



## CHARTER REVIEW COMMITTEE MEETING AGENDA

August 22, 2017

Town Offices, 50 Billerica Road

Chelmsford, MA 01824

Dennis Ready Meeting Room 204

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1. 7:00PM CALL TO ORDER/NOTIFICATION OF CTM BROADCAST

2. OPEN SESSION/PUBLIC INPUT\*

\*Note: Town Officials may provide input during this time

3. APPROVAL OF MINUTES

July 18, 2017

Documents:

[CRC DRAFT MINUTES 18JULY2017.PDF](#)

4. UPDATES

5. CHARTER REVIEW AND FINAL VOTING, ATTACHED CRC VOTING SUMMARY,  
CONTINUED

Charter document projected on screen to facilitate review.

[HTTP://WWW.ECODE360.COM/9208644](http://www.ecode360.com/9208644)

Documents:

[CRC VOTING SUMMARY REV 12AUGUST2017.PDF](#)

6. MEETING SCHEDULE

7. PRESS AND PUBLIC QUESTIONS

8. ADJOURN

DRAFT-Minutes of the Charter Review Committee (CRC) meeting on 7/18/2017

Attendance:

Present:

Dan Burke

Sam Chase

Sheila Pichette

Michael McCall

Glenn Thoren

Valerie Diggs

David McLachlan

Absent:

Doug Bruce

Call to order- 7:03

The meeting was not recorded or televised by Chelmsford Telemedia but was recorded by Ms. Newcomb.

Approval of the 6/6/17 minutes- motion made by Mr. Burke, seconded by Mr. McCall, vote: 7 yeas; 0 nays; 1 absent

Updates- the next meeting will be on August 8th, followed by the 22nd. Ms. Newcomb's last meeting will be the 8th.

Charter Review Continued-

Section 3-1:

a) The committee decided to postpone discussing a change to the constable position until section 3-10.

b) No change

c) No change

Section 3-2:

a) No change

b) Mr. McLachlan noted that the discussion previously had been about whether the Board of Selectmen had the authority to go to and be more involved in union negotiations.

Mr. Thoren thought that the Selectmen should at least attend.

Mr. McLachlan agreed that they should attend but not participate. Mrs. Diggs also agreed because if they were at the negotiations then they would have the direct information to discuss with the town manager in executive session.

Mr. Thoren pointed out that this leaves the Town Manager open to more criticism.

Mr. McLachlan said that by allowing them to sit in, it allows the Board of Selectmen to have more information without undermining the Town Manager's authority in negotiation. He suggested an advisory rather than a charter change.

Mr. Chase suggested the advisory remind the Board of Selectmen that they can reach out to the Town Manager at any point, as well as the Chairman of the Board can call a meeting whenever. The advisory is not to tell the Board that they must go to the union negotiations, just that they must improve communication with the Town Manager. He said that he would prefer they ask questions rather than not for fear of stepping on someone's toes.

Mrs. Diggs asked for clarification as to what would be appropriate to include in the advisory, such as a reminder to the chair that they can hold more meetings. The committee felt it was important that the sentiments be expressed.

Mr. Thoren made motion to accept the section as written, seconded by Mrs. Pichette, vote: 7 yeas; 0 nays; 1 absent. An advisory will be written to the Board of Selectmen concerning the scope of their powers relating to communication.

c) No change

d) No change

Section 3-3:

a) No change

b) No change

Section 3-4:

a) No change

b) The committee discussed Mr. Diggs' recommendation to have a partially elected Finance Committee. They discussed their concerns such as someone who is unqualified being elected as well as the possibility of them running to fulfill a political agenda. They felt that the process as it currently stands provides a good balance of people. They also discussed how the chair should be appointed and agreed that the Finance Committee should retain the power to choose the Chair. Mr. McLachlan made a motion to maintain the language in this section, Mr. Thoren seconded, vote: 7 yeas, 0 nays, 1 absent.

Section 3-5:

a) No change

b) No change

Section 3-6: No change

Section 3-7:

a) No change

b) No change

Section 3-8: The committee briefly discussed the Town Manager's suggestion to move the Cemetery Commission under the Department of Public Works. The committee did not recommend a change to this section.

