

## Minutes accepted 6/7/2022

Charter Review Committee Minutes  
Tuesday May 10, 2022  
5:00 PM  
Via Remote Participation  
Westwood, MA 02090

Pursuant to Chapter 20 of the Acts of 2021, On June 16, 2021, Governor Baker signed into law An Act Extending Certain COVID-19 Measures Adopted during the State of Emergency. This Act includes an extension, until July 15, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order. The May 10, 2022 Charter Review Committee meeting was conducted via remote participation.

### **Call To Order:**

The meeting was called to order at approximately 5:04pm by Co-Chair Paul Fitzgerald.  
All attendees participated remotely and the meeting was recorded.

### **Present via Remote Participation:**

Paul Fitzgerald-Co-Chairman, Peter Cahill-Co-Chairman, Nancy Hyde & John Loughnane.  
Ex-Officio Members: Dottie Powers, Town Clerk, Patrick Ahearn, Town Counsel, Christopher Coleman, Town Administrator.  
Jessica Cole who recorded the Minutes.

### **Accept the Minutes from the April 5, 2022 meeting:**

Mr. Fitzgerald was asked if the Minutes could be done at the end of the meeting. All agreed.

### **Discuss/Vote to recommend to the Select Board to appoint Attorney Goldberg as Special Legal Counsel for the Charter Review Committee:**

Upon a motion made by Mr. Ahern and seconded by Mr. Cahill to recommend Attorney Goldberg as Special Counsel for the Charter Review Committee to the Select Board.

Before the roll call vote, there was discussion by the Charter Review Committee.

#### **Discussion:**

Ms. Goldberg was present for the discussion. Mr. Fitzgerald stated that Attorney Goldberg was Special Counsel to the Charter Review Committee last time it was updated.

Attorney Goldberg gave the Committee a brief intro:

She has been a Managing attorney at KP Law since 2000. She stated that she works on Charter Bylaw interpretation drafting. KP Law represents over 130 communities and has experience governing documents. She gave a background on herself, she does a lot of work with city solicitors and Town Counsel clients on charters and bylaws; and with elected and appointed Charter Review Committees. She looks at what they want to accomplish and to make the process go smoothly.

Ms. Hyde: You mentioned important/complex charters you have reviewed. Without giving details today, are you able to inform us about trends occurring across the state? *Attorney Goldberg: Yes. One item she recommends is that language be gender neutral. She has also seen town forms of government turn to city forms of government.*

Mr. Fitzgerald: Are there best practices that you've seen in terms of changes in the Charter? *Attorney Goldberg: Look at what is in the Charter to see if it needs to be in there. Attention paid to the budget process. Remove all transition provisions. Double check all of the citations to general laws. Common change allows the Town Administrator to approve warrants for payment. Dealing with use of municipal facilities, who can use them and who takes care of them. Her job is to provide the committee with support needed to make decisions. Is what is in the Charter working in reality and do we want it to match with reality? Taking the time to talk to the Public is very useful.*

Ms. Hyde: Is the area of how Town Meeting operates specifically Aye, Nay, Indefinite Postponement procedures? *Attorney Goldberg : Typically done by Bylaws, but can put something in the charter.*

Mr. Ahern: Are you seeing trends to not use quorums? *Attorney Goldberg: A lot of Towns do not use quorums for Town Meetings.*

Are you seeing any changes due to uncontested elected positions? Make committees appointed? *Attorney Goldberg: How hard it is for volunteers. Elected - appointed. Some Towns some positions are appointed and some are elected. It is a trend to have volunteer boards to be appointed more often than elected.*

Mr. Cahill: Ms. Goldberg's expertise and wealth of knowledge in this area reveals itself and wanted the Charter Review Committee to get to the question of hiring her.

**Action Taken:**

Upon a motion made by Mr. Ahern and seconded by Mr. Cahill, The Charter Review Committee voted in favor (4-0) via roll call vote to recommend Attorney Lauren Goldberg as Special Legal Counsel for the Charter Review Committee.

