsible for them; Jamie explained economies of scale and consistency of policy as reasons for centralizing control with the TM, given exceptions of Schools and conservation. Dave Rodgers commented that we have various elected commissions and they should have jurisdiction for their resources. Town Manager explained day-to-day care and sharing of resources. Also concerned about other implications such as insurance and additional equipment such as a dedicated backhoe. Katie Adams asked about “full jurisdiction” and unintended consequences, for example if the TM closes the Town Beach, how do we change that. Carl Luck voiced his agreement with Dave Rodgers. Gave the example of outsourcing Sewer maintenance in agreement with the DPW. Dave Rodgers raised a concern about the format and timeframe for the discussion. He stated that the DPW and Cemetery Commission combined resources for economies of scale but it hasn’t worked. Clarence Floyd commented he agrees with Mr. Tyler. Karin Menard said that Parks Commission has not really discussed this but offered her opinion that commissions should manage their assigned resources. Steve asked that recommended changes be forwarded to him.

Karin Menard requests that Parks Department section 3-9 (a) be changed to say “5 members.”

Discussion then returned to the issue of full jurisdiction in section 4-2 (i), in particular over the rental and use of facilities. Jamie pointed out that the Town Manager has responsibility for shared resources across the town through the budget process. Heather explained how the School Committee works with the Superintendent. Karin Menard referenced that MGL governs what some boards and commissions are responsible for. Bill Tyler explained they are not attempting to separate from anything, just wanting to make sure they have jurisdiction over their facility. Katie Adams asked whether “subject to written policies” presents an opportunity to further define the limits of jurisdiction. → Steve to modify the proposed change to say, “subject to written policies, set forth by elected commissions.”

Process for removal of TM: no discussion.

Changes marked in purple: no discussion.

Day or days refer to calendar days, defined in terms: discussed previously.

Change specific references to months so that they are in days.

Steve recapped comments that have been raised and asked for further comment. Still need pros/cons defined. Dave Passios asked about the Town Clerk change and Steve summarized the previous discussion. We clarified previous discussions on minimum write-in votes and determined we did not vote to include this. Dave Passios expressed his opinion that we should not include this. Karin Menard questioned why it is 53 votes. Phyllis explained the basis for the recommended change. Marie Burchfield, Emerald Place: gave her opinion that no change should be made. Carl Luck agreed to protect the right to vote. He argued that people have abused the vote in the past. He recapped his previous explanation of the rationale for this change. Katie Adams said the number of votes does not assure the effectiveness of a candidate. Karin Menard said there are several different opportunities to either get elected or get on the ballot and her opinion is that no requirement should be necessary.

5. MEETING SCHEDULE & FURTHER PUBLIC OUTREACH

Discuss upcoming meetings and outreach efforts

2019 Proposed Charter Review Meeting Dates:

Wed. Jan. 9th	7 PM MS/HS Auditorium (Public Hearing #1)
Wed. Jan. 23rd	7 PM Ritter Memorial
Wed. Feb. 13th	7 PM Ritter Memorial
Wed. Feb. 27th	7 PM MS/HS (Public Hearing #2)
Wed. March 13th	7 PM Ritter Memorial
Wed. March 27th	7 PM Ritter Memorial
Wed. April 10th	7 PM Ritter Memorial
Wed. April 24th	7 PM Ritter Memorial

Discussion: Steve commented on the opportunities for further discussion and asked everyone to submit comments or written input to the committee. Steve asked us to reach out to our respective commissions and double check if there are further changes.

6. ADJOURNMENT: 9:51 PM Jim moved to adjourn, Heather seconded, vote unanimous