

CHARTER REVIEW COMMITTEE VOTED MINUTES

Monday May 6, 2019 – 4:00 p.m.

Old Water Department Meeting Room -- Town Hall

59 Town Hall Square, Falmouth MA 02540

Members Present: Peter Clark, Chairman; H. Carter Hunt; Daniel H. Shearer; Judith Fenwick; Frank Duffy, Esq., ex-officio

Members Absent: David Garrison; Flannery du Rivage Rogers; Charles McCaffrey;

A. Open Meeting

At 4:05 Peter Clark called the meeting to order.

B. Hear General Public Comment

None offered.

C. Discuss and Act on Minutes from April 29, 2019

Carter Hunt moved to table. Dan Shearer seconded. All in favor. Motion passed.

D. Review New Committee Emails and Documents

Peter Clark reported no new emails.

E. Discuss Preliminary Recommendations on Committee Effectiveness--

Peter Clark noted that the document to be discussed was dated 5/2/19. The discussion included the following:

- The first problem identified was that there are various terms for committees.
- Defining all as governmental bodies may address this.
- The second problem discussed was what governmental bodies should be included in the Charter.
- In the Charter there are 4 governmental bodies named that are not mandated or regulatory. Should they be deleted?
- Other charters do not speak much about committees.
- If they are left in, it would be more difficult for them to reorganize.
- They are in the Charter for historical reasons and no longer need to be there.
- They should be untethered from the Charter.
- This should be referred to the Board of Selectmen for bylaws.
- Would all 41 or 42 committees need a bylaw?
- This could be done at the discretion of the Board of Selectmen.
- Regarding the definition of governmental bodies, a committee formed to advise the town manager may not be subject to open meeting laws but must vacancies be advertised?
- Should it be defined in the Charter why some meetings are not subject to open meeting laws?
- A question to consider is what is in the charter that doesn't need to be there.
- Do we need an explanation of why some governmental bodies are in the Charter and some are not?
- Considerations for categorization of governmental bodies included their source of authority and whether members were appointed or elected.

- The third problem considered defining Charter detail on roles and responsibilities of governmental bodies. This was thought to be fairly good as is.
- The fourth problem addressed was defining and clarifying conditions to be met in creating and monitoring governmental bodies by the Board of Selectmen. The Board of Selectmen should be accountable when they create a governmental body.
- It was expressed that a coordinator of volunteers on committees would be a good idea for this valuable resource.
- Problem five addressed creation of governmental bodies by town meeting. Ideas expressed included that town meeting power to create governmental bodies should be limited to bodies involved with town meeting business and that the ability to create committees by town meeting should not usurp Board of Selectmen authority.

F. Review Revised Preliminary Recommendations on Finance/Budget--

Dan Shearer

A discussion included the following:

- The Finance Committee does not conduct public hearings.
- Review could take place at the Board of Selectmen meeting.
- There is not adequate time during the Board of Selectmen meeting.
- Also, the Board of Selectmen meeting is not a public hearing; at a public hearing, the public has a right to speak.
- Open meeting are not public hearings.
- Public hearings are the only way to ensure public input.
- This should remain in the Charter.

No vote was taken.

G. Review Revised Preliminary Recommendations on Terminology--

Carter Hunt

Placement of definitions was discussed and opinions about the location differed.

H. Discuss Committee Procedures

The committee discussed how to communicate with those who would be affected by committee recommendations.

Organization of the April-June Work Process

At 6:03 Carter Hunt moved to adjourn. Dan Shearer seconded.

NEXT MEETING: Monday May 13; 4:00 PM

Relevant Documents

Committee Effectiveness 5/2/19