Mr. Coleman will present it to the Select Board and reach out to Attorney Goldberg about a contract.

**Follow up from the last meeting:**

Mr. Fitzgerald stated that Mr. Coleman highlighted issues at the April 5th meeting. Mr. Fitzgerald asked if there were any other issues to discuss.

Address the elected Town Treasurer and Town Collector position.

Quorum for Town Meeting.

Explore-expanding the # of Select Board.

Representative Town Meeting and Town/Council Form of government.

Moderator 1-3 years.

Procurement issues-Flexibility

Emergency Management Director

Mail booklets for Town meetings.

**Review/Discuss the Charter and areas Committee members would like to discuss:**

Mr. Ahern stated that at one point the Town Clerk, Moderator, Tax Collector and Treasurer were all 1 year terms. Mr. Fitzgerald thought it should be looked at again.

Procurement Issues, which is our new reference to give us more flexibility as Chapter 30b changes all the time.

Ms. Powers suggested looking at the Charter piece by piece. She also has concerns about the inconsistency between the existing Charter and the Bylaws.

**Discuss a project timeline:**

Mr. Cahill discussed how the Charter Review worked last time. It was almost a 2 year process and started with surveying the key Boards and functions in town. Sent out surveys with exploratory questions to all the Boards in Town. See how they were functioning. Established public outreach. Culminated with a recommendation for actual amendments. It was a thorough process and went through section by section. Bylaws are beyond the scope of the committee, but will have suggestions.

Ms. Hyde suggested that the Charter Committee should look at the bylaws and the Charter, and look for inconsistencies.

Mr. Fitzgerald stated that last time, the Charter Review was followed immediately by the Bylaw Review Committee. He asked Mr. Cahill to share the survey from last time. Over the summer, the survey should be distributed to the boards and committees then invite them to a meeting. Mr. Fitzgerald also wants Attorney Goldberg to give us best practices and to point out issue spotting.

Ms. Hyde had a timeline question. We may come across something that should be changed while the committee is still doing its work. Can we consider Phase I and Phase II actions at Town Meeting(s)? *Attorney Goldberg: There are two ways to change the Charter: Request Special legislation with majority vote at Town meeting. Another way: As long as not making changes to the legislative body, Town Manager or Select Board, subject to a 2/3 vote at Town meeting and then appear on the ballot 90 days after it is submitted to the Attorney General for review. Benefit to that route: the process is very clear. Rather present at Town Meeting/Ballot or Town meeting to the General Court and then maybe the ballot.* Mr. Fitzgerald asked Attorney Goldberg to write up a memo to the Committee.

Mr. Cahill asked if we could start the survey in the summer and finish the process by December?

Attorney Goldberg: A lot of communities, they do them in one vote. Present at Town Meeting, go to the Attorney General or the Ballot. Phase 1 articles; 2/3 vote at Town meeting and then to the Attorney General for review and 90 Days from when the Town submits the proposal.

Ms. Goldberg stated that the Attorney General has 30 days to review proposed charter amendments and issue their opinion.

Mr. Fitzgerald suggested that Mr. Cahill should send out the surveys to the Committee via Christopher Coleman.

**Future Meeting Dates/Times:**

Tuesday May 24, 2022 at 5pm.

**Citizens' Speak:**

None

**Other Business:**

None

**Accept the Minutes from the April 5, 2022 meeting:**

Upon a motion made by Ms. Hyde and seconded by Mr. Cahill, The Charter Review Committee voted in favor (4-0) via roll call vote to accept the April 5, 2022 minutes as amended.

**Discussion:**

Mr Ahern suggested new language.

Mr. Cahill had a change to the minutes too.

**Adjournment:**

Upon a motion made by Ms. Hyde and seconded by Mr. Cahill, The Charter Review Committee voted in favor (4 -0) via roll call vote to adjourn at 5:58pm.