

## Minutes of Charter Review Committee

Wednesday, 1/23/2019

**Location:** Ritter Building

### 1. CALL TO ORDER: 7:00 PM

- a. **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)
- b. **Absent:** None
- c. **Meeting being recorded for broadcast.**
- d. **Reminder: Public comments at beginning and end but not during deliberations.**

### 2. PUBLIC COMMENT

- a. Carl Luck 50 Sunset Lane: Read into the record his letter to the Committee, re minimum number of votes for elected positions. Requests proposed change be presented to Town Meeting for their vote.
- b. Terri: Would like to review section 7-7, Periodic Review, and consider a change in membership. Her proposal would be to have each elected commission designate one member to the Charter Review Committee. Steve read an excerpt about the Charter Review Process from MGL with regard to a provision for citizens' petition review. Steve will add to our agenda for the next meeting.

### 3. BOARD ANNOUNCEMENTS

- a. Phyllis said she had some questions about sections 4-2 and 4-4

### 4. MINUTES APPROVAL

- a. January 9, 2019, Jamie moved to approve, Terri seconded, vote unanimous

### 5. DISCUSSION

- a. Responses from committees/boards
  - i. Terri provided feedback from Fincom about "registered voter" versus "resident" and while it is their preference, they questioned whether "voter" is necessary; she mentioned that "voter" was stricken from the by-law during the most recent review. Section 2-1 stipulates that Town Meeting shall be "voters." Steve said the state is promoting youth contributing to committees; however, since they cannot vote, they can participate but not vote. Discussion ensued about who can vote at Town Meeting and whether the charter is clear or not about who can participate on committees. ➔ Steve to get clarification from Town Counsel because section 2-1 addresses the legislative branch as being the voters; does this imply that the rest of section 2 is also voters?
  - ii. Jamie reported that TM has not resolved Cemetery request
- b. Town Clerk
  - i. Elected or Appointed
  - ii. Job description
  - iii. Union non-union
  - iv. We agreed that this item is marked in red and therefore should be put before voters at Town Meeting. Discussion then ensued about our "recommendation" versus putting proposed

changes on the warrant. Tanner argued we should be cautious to only propose changes that we think should be made. Phyllis argued it should at least be on the ballot so that Town Meeting can decide. Jim agreed. We discussed the issue of majority versus super majority. Tanner suggested we should only propose changes on the warrant if we have a super majority, as a two-thirds majority will be needed at Town Meeting. Jamie suggested that our vote is whether or not to take an issue to Town Meeting. He said we should think of the Charter in the abstract, as it endures beyond any current incumbencies. Phyllis asked if the pro/con statements would be included in the warrant and we agreed they need to be mailed town-wide.

- v. Terri made a motion to propose a change to make the Town Clerk appointed; Jim seconded. Terri said she thought of it as an employee position, therefore should be appointed. Heather suggested we wait to hear from counsel. Terri withdrew her motion and Jim seconded.
- c. Minimum Write-in (7.11): Jamie moved to include a minimum of some number of votes, Phyllis seconded. Jamie said he agreed with Carl Luck's memo. Tanner argued that if the minimum was 53 and you only got 50 votes you would not be elected. It was agreed they would likely be appointed. Mark asked whether the Charter is truly broken on this issue. Tanner argued that regardless of the number of votes, the election result should stand. Jamie argued that in the past, write-ins were elected and became disruptive to their boards and did not finish their terms. Phyllis said she worked very hard to get elected. In favor: Phyllis, Jamie, Jim, Steve; Opposed: Nancy, Mark, Terri, Heather, Tanner.
- d. Resident requirements (3-2-d): Jim questioned whether section 3-2(d) should be changed to "residents who are of voting age." Jamie suggested we wait for input from Town Counsel.
- e. Appointment process - Town Counsel wording 7-8-(f): Steve read language proposed by Town Counsel to this section and to section 7-10. The remaining question is how many days.
  - i. Section 7-10 Town Counsel language change marked in purple by a Town employee, other than those on multiple-member bodies; Heather moved to approve, Jim seconded, vote unanimous.
  - ii. (f) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith and no later than 30 days thereafter, give written notice of such vacancy to its appointing authority. If no notice is given, the vacancy shall be deemed to have occurred 30 days after it actually occurs or after it becomes known to the appointing authority, whichever is later. If, at the expiration of 60 days following the delivery of such notice to the appointing authority, and there is a candidate(s) available, said appointing authority officer or multiple-member body has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members. Jim moved to approve, Heather seconded; amended to purple, all in favor.
- f. Parks Committee Request (3-9-a): Request a change to 5 members: Composition, Term of Office - There shall be a board of park commissioners consisting of 5 members elected for terms of 3 years each so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
  - i. Heather moved to approve, Tanner seconded, vote unanimous
- g. Cemetery request (4-2-i): Hold for feedback from Bill Tyler and the Town Manager
- h. Revisit/adjust # of days
  - i. Planning Board: Hold for now
  - ii. Other
- i. Article 1 intro
  - i. Town of Lunenburg Charter vs
  - ii. Lunenburg Home Rule Charter
  - iii. ➔ Steve to ask Town Counsel to clarify
- j. Wording & Placement Committees section 2-3 (c)
  - i. Add "Finance Committee" to (c) Powers and Duties