Section 3-9: The committee added a footnote referencing 8-5, concerning the dissolution of the Sewer Commission.

Section 3-10: The committee discussed changing the Constable position to an appointed position. They discussed who the person that makes the appointment should be, the Town Manager or the Police Chief. The committee discussed removing this section and adding the language to section 4-2. Mr. Thoren made a motion to remove section 3-10 and add the constable appointment to section 4-2, seconded by Mr. McLachlan. There was no vote taken.

Section 3-11: No change

Section 3-12: No change

Section 4-1: The committee discussed wording changes to the last sentence in the first paragraph. Mr. Thoren made the motion to change the wording, seconded by Mr Burke, vote: 6 yeas, 0 nays, 1 absent, Mr. McCall recused himself from voting on this section.

The committee agreed to not change the rest of the section although they discussed the number of votes needed to hire the Town Manager, the term of the Town Manager, and the residency requirement.

Section 4-2: The committee decided to make a new paragraph to talk about the Constable position being appointed by the Town Manager from a list of candidates from the Chief of Police. The duties and responsibilities would be established by the Town Manager and the Chief of Police. They committee also agreed to also write an advisory that says that the committee's intention is that the conditions of service rendered by the Constable should change in any material way because of the change from elected to appointed status. Mr. McLachlan made a motion to change the section to include the Constable, seconded by Mr. Thoren, vote: 6 yeas, 0 nays, 1 absent, Mr. McCall recused himself from voting on this section.

Section 4-3: This section was pushed to the next meeting so that the committee can see the layout of the new order of this section. Mrs. Diggs will resend the document with the ordered subsections.

Section 4-4: No change

Section 4-5 and Section 4-6: Mr. McLachlan made a motion to swap the order of these sections, seconded by Mr. Thoren, vote: 6 yeas, 0 nays, 1 absent, Mr. McCall recused himself from voting on this section.

New Section 4-6 (Vacancy in Office): The committee voted to change the wording in this section. The motion was made by Mr. McLachlan, seconded by Mr. Thoren, vote: 6 yeas, 0 nays, 1 absent, Mr. McCall recused himself from voting on this section.

Section 4-7: Mr. McLachlan moved that the committee to retain the language in this section as written, Mr. Thoren seconded. Mr. Thoren discussed avoided making the position political. Mrs. Pichette liked that the four-fifths vote was stronger. Mr. McLachlan agreed that the position would become more political. vote: 4 yeas, 2 nays (Mr. Burke and Mrs. Diggs), 1 absent, Mr. McCall recused himself from voting on this section.

Motion to adjourn made by Mr. Burke, seconded by Mr Thoren, vote: 7 yeas, 0 nays, 1 absent.

**Summary Charter Review Committee Discussion and Actions by Charter Section Revision 8/8/2017**

Section 1-1

- **No change recommended**

Section 1-2

**Change:** Put references to Chelmsford Home Rule Charter in quotes for consistency.

**Vote Definitions Section, change to “Chelmsford Home Rule Charter. Vote: 8 for, 0 opposed.**

Section 1-3

- **No change recommended**

Section 1-4

- **No change recommended**

Section 1-5

- **No change recommended**

Section 1-6

- **No change recommended**

Section 2-1 Town Meeting Composition

Discussion: there is little sentiment in the town for changing from current structure. Extended discussion on level of Rep participation, attendance, preparation, etc.

**Vote to maintain a Representative Form of Town Government: Vote 8 in favor, none opposed, 1 absent.**

Discussion re increasing TM membership to 189 members, keep current 9 precinct alignment.

Extended discussion on level of Rep participation, attendance, preparation, etc. Discussion concerning Term limits, requirements for re-election relative to the need to obtain nomination signatures vs. sending a letter to Town Clerk to be listed on the ballot. General discussion concerning no. of Reps as it relates to the efficiency of the meeting.

