

Charter REVIEW COMMITTEE VOTED MINUTES

Monday, April 22, 2019-4:00

Old Water Department Meeting Room -- Town Hall

59 Town Hall Square, Falmouth MA 02540

Members Present: Peter Clark, Chairman; Judith Fenwick, Vice Chair;

H. Carter Hunt; Daniel H. Shearer; Flannery du Rivage Rogers;

Charles McCaffrey; Frank Duffy, Esq., ex-officio

Members Absent: David Garrison

Also Present: Michael Palmer; Enterprise; Doug Brown

A. Open Meeting

At 4:03 Peter Clark called the meeting to order.

B. Hear General Public Comment

None offered.

C. Discuss and Act on Minutes from April 1, 2019

Dan Shearer moved to approve. Charles McCaffrey seconded. All in favor except Flannery du Rivage Rogers abstained. Motion passed.

D. Review New Committee Emails and Documents

Peter Clark reported that there were no new emails.

E. Discuss and Act on Adding for Charter Change Consideration the Issue of Expanding Town's Investigative Authority

Peter Clark explained that an email from Doug Brown was the impetus for this agenda item. A discussion included the following:

- The Board of Selectmen has fairly significant investigative powers but has not often used them. It can subpoena witnesses and take testimony among other powers. The town manager and town counsel's office also have some investigative powers. The Board of Selectmen, for example, may follow up on a project funded by the CPC to ensure funds are being spent appropriately. The town must have a stake in the project in order to exercise the investigative powers.
- Peter Clark questioned whether expansion of investigative authority was beyond the scope of the CRC. Should this issue go in another bucket?
- The committee asked what exactly was in need of investigation. At this point Doug Brown joined the meeting. He explained that many residents have been complaining about sober houses popping up and he would like Gosnold to come to the Board of Selectmen to speak about the issue. Since they take tax money, they should be accountable, Doug Brown said. He would like to regulate the institutions that place people.
- A license is not required by the state for a sober house. It is difficult to get information about sober houses. The federal Fair Housing Act prohibits discrimination of people

with disabilities including those with addictions. There are lots of unknowns and the situation is confusing.

- The state is looking into the issue and may take some action.
- Zoning may not be used to discriminate.
- The Building Department, Fire Department and Board of Health have some investigative powers and can address some concerns.
- This issue does not belong in a Charter review.
- There is already investigative authority granted to the Board of Selectmen by the Charter.
- Though the concerns are legitimate, this is not a Charter issue at all.
- It should not be in the Charter because if the state moves on the issue, the town could then be in conflict.
- It is hard to see the justification for increasing investigative authority for this particular problem.

Judy Fenwick moved to place this issue in the second bucket. Dan Shearer seconded.

Judy Fenwick urged that this issue be given importance and could be a model for bucket two items. She expressed concern that she had been hearing concepts such as ‘investigate’ and ‘target’ and would like to begin speaking in terms of ‘sustain’ and ‘support’.

A vote was taken and all in favor; motion passed.

F. Discuss and Act on Preliminary Recommendations for Coordinating and Aligning Planning Processes--Charles McCaffrey

1. How do we vet them further?

A discussion included the following:

- Some changes were made to make the Board of Selectmen more able to enact rules and regulations.
- The protocol for changes was too difficult to follow and so not all of the changes follow the protocol on this draft.
- Regarding how to frame these proposed changes, the committee should look at core ideas and vote recommendations on those.
- The big picture here is alignment of the planning processes and implementation of policies.
- Regarding language, rules and regulations are somewhat permanent and policies less permanent.
- The concepts ‘guidelines’ and ‘policies’ are not synonymous.
- The committee discussed having Charles McCaffery and Frank Duffy meet to work on the language or continue to discuss as a whole committee; the consensus was to finish the discussion with the whole committee.
- This language is designed to enshrine procedures to ensure action by the Board of Selectmen. It gives the Board of Selectmen the ability to follow up.
- It could be that this proposed language is asking the Board of Selectmen to do something it is not going to do.
- It was finally decided that Frank Duffy and Charles McCaffery would work together on this language.

G. Discuss and Act on Preliminary Recommendations for Terminology Changes--Carter Hunt

1. How to vet and how to frame these as a Warrant Recommendation?

The committee had a brief discussion.

H. Discuss Committee Procedures

Organization of the April-June Work Process

The discussion included the following:

- How long did committee members sign on for? There is no requirement that the project be completed one year.
- The project could be continued into next year and work completed this year could be presented to the Board of Selectmen.
- Some proposals could be advanced this year; others in the next year.
- Terminology could be done this year and more substantive changes presented next year.
- If there were 30 ballot questions, how much attention could voters give to these?
- The first bucket issues should be done this year.
- The number of work sessions should be increased in an effort to finish this year.
- The Board of Selectmen need to hold hearings on the proposals so the ideas presented to them need to be well developed.

I. Work Sessions

- Finance/Budget: Dan leads, with Carter and Flannery
- Committee Effectiveness: Peter leads, with Judy and Charlie

The committee spent 15 minutes discussing finance/budget and committee effectiveness.

J. Discuss New Business: None.

At 6:06 Carter Hunt moved to adjourn. Dan Shearer seconded.

NEXT MEETING: Monday April 29

Relevant Documents:

Minutes 4/1/19

Doug Brown email