CHARTER REVIEW COMMITTEE (Voted Minutes)
Wednesday, July 10, 2019 – 7:00 p.m.
Old Water Department Meeting Room -- Town Hall
59 Town Hall Square, Falmouth MA 02540

Members Present: Peter Clark, Chair; Daniel H. Shearer; Flannery du Rivage Rogers; David Garrison; Judy Fenwick; Charles McCaffrey Frank Duffy, Esq., ex-officio
Members Absent: H. Carter Hunt
Also Present: Michael Palmer; Enterprise

A. Open Meeting
At 7 PM, Peter Clark, Chair, opened the meeting.

B. Hear General Public Comment
None offered.

C. Review New Committee Emails and Documents
No new emails or documents.

D. Discuss and Act on Final Recommendations to Board of Selectmen, based on Review of Thirty Preliminary Recommendations presented at June 13 Public Forum and based on Added Issues Raised by CRC members

Item #15 (C3-7G): The Committee discussed the proposal in item #15 (C3-7G) that would require the Selectmen to publish the warrant on the Town website, and to delete the existing requirement that the warrant be published in the local newspaper.

Judy Fenwick moved, second by Charles McCaffrey, that the proposal be withdrawn from the Committee’s list of items. Approved, 5-1 (Garrison).

Item #22 (C6-7D): The Committee discussed the proposal in item #22 (C6-7B) that the Town Clerk be required to post the official town ballot on the Town’s webpage, and to delete the existing requirement that the town ballot be published in the local newspaper.

Judy Fenwick moved, second by Flannery du Rivage Rogers, to withdraw the proposal from the Committee’s list of items. Approved, unanimously.

Item #7 (C2-4): The Committee discussed the proposal in item #7 (C2-4) that the Town Clerk be required to post the record of attendance at Town Meeting by Town Meeting members on the Town webpage, and to delete the requirement that the attendance record be published in the local newspaper.

Judy Fenwick moved, second by Flannery du Ribage Rogers, that the preliminary approval of this item be rescinded and the proposal removed from the Committee’s list of items. Approved, unanimously.

Item #17 (C4-6): The Committee reviewed Town Manager Julian Suso’s June 17 email expressing concern about aspects of item #17 regarding the authority of the Planning
Board. The Town Manager raised a concern about the import of the existing language in C4-6B that he felt undercut the reporting relationship between the Town Manager and the Town Planner. The Committee discussed the matter and reached a consensus that this was a new issue on which the Committee had not gathered information. The Committee decided it did not have sufficient time remaining to research the issue.

The Committee discussed the Town Manager’s second concern, this time about the Committee’s proposed addition of text to C4-6B that would require town agencies to provide the Planning Board with an opportunity to assess the consistency of “significant public improvements” with the Local Comprehensive Plan. Mr. Suso expressed concern that the proposed language might place a heavy bureaucratic burden on town agencies seeking to move forward on many projects. The Committee discussed the matter but took no action.

Item #29 (C8-6A): The Committee discussed Town Manager Suso’s concern about the wording of the proposed additional text in C8-6 that would require the Town Manager to prepare an analysis of the consistency of capital improvement projects with the Local Comprehensive Plan. The Committee modified the proposed language.

Charles McCaffrey moved, second by Judy Fenwick, that the revised version of the Committee’s proposal on changes to C8-6A be approved. All in favor; motion passed.

C8-6 Capital Improvements Plan

A. 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 that is a significant public improvement relating to the physical, environmental, or economic development of the town with the Local Comprehensive Plan and 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.

Item #14 (C3-6B and C): Peter Clark raised a concern about a possible inconsistency between language in C3-6B and C (Board of Selectmen/Powers of Appointment), specifically in the text of the current charter in C3-6B that reads “as provided in Article VII”.

Judy Fenwick moved, second by Dan Shearer, to substitute the text “that are listed” for “as provided”. All in favor; motion passed.