**Vote to keep current precinct alignment and membership at 162: Vote 7 in favor, 1 opposed (D. McLachlan opposed).**

Section 2-2, Establishment of Districts

- **No Change Recommended**

Section 2-3, Town Meeting Membership

Add sentence describing the TM re-up process, presently not referenced, isolate in additional subsection (c.), “Candidates for Re-election.”

**Vote to add Section 2-3,(c.), Vote: 8 in favor, 0 opposed.**

Section 2-4, Election

O. Maloney, Town Clerk requested a change (5/9/2017) to require a minimum of 5 votes for “write-in” candidates.

- **No change recommended.**

Section 2-5, Vacancies

Subsection (a.). Change: “absent a date certain, such resignation shall take effect upon the date of such filing.” Clearer language.

Subsection (b.) Change “removal” to “move” and other language clarifications

Subsection (c.) Attendance. No change recommended. Discuss current Town Clerk process

(Subsection (d.) Vacancies. Discuss current Write-in process, with regard to no. of write-ins required for election. Town Clerk O. Maloney recommends a change to 5 vote minimum to valid a write-in vote (see Public Input section, 5/9/2017)

**Vote to accept wording changes to Sec. 2-5(a), (b): 8 in favor, 0 opposed.**

**Vote to add separate section (b2) to subdivide current “Removal from Town/Removal from Precinct” combination describing the “Moving from Precinct” process; 8 in favor, 0 opposed.**

**Vote to delete second sentence of Section 2-5(d) to eliminate the 10-vote qualification for Reserve List Reps to fill a vacancy: 8 in favor, 0 opposed.**

Section 2-6, Compensation

- **No change recommended.**

Section 2-7, Presiding Officer

- **No change recommended.**

Section 2-8, Clerk to Meeting

- **No change recommended.**

Section 2-9(a, b)

- **No change recommended.**

Section 2-10

- **No change recommended.**

Section 2-11

The placement of Articles may be strategic and can be used to guide TM action to produce a desired outcome. The Committee is unsure whether or not the current BOS is aware of their ability to manage the Warrant process, which may include Article sequencing.

**Committee Final Report to include an advisory to the BOS concerning their responsibility for managing the warrant process, which may include deciding on article sequencing.**

Section 2-12(a)

General discussion concerning public input offered by M. Foley, town Meeting Precinct 5 Rep: Sense of Committee is that it may be helpful to amend our By-laws to include a “caucus” period that would occur after debate and before a vote. A 5-minute caucus period could potentially add 1-1/2 hours to a meeting session if the meeting caucused on all articles. Suggested that the Moderator call for a “caucus vote” on each article, thereby giving TM reps the option of caucusing on a given article. This method could reasonably limit the number of times Reps would caucus, thereby making this option more manageable.

- **No changer recommended.**

Section 2-12(b)

- **No change recommended.**

Section 2-12(c)

Recommend word changes to add “view meetings” along with current language, “attend.” Change “keep abreast” to “stay informed.” Clarify language concerning availability of “review materials.” Recommendation that the Town Clerk establish a separate “Town Meeting Web Page” that includes the current TM Representative contact list plus all materials/documentation pertinent to the administration of Town Meeting. The Procedures and Town Meeting Rules pages from the FINCOM warrant article book would be included.

**Vote to accept Wording changes**, see slide no. 34: **Vote 8 in favor, 0 opposed**

Section 12(d)

Recommend word changes, “may, by vote, or by-law...” The town meeting is not subject to all provisions of the Open meeting law; however, Town Counsel advises that the last sentence should be retained.

**Vote to accept wording changes**, see slide no. 35. **Delete MGL reference (statute repealed) and add current MGL Open Meeting Statue reference, MGL CH30A, Sec. 18-25. Vote: 8 in favor, 0 opposed.**

Section 2-12(e)

- **No change recommended.**

Sec. 2-13(a), (b), (c), Referendum Procedures

- **No change recommended.** This section is largely based on current State law.

**General Summary Discussion on Part II, Legislative Branch/Representative Town Meeting:**

Discussion concerning Moderator’s request to eliminate the Question/Answer period that occurs prior to Article debate: suspension of Q& A should be left to the Moderator’s discretion. This is now moot, as the last Town Meeting has addressed this issue.

