

REVISED MINUTES  
CHARTER REVISION COMMISSION  
April 25, 2018

PRESENT: Chairman Dennis Donovan, Commissioners Eric Bergman, Lise Gazzillo and MaryJo Phelps

Guests: Tim Guerra and Attorney John Bennet

The meeting was called to order at 7:08 p.m.

Minutes:

- A motion was made by E. Bergman, seconded by MJ. Phelps to approve the minutes of April 11, 2018 as submitted. The motion carried unanimously.

Correspondence:

- A letter from Police Commission Chairman Peter Niles regarding the issue of a charter revision including alternates on the Board of Police Commissioners

A motion was made by MJ. Phelps, seconded by L. Gazzillo to add to the agenda 4a – Discussion of the Charter with Town Attorney John Bennet. The motion carried unanimously.

Attorney Bennet reviewed the recommended changes to the existing Charter (dated 2012) with the following comments, recommendations and changes (in no particular order):

- Removal of party designees for the Board of Education during election
  - JB - This would be difficult
- Section 3-6 Board of Finance – JB ok with changes recommended
- Section 3-7 Board of Finance Alternates – JB ok with changes recommended
- Section 4-4 Annual Budget Meeting – JB suggested removing “by hand or ballot vote”
  - This sentence would now read “The Annual Budget Meeting shall be adjourned to referendum.”
- Section 4-5 Special Town Meeting Actions – JB ok with adding “Land Swap Transactions”
- Section 4-6 Appropriations or Other Action Requiring Referendum – JB ok with these changes though felt it would engender time and expense
- Section 8-17B Department of Public Works and Public Works Commission – JB noted the General Statute number should be changed from 7-148(6) to 7-148(c)6. A motion was made by MJ. Phelps, seconded by L. Gazzillo to approve the change 7-148(6) to 7-148(c)6 in Section 8-17B. The motion carried unanimously.
- Section 8-17C Department of Public Works and Public Works Commission – JB suggested adding “recommended”. The sentence reads “Approve a recommended annual budget and proposed capital improvements for the Department of Public Works to be presented to the Board of Selectmen and Board of Finance.” A motion was made by MJ. Phelps, seconded by L. Gazzillo to approve the change to Section 8-17C adding the word “recommended”, with the section reading “Approve a recommended annual budget and proposed capital improvements for the Department of Public Works to be presented to the Board of Selectmen and Board of Finance.” The motion carried unanimously.
- Section 8-15 Medical Out Patient Transportation Service – JB ok with removal this section
- Section 8-18 Director of Finance – JB ok with the change recommended
- Section 10-4E Special Appropriations and Transfers of Appropriations – JB suggested it be changed to read as follows: “Transfer of appropriations of amounts up to \$500 can be done by Department Heads with approval of the Finance Director.” A motion was made by MJ. Phelps, seconded by E. Bergman to approve the change to Section 10-4E read as “Transfer of appropriations of amounts up to \$500 can be done by Department Heads with approval of the Finance Director.”. The motion carried unanimously.
- Setting term limits for Youth and Family can best be dealt with by changing the ordinance per JB.

- Section 8-7 Fire Marshal – per JB, state statute allows term limits to be set, and by setting term limits no statute would be violated. His recommendation is to reinstate “to serve a four (4) year term” and “for the same term” in the charter and no revision be made to this section.
- Section 9-3B Merit System – JB ok with the changes recommended
- Section 8-8B Town Clerk; Salary: Assistant Town Clerk – JB ok with the changes recommended
- Section 3-15 Board of Police Commissioners Alternates – JB ok with this recommended new section

Questions were then posed to Attorney Bennet regarding:

- Can you prevent sitting Board of Selectmen from putting through items/issues before their term ends and the new elected Board of Selectmen begin their term?
  - Financial issues would need approval of the Board of Finance
  - Policies or ordinances approved by the old Board of Selectmen can be reversed
  - Revise Section 5-5A, 5-7D and 7-1A by adding “Except during the time between the change of administration after an election.”
  - A motion was made by MJ. Phelps, seconded by E. Bergman to approve the change to Section 5-7D Additional Powers to read “Shall authorize the execution of contracts, leases, deed, and other legal instruments by the First Selectmen, except during the time between the change of administration after an election.” The motion carried unanimously.
  - A motion was made by E. Bergman, seconded by MJ. Phelps to add as the last sentence to Section 5-5A Power to Enact Ordinances, “Except during the time between the change of administration after an election.” The motion carried unanimously.
  - A motion was made by E. Bergman, seconded by L. Gazzillo to add as the last sentence to Section 7-1A Appointments, “Except during the time between the change of administration after an election.” The motion carried unanimously.
- Can the Board of Selectmen override another board or commission’s decision?
  - The Boards and Commissions authority is set by Statute and established by Statute – so no
- Section 6-1C General was discussed and determined it should remain as is
- In the Charter (revised last year) under 8-5 Appointments – JB suggested adding “contract” or “State Statute” in that section
- Section 10-6B Expenditures and Accounting and the Purchasing Policies and Procedures were discussed.
- Discussed recusal.

Section 9-1D Meeting Procedure and Records

- A motion was made by L. Gazzillo, seconded by MJ. Phelps to correct the spelling error “forth” to “forty-eight”. The motion carried unanimously.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Wendy McDermott, Clerk