

## Charter Review Committee January 26, 2021 Meeting Minutes

Members present: Larry Levine, Jeff Bosworth, Tom Christensen, Andy Fraser, Marilyn Richards (alternate), Phil Adams, Ralph Page, Bill Fonseca, Michael Kane (ex-officio, non-voting) and Jeanne Quaglietti (non-voting).

Absent – None

The meeting was held by virtual participation (Zoom webinar) and was called to order by Chairman Larry Levine at 4:30 pm. It was noted that this meeting was being videotaped by ELCAT and that there were no audience members audiotaping.

The minutes of the January 12, 2021 meeting were approved unanimously as presented, with a motion by Andy Fraser, a second by Jeff Bosworth, and a roll call vote of the committee.

The minutes of the January 19, 2021 meeting were approved unanimously as presented, with a motion by Andy Fraser, a second by Jeff Bosworth, and a roll call vote of the committee.

Chairman Larry Levine began the meeting with continued review and discussion of citizens input and suggestions. Today's discussion began with two email suggestions submitted by Pat Henry addressing (1) Term Limits on Councilors and Council Officers (2) De-coupling the Charter Review and the Bylaw Project.

Chairman Levine confirmed that there is a Town Council rule that restricts a Councilor from serving for more than two consecutive years as President or Vice President of the Council and that there is no such rule regarding Town Council leadership currently stated within the Charter. No action taken on addressing term limits for Council Officers.

Discussion focused on why the Charter Commission did not originally suggest term limits. Bill Fonseca discussed a candidate's learning curve, which takes time, as well as an available pool of candidates when faced with the possibility of a turnover of a board every 3-5 years.

Ralph Page reflected on a statement from Eric Madison (a former Charter Commission member) stating that the voters have the right to extend a Councilor or School Committee member's term for whatever length the voters choose and if desirous that an individual should no longer serve, he/she is voted out of office.

Andy Fraser was in agreement with previous comments and expressed concern that with term limits and frequent turnover of board membership, there could be an issue with available folks to fill these positions.

Phil Adams suggested a three-term limit which would be a total of nine years. He expressed an opinion that should an individual serve for too long, they would have an established following that would be more difficult to overcome, should a newer and less established candidate seek election. He felt this could create a scenario that the same people would be serving for a long time.

Marilyn Richards pointed out that currently no Councilor has gotten close to nine years of service on the Council, with two members leaving after one term, and two resignations amidst their first terms. She also agreed with the comment that would allow the voters to decide when an individual should be removed from office.

Chairman Levine expressed concerns with term limits, adding that it would be a shame if there was an outstanding candidate in office who had to leave, simply because the Councilor's term was up.

No further discussion on Term Limits and with no motion made from the committee, no action was taken.

Chairman Levine reviewed the rationale for continuing to discuss the Bylaw Project (e-code) with the review of the Charter, explaining that the Charter currently requires a Bylaw change be presented as one subject only and such request must show the new language with the old text, and reference any changes with strike outs and highlighting. The Bylaw Project (e-code) contains a multiple of modifications and as the Charter is currently written, a public hearing and vote would have to be considered on each individual modification. Much discussion has focused on how to add language to the Charter to permit addressing the Bylaw Project (e-code) as one subject with one vote, while identifying to the residents and the Council, what changes are being proposed.

At 4:45 pm, Tom Christensen joined the meeting, moving Marilyn Richards back to alternate and non-voting.

Ralph Page provided a sample of how the amendments would be viewed by a resident when the proposed changes and adoption of the Bylaw Project would be presented to the Town Council. He also provided proposed text with highlighted amendments within the entire document for ease of review by the residents and the Town Council. Further, the committee discussed the proposed language from Town Counsel regarding the definition of codification. The committee believes that the minor changes to the language i.e., grammar, typos, title changes etc., need not be highlighted within the document; however, more substantive changes that are amendments to the Bylaw should be highlighted for transparency. Jeanne Quaglietti has been asked to discuss with Jesse Belcher Timme, Town Counsel, the wording of the definition of codification and the proposed language in article 2, Section 6 in order to reflect that the minor changes of codification need not be identified but the amendments should be, and the definition needs to clearly reflect those objectives.

Ralph Page will send the entire e-code document with highlights to the committee for further review. He also made clear to the committee that the language for Article 2, Section 6 is in addition to the existing Charter language. Once codification is adopted and the added language no longer applies, the existing language in Article 2, Section 6, currently in the Charter, will remain.

The committee moved on to review some suggested language by Kathy Hill for Article 7, Section 3(b) and (c) and Article 8, Section 4(a). In reviewing the current and proposed language, some information was revised and some omitted, and it was unclear if these changes had an impact on the intent of the current Charter. After further discussion, it was decided to review again the submitted text “with a fine-tooth comb”, to make certain the intent was the same.

Ralph Page brought up the issue of vacancies created by a Councilor’s unexpired term and how do these vacancies appear on the election ballot, especially if the positions available are each for a different length of time. Jeanne will research MGL’s.

For the next meeting, the committee will continue with codification, Kathy’s proposed language, and further discussion on vacancies of an unexpired term and how to place on the ballot.

The next meeting of the Charter Review Committee via ZOOM webinar is scheduled for February 2, 2021 at 4:30pm,

Jeff made a motion to adjourn, seconded by Phil and followed by a Roll Call vote: Larry – YES, Phil – YES, Ralph – YES, Jeff – YES, Tom – YES, Andy – YES, and Bill - YES. The meeting adjourned at 5:29 pm

Respectfully submitted,  
Marilyn M. Richards (alternate member)  
Recording clerk