Town Meeting Attendance: Discussion on voting options that include the ability to vote “present.”

**Committee will include a recommendation in our Final Report that, at the beginning of each TM session, the Moderator should encourage active participation by all Reps, and that encouragement would extend to registering a vote on all articles, even if voting “present.”**

Sec. 3-1(a), Elective Offices

General discussion concerning the Town Manager’s recommendations that the Constable be an appointed position reporting to the Chief of Police and that the Cemetery Commission be abolished and its operation be transferred to the DPW. The Committee generally agreed that the Constable position should be appointed and the Cemetery Commission should remain as is.

**Change: Elective Offices: Remove “Constable” from elected officers list, pursuant to a change making the Constable an appointed position. Action to be taken under Sec. 3-10, Constable.**



Sec. 3-1 (b), (c)

- **No change recommended.**

Sec. 3-2, Board of Selectmen (a)-(d)

**(a), No change recommended.**

**(b), BOS Powers & Duties:** General review of previous discussions concerning Strong Town Manager vs. Strong BOS form of government and request by Selectman G. Diggs that a Selectman be included in the Union Negotiations process with observer status. Consensus that communication between the TM and BOS could be improved mitigating a desire for BOS to be more formally involved in the operational management of the town by way of a Charter change. D. Burke addressed Union negotiations issue, expressing his belief that the current process does not work well and could be improved by a stronger BOS presence. M. McCall advised that there may be limitations (legally) on who can participate in the negotiating process; may require Town Counsel opinion to address.

**Sec. 3-2 (b) should stand as written (no changes) but CRC should include an advisory to the BOS in its final report** concerning BOS responsibility to effectively guide the Town Manager through policy directives and more direct communication and engagement. Advisory should include detail relative to the Board's ability to schedule meetings and order agendas, with a view toward increasing frequency of interaction with the Town Manager.

**Vote: 7 for, 0 opposed, D. Bruce absent.**

**(c) No change recommended.**

**(d) No change recommended.**

Sec. 3-3, School Committee:

Sec. (a)

- **No change recommended.**

Sec. (b) Powers and Duties

General discussion concerning the Authority of the School Committee and Superintendent vs. that of the Town Manager and BOS relative to Hiring/firing, budget formulation and administration. Charter cannot specify school Dept. budgeting process.

- **No change recommend.**

Section 3-4, Town Moderator:

Sec. (a) Term of Office

- **No change recommended.**

Sec. (b) Powers and Duties

Sec. 3-4 (b): Review discussion concerning request by Sel. Diggs to change composition of FINCOM to 3 elected and 4 Moderator appointed positions, with a requirement that the Chair be appointed from the 3 elected members; it is thought that this will help create more diversity on the FINCOM. General CRC feeling is that Moderators historically have done a good job with FINCOM appointments re diversity of viewpoint and general background qualification. General feeling is that the FINCOM's current status as an appointed non-political body lends credibility to its process, and that the current method of membership selection should not be changed.

**Vote: No Change to Sec. 3-4 (b): Vote: 7 for, 0 opposed, D. Bruce absent.**

Sec. 3-5, Planning Board, Composition:

Sec. (a)

- **No change recommended.** There is no CRC sentiment to change PB from elected to Appointed.

Sec. (b) Powers and Duties

- **No change recommended.**

Sec. 3-6, Board of Health: No input from BOH as of 5/23/2017. Committee consensus 5/23/2017:

- **No change recommended.**

Sec. 3-7, Trustees of Public Library:

Sec. (a), Composition, Term of Office

- **No change recommended.**

Sec. (b), Powers and Duties

General discussion re Library Committee's responsibility to maintain its buildings & grounds. They are responsible. The Chelmsford Public Library belongs to an extensive network of Town Public Libraries (consortium) and there is considerable resource and inventory sharing within the consortium and this includes school district libraries as well.

