

TOWN OF PROVINCETOWN
Charter Review Ad Hoc Committee
MEETING MINUTES OF
October 1, 2013

MEETING HELD IN THE CAUCUS HALL MEETING ROOM

Members Present: Judith Cicero, Thomas Coen, Marcy Feller, Doug Johnstone, Ann Maguire, David McGlothlin, Julia Perry, Mark Phillips, Robert Speiser, Robert Vetrick, Elizabeth Williams.

Members Absent: None

Others Present: None

Chair Julia Perry called the meeting to order at 5:00 pm.

Minutes of the September 24, 2013 meeting were reviewed.

Robert Vetrick moved to approve the meeting minutes of September 24, 2013, Thomas Coen seconded and it was so voted, 11-0-0.

Public Statements: None.

Review of Introductory Letter to Town Boards and Board of Selectmen: Chair Julia Perry distributed a final draft of the letter to go to town boards, and highlighted the following change: in item #1, added a second sentence “We have attached for your reference the section of the Charter relating to your Board or Committee.”

Ann Maguire moved to accept the change in the introductory letter to town boards, David McGlothlin seconded and it was so voted, 11-0-0.

Chair Julia Perry will coordinate with Doug Johnstone on distribution of letter to town boards.

Chair Julia Perry distributed a draft letter to the Board of Selectmen, explaining that the purpose of the letter is informational. The Committee reviewed the draft letter with the following comments:

Judith Cicero – Remove “to you” in the first sentence.

Doug Johnstone – Suggested clarifying the last paragraph. What are we asking of the Selectmen at this point?

Ann Maguire – Suggested language for the last paragraph to read: “If there anything else that the Board of Selectmen would like the Charter Review Ad Hoc Committee to do at this time please let us know.”

Chair Julia Perry said she will revise the letter to the Selectmen removing “to you” in the first sentence and adopting the language suggested by Ann Maguire in the last paragraph.

Robert Vetrick moved to accept the letter to the Board of Selectmen as revised, Ann Maguire seconded and it was so voted, 11-0-0.

Chair Julia Perry said that she is creating an index of Massachusetts General Laws (MGLs) referred to in the Charter for future reference.

Thomas Coen – Suggested specific MGLs referred to in the Charter as they relate to Town Boards also be available on the Town website on the Board pages themselves for easier reference.

Continued Discussion of Charter: The Committee resumed a review of the Charter beginning with Chapter 4, Section 1, highlighting areas that may need further attention and/or clarification, as follows:

4-1-3 Thomas Coen – Highlighted that section includes term “ad-hoc committee” and may need to be investigated or clarified (suggested adding a disclaimer as appears in Truro Charter, specifically referencing section 4-5-3 in the Truro Charter and other language in related sections in the Truro Charter).

Chapter 4, Section 2

Thomas Coen – Suggested committee look at the Truro Charter Executive Powers section when considering this section.

Marcy Feller – Suggested reordering and condensing the section for clarification.

4-2-2 David McGlothlin – Investigate section. Why are the Selectmen the authority on provisions for traffic regulation and control?

4-2-3 Doug Johnstone – Modernize language.

4-2-5 Marcy Feller – Consider re-ordering the hierarchy of authority to show which laws supercede others (Example: General By-laws are mentioned before the Charter in this section). General consensus was to re-order throughout Charter whenever this occurs.

4-2-5 Robert Vetrick – Eliminate “except as provided herein.”

4-2-5 Mark Phillips – Section should reference the specific MGL that provides authority to the Board of Selectmen.

4-2-6 Robert Vetrick – Language unclear.

4-2-6 Julia Perry – Suggests revising the section by adding the word “specifically” to read as follows: “The board of selectmen shall exercise the powers and duties which are not *specifically* vested in a town officer or another town board by the Massachusetts General Laws, the Provincetown General By-Laws, or this charter.”

David McGlothlin – Questioned if there is any specific state training for Selectmen, or any elected official for that matter, and whether a training component should be mandatory and/or written in to the Charter. Doug Johnstone to review mandatory training requirements for newly elected School Committee members and investigate comparable trainings as they relate to other elected town boards.

Chapter 4, Section 3

4-3-1 Julia Perry – Modernize language.

4-3-1 Marcy Feller – Make this statement applicable to all town boards.

4-3-2 Marcy Feller – Questioned term “goals.”

4-3-2 Thomas Coen – Suggested reviewing Truro Charter in this section, specifically Chapter 4, section 2: Executive Powers.

4-3-3 Mark Phillips – Needs to be more clearly written.

4-3-3 Julia Perry – Suggests adding more clarification by adding how written communication is delivered.

4-3-3 Marcy Feller – Questioned whether section belongs here or moved and further clarified elsewhere in the Charter.

4-3-3 Ann Maguire – Consider refocusing the issue to read “All orders of the Selectmen should not take effect until it is in writing, etc.”

Chapter 4, Section 4

Marcy Feller – All powers should be listed together.

Julia Perry – Consider separating Town Manager from the others and move Written Records (Chapter 4, Section 3) to the end of the sections in Chapter 4.

4-4-1 David McGlothlin – Needs more clarification.

4-4-1 Marcy Feller – Questions placement and following. Consider moving to the Town Manager section or move to Chapter 7?

4-4-1 Thomas Coen – Consider placing under General Powers, adding contracts there (referenced Truro Charter in regards to contracts).

4-4-4 Robert Speiser – Feels this section should be moved to the first item as 4-4-1 since it references appointing a town manager, which should be mentioned before a discussion of an employment contract for the town manager.

Chapter 4, Section 5

4-5-1 Marcy Feller – Specify investigatory authority.

4-5-1 Thomas Coen – Referenced Truro Charter in regards to investigatory powers.

4-5-1 Julia Perry – Can selectmen also investigate Charter Enforcement issues? Needs clarification.

4-5-1 Marcy Feller – Consider looking at 4-2-6 and how it relates to this section.

4-5-1 Julia Perry – Suggested changing the language to read “...may authorize the town manager to investigate the affairs of the town ~~and~~ *including* the conduct of any town department or town board, ~~including~~ *or* any claim against the town.”

4-5-3 Julia Perry – Modernize language.

Thomas Coen – Consider adding a Section 6 to Chapter 4 titled “Limitations”, as found in the Truro Charter.

Discussion of the Charter ended at Chapter 5, Section 1, to be taken up at the next meeting.

Next Steps: Continued review of Charter beginning with Chapter 5, Section 1. Chair Julia Perry asked members to continue their review of the Charter with Chapters 5 and 6 and bring questions/suggestions to the next meeting.

Chair Julia Perry to work with Doug Johnstone on distributing memo to town board members and to Board of Selectmen.

NEXT MEETING: The next meeting will take place on October 15, 2013 at 5:00 P.M.

ADJOURNMENT: *Doug Johnstone moved to adjourn at 6:00 P.M. and it was so voted unanimously.*

Respectfully submitted,
Doug Johnstone