

CHARTER REVIEW COMMITTEE DRAFT MINUTES

Monday June 10, 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; Flannery du Rivage Rogers; Charles McCaffrey; David Garrison; Judith Fenwick;

Frank Duffy, Esq., ex-officio

Also Present: Michael Palmer

A. Open Meeting

At 4:02 Peter Clark called the meeting to order.

B. Hear General Public Comment

None offered.

C. Discuss and Act on Minutes from June 3, 2019

David Garrison moved to approve the minutes. Carter Hunt seconded. All in favor; motion passed.

D. Review New Committee Emails and Documents

Nothing to report.

E. Discuss and Act on Preliminary Recommendations on Finance/Budget, proposed new section C2-15D--Shearer and Duffy

Carter Hunt moved to approve as amended. Daniel Shearer seconded. All in favor; motion passed.

(new section) **C2-15D: The Finance Committee shall review and make recommendations to Town Meeting on 1) the town budget and any recommendations thereto and 2) articles requesting an appropriation of money or having financial consequences for the Town. It shall approve any transfers from the reserve fund. For these purposes, the Finance Committee may require the attendance of any department head or other town official and take public comment. Its meetings shall comply with the Open Meeting Law.**

F. Discuss and Act on Preliminary Recommendations on Executive Authority, proposed new section C3-7H -- Garrison and Duffy

David Garrison moved to approve as amended. Carter Hunt seconded. All in favor; motion passed.

(new section) **C3-7H: The Board shall have the power and authority to adopt rules and regulations, after public hearing and publication, for conducting of town busi-**

Falmouth Charter Review Committee minutes for June 10, 2019 meeting

ness, the use of town and real and personal property and other matters within its jurisdiction, and set penalties for violations thereof.

G. Discuss and Act on Remaining Preliminary Recommendations on Aligning Plans -- McCaffrey

A discussion focused on C3-3A and included the following:

- This proposal expands the power of the Board of Selectmen perhaps more than any other proposal the CRC has entertained.
- Policies are not laws; they are a basis for discussion.
- Policies can have strength but are not judicial.
- There should be procedures to ensure that policies are followed.
- The Board of Selectmen do have this authority already; it is more a question of the authority they have not being exercised.
- Some assurance is needed that plans are followed, adhered to.
- Plans are good but there has to be room for exceptions and adjustments will need to be made.
- If you want compliance, a bylaw is helpful.
- This issue is a big concern; perhaps it should be placed in the second bucket.

David Garrison moved to place this issue in the second bucket. Carter Hunt seconded. All in favor; motion passed.

Regarding C4-6B: Planning Board

Comments included: This issue is covered under other regulations; The present situation does not seem problematic.

Carter Hunt moved to approve. Daniel Shearer seconded. All in favor except David Garrison opposed; motion passed.

C4-6B: The Board shall make recommendations as it deems necessary on all matters concerning the physical, economic and environmental development of the town to the Board of Selectmen and to the parties directly involved the Town Planner, who acts as the Board's Administrator. [Amended ATE 5-15-2007, Question 5] **At the request of the Planning Board any town agency dealing with significant public improvements relating to the physical, economic, and environmental development of the town, shall report the status of such plans or development to the Planning Board so as to be evaluated for consistency with the Local Comprehensive Plan.**

Regarding C4-6D: Planning Board

Flannery du Rivage Rogers moved to accept as amended. Charles McCaffery seconded. All in favor; motion passed.

C4-6D: ~~Wherever~~ The Planning Board **shall** recommends proposed amendments to the Zonng Board. ~~It~~ shall provide detailed written explanations of its recommendations and

Falmouth Charter Review Committee minutes for June 10, 2019 meeting

the extent to which such recommendations are consistent with the **Master Local Comprehensive Plan**.

Regarding C8-6: Capital improvements plan

Charles McCaffery moved to approve as amended. Carter Hunt seconded. All in favor; motion passed.

C8-6A: The Town Manager shall prepare a five-year capital improvements plan which shall include a clear summary of its contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, together with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired, **and an analysis of the consistency of each capital improvement project with the Local Comprehensive Plan and the Long-Range Plan**. The above information shall be revised and extended each year with regard to capital improvements pending or in the process of construction or acquisition. [Amended ATE 5-15-2007, Question 12]

H. Discuss and Act on Preliminary Recommendations on By-Law Review-- Rogers

Flannery du Rivage Rogers moved to accept as amended. Charles McCaffery seconded. All in favor; motion passed.

C9-9 Revision of bylaws: The Board of Selectmen shall ensure that the town bylaws are reviewed **periodically in whole or in part**, and prepared for any necessary revision or amendment ~~at least every five (5) years~~.

I. Discuss and Act on a Requested Amendment to Prior Action-- Judy Fenwick

Judy Fenwick explained that her proposals addressed her concerns about excising the 4 committees from the Charter without some provisions in place for them in town bylaws. She proposed leaving the four committees in for now and recommending that the Board of Selectmen pass the appropriate bylaws so that the next Charter Review Committee can propose deleting mention of the four committees from the Charter. Concern was expressed that this issue had been discussed and voted.

Flannery du Rivage Rogers moved to table. Charles McCaffery seconded. All in favor; motion passed.

J. Preview Public Forum: Draft of Information Packet, Agenda, and other matters:

Plan for Public Forum was discussed.

At 6:08 the meeting adjourned by consensus.

Falmouth Charter Review Committee minutes for June 10, 2019 meeting

NEXT MEETINGS:

Thursday, June 13; 5:30--Public Forum at Hermann Room

Monday June 17; 4:00 PM