- **No change recommended.**

Sec. 3-8, Cemetery Commission

Sec. 3-8: Request from the Town Manager to abolish the Cemetery Commission and transfer cemetery operations to the DPW or alternatively to make the Commission an appointed body with Policy oversight of DPW-manager cemetery operations: Currently, cemetery operations cooperate well with DPW by supplying manpower when available to assist with snow removal and other extraordinary situations. General concern that eliminating the Policy and operational oversight of an independently-elected Cemetery Commission, especially with regard to fund management and budgetary issues could contribute to a deterioration of adequate financial and operations support for proper cemetery maintenance.

**No Change; No vote required.**

**Sec. 3-9: No change. Add footnote (1) to Charter reference 8.5(b) advising dissolution of the Sewer Commission. Vote: 5 for, 0 opposed, 2 absent (D. McLachlan, M. McCall)**

**Sec. 3-10:** Request from the Town Manager and Chief of Police that **the Constable position be changed from elected to appointed:** Review discussion concerning the scope of constable authority under state law, and the concern that there is little control/supervision over an elected constable's activities.

Vote to delete this Section, and add the Constable as an appointed position under Sec. 4-2, Town Manager powers of appointment. **Vote 6 for, 1 abstention (D. Bruce).**

Vote to **include an Advisory recommending that the Constable's scope of authority and powers be limited to certain specified types of civil process service and that constable activities generally be subject to supervision by the Chief of Police.** **Vote: 6 for, 1 abstention (D. Bruce).**

Section 3-11, Housing Authority

- **No change recommended.**

Section 3-12, Recall of Elected Officers

- **No change recommended.**

4-1. Appointment, Qualifications, Term of Office

General discussion concerning BOS 4/5 vote to hire and indefinite term (6/6/2017). Indefinite Term: Currently the Charter specifies an indefinite term for the Town Manager. The contract term is independent of a term specified by Charter. If the Town Manager's contract expires and the BOS fails to take action to extend or renew, that act in and of itself does not terminate the Manager. Under a Charter "indefinite term," the town manager continues in the town's employ, presumably under the basic terms of the current (expired) contract, much the same way that police, fire, and school department personnel continue to work when their contract negotiations extend beyond the expiration dates of their current employment contracts. Indefinite Term, 4/5 BOS vote to hire, composition of Screening Committee, Town Manager residency: **No change**, except **add the following language to the last sentence of the first paragraph: "The Board of Selectmen shall appoint a screening committee that shall include selectmen and town residents to assist in the recruitment and selection of the town manager."**

**Vote: 6 for, 0 opposed, M. McCall recused, D. Bruce absent.**

4-2. Powers of Appointment

**Add Constable to the list of those appointed by the Town Manager. Add Sentence, "the Town Manager shall appoint the constable from a list of candidates provided to him by the Chief of Police. The duties and responsibilities of the Constable shall be established by the Town Manager and Chief of Police, subject to any state law or Chelmsford By-law and/or regulation." Vote: 6 for, 0 opposed, M. McCall recused, D. Bruce absent. See Sec. 3-10, supplemental advisory.**

4-3. Administrative Powers and Duties, subsections (a) through (r.)

General consensus is that this section should be re-ordered into a more logical sequence and flow for better clarity (this reordering does not imply any substantive changes in meaning other than those specifically recommended during the review of each subsection). The Committee decided to create three Headings and to group individual items (a) through(r) accordingly: Category A: Supervisory; Category B: Administrative Process; Category C: Administrative Duties: Category A: Secs. a, c, q; Category B: Secs. b, j, k, l, m, n, p; Category C: Secs. d, e, f, g, h, l, o, r

- (a) **No change recommended.**
- (b) **Committee action: Change "regulations" to "policy" in this section.**
- (c) **No change recommended.**
- (d) **Change sentence to read "...unless excused by the BOS..." to establish clarity of meaning.**
- (e) **Through (r) No change recommended.**

Section 4-3 Administrative Powers and Duties, subsections (a) through (r.): General reordering of Section, as follows:

**Section 4-3. Supervisory, Administrative Powers and Duties**

The town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall include, but are not intended to be limited to, the following:

### **Supervisory**

(a) to **supervise**, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility, authority or control by this charter, by bylaw, by town meeting vote, or by vote of the board of selectmen.

