

Approved 8/22/2017

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By Town Clerk, Patricia E. Dzuris at 3:22 pm, Aug 23, 2017

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 fulfil 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 not 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.

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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.