The proposed revision of C3-6 B and C now reads:
C3-6:

B. The Board shall also have the power to appoint governmental bodies that are listed in Article VII.

C. The Board shall also have the power to appoint other governmental bodies and define their duties, set the limits for the scope of their responsibilities and terms of their existence. Any such committee having a planning function shall coordinate its activities with the Planning Board.

C7-5 (Appointed Town Boards/Board of Assessors): The Committee discussed an email received from Trisha Favulli, the Director of Assessing, that expressed concern about the impact that the charter-imposed term limits has on the ability of the Town to fill and retain members of the Board of Assessors. The Board has three positions, two of which must be filled and voting in the affirmative in order for the Town to proceed with the regular assessment process under state law. Board members are required to take a test before they can serve. Committee members expressed support for the request although several asked that an effort be made to get comments on the idea from the Chair of the Board of Assessors as well as the Finance Director.

Dan Shearer moved, second by Judy Fenwick, that the CRC propose amending the charter to grant the Board of Assessors an exemption from the term limit requirement. All in favor; motion passed. Town Counsel Frank Duffy will draft the appropriate language to accomplish this purpose for the CRC’s consideration. The agenda for the next CRC meeting (July 15) will include an opportunity to receive any further information about this proposal from town officials or others.

The Committee considered an email from Barbara Schneider recommending that the phrase “Overseer of the Warrant” be substituted for the Watchman of the Warrant rather than the “Watcher of the Warrant” phrasing the CRC is currently recommending. The Committee took no action.

The Committee discussed an email received from Town Meeting Member Virginia Valiela in which she raised an objection to the CRC’s proposal (#13: C3-3B, Board of Selectmen/Policy Leadership) to strike the charter requirement that the Board of Selectmen “hold a joint meeting at the very least twice per year, with the Planning Board”. Because this charter requirement for semi-annual meetings is not followed by current town practice, the CRC has proposed that the joint meeting language be dropped in favor of a requirement that the Board of Selectmen “before the start of each calendar year, publish an annual schedule for” meetings about the town’s Master Plan. Ms. Valiela argues that requiring an annual schedule of meetings will work no better than the current semi-annual meeting mandate. The Committee considered the matter and took no action.

The Committee discussed an email received from Town Meeting Member Jim Callahan which proposed that each town agency or committee, in its annual report to Town Meeting, should include information on how the past year’s activities have advanced the
Local Comprehensive Plan and how the proposed program for the next year will support the LCP. The Committee considered the idea but took no action, noting it was a new issue about which the Committee would not have time to research prior to making its recommendations to the Board of Selectmen on July 22.

The Committee again discussed the problem of the tiny typeface in which the warrant is published in the Enterprise in order to keep the warrant to a single page. David Garrison argued again that the town needed to increase the amount of newspaper space devoted to the warrant so that the font could be easily read. Dan Shearer asked if this point could be put on the Committee’s “Bucket Two” list. There was an affirmative consensus.

The Committee discussed its proposed new section C3-7H (Board of Selectmen/Specific powers, administrative duties and responsibilities). Chairman Clark asked that the Committee consider moving the phrase “after public hearing and publication” to a different place in the sentence to achieve more clarity. The Committee agreed that Peter Clark would work with Frank Duffy on this drafting point.

Chairman Clark asked Committee members for comments and edits on the draft “explanations” for each warrant change as set forth in Frank Duffy’s latest recitation of the text of the Committee’s proposed charter changes. David Garrison said he had a number of suggestions and would send them to the Chairman and the Committee.

Judith Fenwick said she would develop a Power Point presentation of the Committee’s recommendations for the Chairman’s use during the July 22nd meeting with the Board of Selectmen.

The Committee had a brief discussion about the overall size of the CRC’s package of proposed charter changes. The topic will be further discussed at the Committee’s next meeting. The Committee also agreed that it would turn to refining the components of its “Bucket Two” list once the presentation for the Board of Selectmen was in order.

**Judy Fenwick moved, second by Dan Shearer, that the meeting be adjourned. All in favor; motion passed.**

NEXT MEETING

Monday, July 15, 6:30 PM