(b) to **coordinate** all activities of town departments under the direction of the town manager and board of selectmen with the activities of departments under the control of officers, boards or commissions elected directly by the voters of the town.

(c) to **delegate**, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager is authorized to exercise, provided, that all acts that are performed under such delegation shall be deemed to be the acts of the town manager.

### **Administrative Powers**

(d) to **administer** either directly or through a person or persons supervised by the town manager, in accordance with this charter, all provisions of general or special laws applicable to the town, all bylaws, and all policies established by the board of selectmen.

(e) to **administer**, in cooperation with the personnel board, if any, personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all municipal employees and administer all collective bargaining agreements, except for school department agreements, entered into by the town.

(f) to be **responsible** for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department. The town manager may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of these duties. Contracts shall be subject to the approval of the board of selectmen.

(g) to **develop** and maintain a full and complete inventory of all town owned real and personal property.

(h) to **fix** the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and any applicable compensation plan.

(i) to **prepare** and submit an annual operating budget and capital improvement program as provided in Part VI.

(j) to **investigate** or inquire into the affairs of any town departments or office under the supervision of the town manager or the job-related conduct of any officer or employee thereof.

### **Administrative Duties**

(k) to **attend** all regular and special meetings of the board of selectmen, unless excused by the board of selectmen.

(l) to **attend** all sessions of the town meeting and answer all questions addressed to the town manager which are related to the warrant articles and matters under the general supervision of the town manager.

(m) to **keep** the board of selectmen fully informed as to the needs of the town, and recommend to the selectmen for adoption such measures requiring action by them or by the town as the town manager deems necessary or expedient.

(n) to **keep** the board of selectmen and the finance committee fully informed as to the financial condition of the town and make recommendations to the board of selectmen and other elected and appointed officials as the town manager deems necessary or expedient.

(o) to **insure** that complete and full records of the financial and administrative activity of the town are maintained and render reports to the board of selectmen as may be required.

(p) to be **responsible** for the maintenance and repair of all town facilities, and, except for the custodial services in the school facilities. The Town Manager shall be responsible for the rental of all town facilities.

[Amended 10-16-2006 ATM by Art. 36, ratified 4-3-2007]

(q) to be **responsible** for the purchase of all supplies, materials and equipment, except books and other educational materials for schools and books and other media materials for libraries, and approve the award of all contracts for all town departments with the exception of the school department, subject to the approval of the board of selectmen.

(r) to **perform** such other duties as necessary or as may be assigned by this charter, by bylaw, by town meeting vote, or by vote of the board of selectmen.

**Vote 5 for, 0 opposed, 1 absent (D. McLachlan), 1 abstention (D. Bruce)**

#### Section 4-4. Compensation

- **No change recommended.**

#### Section 4-5. Vacancy in Office

Change wording of last sentence: "The appointment of the acting town manager shall be for a term not to exceed six months; a renewal not to exceed an additional six months may be provided."

#### Section 4-6. Temporary Absence

- **No change recommended.**

**Sec. 4-5 and 4-6, Reorder sequence:** Reorder Temporary Absence and Vacancy in Office Sections as Section 4-5 and 4-6 respectively. Vote to change wording for Vacancy in Office Section (ref Sec. 4-5 above) and reorder sequence:

**Vote 6 for, 0 opposed, M. McCall recused, D. Bruce absent.**

#### Section 4-7. Removal of Town Manager (discussion 6/6/2017)

**Sec. 4-7, Removal of Town Manager:** Review discussion concerning strong Town Manager vs. Strong BOS management form of government. CRC heard from 4 BOS members who favor a change to 3/5 removal vote as a way to ensure that the TM adequately considers BOS input

concerning the flavor of general town management process. Some CRC members feel that a change to 3/5 vote to remove makes the process too political. Alternatively others feel that a change to 3/5 vote to remove ensures a more democratic process. Opposing views represent philosophy differences, Strong Town Manager vs. Strong Board management control of town operations. Both structures are valid, and the choice of one vs. another represents how a particular town wishes to structure its governance, and is no reflection on the legitimacy of one form vs. another. Suspension process: 3/5 vote required to suspend, no change. **Vote: On motion to keep Section 4-7 as currently written: Vote 4 for, 2 opposed (D. Burke, V. Diggs, favoring a change to 3/5 removal BOS vote, but retaining current 3/5 vote to Suspend), M. McCall recused, D. Bruce absent.**