- ii. Jim moved to approve, Heather seconded, vote unanimous
- k. Identify Controversial Topics
  - i. BOS vs Select Board: Steve recapped arguments on both sides and asked if this is a change we want to propose. Terri moved to adopt "Selectboard"; Nancy seconded. Nancy argued that Selectmen is archaic; selectboard is more inclusive. Jamie pointed out that many do not want to change it. Various arguments for and against; some ambivalent. Terri changed her motion to add a definition that is more inclusive. Nancy seconded. Discussion: The change would show in red. Terri and Nancy in favor, rest against
    - 1. Jim moved we approve "selectboard" in place of selectmen, Jamie seconded; Heather, Phyllis, Mark opposed. Rest in favor
    - 2. Terri will write pro; Heather will write con
  - ii. Town Clerk Elected vs Appointed: Hold for Town Counsel feedback
  - iii. Minimum Write In Vote: Voted down
  - iv. Other
    - 1. Voter versus resident pending Town Counsel feedback
    - 2. Cemetery: waiting on Town Manager feedback
  - v. Assign Pro – Con write up
  - vi. Jim suggested and it was agreed to change library section 3-7 to purple
- l. Brainstorm action plan ideas for Town Meeting Presentation
  - i. Article 1: purple changes
  - ii. Article 2: brown changes
  - iii. Article 3: red change 1
  - iv. Article 4: red change 2
  - v. Etc.

## 6. ACTION ITEMS BEFORE NEXT MEETING

- a. Continue to communicate with boards, committees and departments to identify and clarify possible draft charter changes.

## 7. PUBLIC COMMENT

- a. Katie Adams, Williams Dr.: Instead of purple, brown, red, we should label these changes for the benefit of the public.
- b. Dave Passios, 56 Whiting St.: Suggests we get accurate data about Town Clerk elected versus appointed across the state.

## 8. BOARD COMMENT/CONCERNS

- a. None

## 9. MEETING SCHEDULE

- a. Meetings are held at Ritter Memorial Building, 7:00 PM, on the second and fourth Wednesdays of the month, unless otherwise indicated.
- b. Proposed upcoming meeting dates

Wed. Jan. 23 <sup>rd</sup>	7 PM	Ritter Memorial
Wed. Feb. 13 <sup>th</sup>	7 PM	Ritter Memorial 3 members absent (Heather, Jim, Mark) Terri to propose language section 7-7
Wed. Feb. 27 <sup>th</sup>	7 PM	(tba) (Public Hearing #2)
Wed. March 13 <sup>th</sup>	7 PM	Ritter Memorial
Wed. March 27 <sup>th</sup>	7 PM	Ritter Memorial

Wed. April 10<sup>th</sup> 7 PM Ritter Memorial  
Wed. April 24<sup>th</sup> 7 PM Ritter Memorial

10. ADJOURNMENT: 9:28, Terri moved to adjourn, Heather seconded, all in favor

Respectfully submitted by Mark Erickson