Section 5-2. Department of Public Works

**No change recommended, except: the last sentence in the section should be eliminated and the word "Sewer" should be incorporated into the list of functions/operations under DPW control. Vote: 6 for, 0 opposed. 2 absent (D. McLachlan, M. McCall)**

Section 5-3. Personnel System

S. Pichette revisited OPEB issue. General consensus is that OPEB administration and accounting requirements are outside the scope of the Personnel Administrative system.

**No Change.**

Section 6-1/ Annual Budget Process

General discussion 5/23/2017 concerning BOS and School Dept. taking a more participative approach in the annual budget process. The BOS currently has the ability to do this under the current language through the BOS chairman's ability to schedule meetings and Agendas. Committee consensus is that the section should remain as is, except add "as necessary" after the word "confer" in the first sentence of the Section.

**Vote: 6 for, 0 opposed, 2 absent (D. McLachlan, M. McCall).**

Section 6-2, Budget Process

General discussion concerning budget timing issues and that the process may be too compressed. General agreement that specific time constraints are better set by by-law than by Charter. 5/23/2017 discussion update: Under current conditions, Town Meeting Reps and other interested parties have ample time to prepare for the spring Town Meeting.

**No change recommended**

Section 6-3, Finance Committee Action

Change wording 4<sup>th</sup> sentence, "...the Finance Committee shall file **the** proposed budget and report its recommendations..." This would make it clear, along with the balance of Section 6-3, that the FINCOM is dealing with the Town Manager's budget, not a FINCOM alternate budget, as might be implied by the existing language "...the Finance Committee shall file a proposed budget..." Change the word "file" to "submit."

**Vote 6 for, 0 opposed, 2 absent (D. McLachlan, M. McCall)**

Section 6-4, Capital Improvement Program and Long Term Financial Plan

**No change recommended.**

Section 6-5, Approval of Warrants

General discussion concerning the Warrant approval process. The Committee has no specific information on how this process works and what specifically the Town Manager does with regard to pay warrants.

**No change recommended.**

Section 6-6, Management of Town Funds

- **No change recommended.**

Section 6-7, Annual Audit:

**Recommended change:** Require a periodic change in auditors. Suggested term is no more than 3 years (auditor changed in year 4). Recommend that this be done via a by-law change.

**Vote 5 for, 1 opposed (D. Burke) 1 abstention (D. Bruce) 1 absent (M. McCall)**

Section 7-1, Charter Revision or Amendment

- **No change recommended.**

Section 7-2, Severability

- **No change recommended.**

Section 7-3, Rules of Interpretation

- **No change recommended.**

Section 7-4, Definitions

General feeling is that a definition for the term “Officer” as used throughout the Charter should be included. S. Chase will provide Town Counsel advise in this regard; action deferred until 8/22/2017.

**Requires further discussion.**

Sections 8-1 through 8-5, (Part VIII, Transitional Provisions): Continuation of Existing Laws, Existing Officials and Employees, Continuation of Government, Transfer of Records and Property, and Time of Taking Effect, respectively

The 2006 Charter Review Committee recognized the Part VIII provisions primarily as addressing “transitional governing” issues during the time of the switch from non-charter to Charter government (1989). Town Counsel has been consulted with regard to the need for retaining all or any portion of Part VIII provisions going forward. 5/23/2017 update: Town Counsel advised that the Committee should review this section and make any revisions it may think appropriate. Town Counsel will review and advise upon completion of CRC activity. The Committee feels that this section should remain as is (for historical purposes) with updates via added paragraphs (c.) forward, as appropriate, along with explanatory footnotes.

- **No change recommended.**

General Recommendation, applies to all Charter Sections

Footnoting Charter Sections with MGL Reference: See discussion, page 14.

- **Requires Committee Vote**