

TOWN OF PROVINCETOWN
Charter Review Ad Hoc Committee
MEETING MINUTES OF
November 26, 2013

MEETING HELD IN THE CAUCUS HALL MEETING ROOM

Members Present: Judith Cicero, Julia Perry, Robert Speiser, Elizabeth Williams. Thomas Coen, Marcy Feller, Mark Phillips

Members Absent: Ann Maguire, David McGlothin, Robert Vetrick, Doug Johnstone

Others Present: Kitty Cotter representing the Provincetown Part-Time Taxpayer Resident Committee

Chair Julia Perry called the meeting to order at 5:02 pm.

Review of the Minutes from the November 12, 2013 meeting was postponed until the Clerk returned.

Public Statements: Kitty Cotter, representing the Provincetown Part-Time Taxpayer Resident Committee, was in attendance. Her statement was that part-time resident taxpayers have interests similar to those of full-time resident taxpayers and they would like to participate. Tom Coen pointed out that Wellfleet recognizes part-time residents and allows them to designate someone to speak for them at Town Meetings. Kitty Cotter said the real issue is whether they can serve on Committees.

Distribution of MGL Sections relating to Charter Committees: Tom Coen distributed his collection of Massachusetts General Law sections relating to Committees and Boards mentioned in the Charter. Some discussion followed. It was pointed out that some Committees are created by acceptance of Acts of the Massachusetts Legislature. Tom Coen proposed that only the Committees created in that manner should be included in the Charter, with all Committees created by act of the Town listed separately out of the Charter. There was also a discussion of authority given by the MGL not recognized in the Charter –for example, the MGL gives the Water and Sewer Commissioners the authority to set rates. There was a repeat of the earlier suggestion that the Charter should include a section on the dissolution of Committees. Finally, in reference to the interests of non-residents, it was pointed out that there is no residency requirement for membership on the Pier Corporation.

Review of Follow-up Letter to Town Boards: Chair Julia Perry distributed a draft letter following up with the Committees previously contacted, offering them options for getting back to us. The Committee offered the following corrections: commas around the phrase “who is a member of our Committee” and the addition of the telephone number and email address of the Town Clerk. Chair Julia Perry will re-draft the letter and bring back to committee at the next meeting.

Discussion of the Charter beginning with Chapter 7, Section 3: The Committee went through each section highlighting areas that may need further attention and/or clarification, as follows:

Chapter 7, Section 3

The title “Resignation” is insufficient, since the section refers to any manner by which the Town Manager might leave his or her position – including recall, removal, suspension, disability or death.

7-3-1 Is the thirty day notice requirement enforceable? Is it simply a contractual issue?

7-3-2 Why is the Town paying severance if the Town Manager has resigned? What is the history behind this? This subsection is very unclear. Is it intended to provide for the reimbursement of the Acting Town Manager? Should this section be under Financing instead?

Should the following be added: “In the event of the resignation, death or removal of the Town Manager, the Board of Selectmen shall act expeditiously to establish a search committee to identify and appoint a new Town Manager.”?

Marcy Feller recommended referring to the Truro Charter, Chapter 8, Section 4, for another way to approach this Section.

Chapter 8, Section 1

The Committee engaged in a significant discussion of this Section.

1) What is the purpose of the residency requirement? Is it to address public safety? In which case it might be met with a standardized procedure to have someone with authority to act in permanent or temporary residence. Is it to create a feeling for the needs of the Town or a matter of community policing? Are there other methods to accomplish this? Should such issues as housing availability or median housing prices versus salary be taken into consideration? Can a twenty-mile radius substitute? Discussion: Truro – yes, Eastham – maybe, but not beyond the Rotary. If waiver of the residency requirement is allowed, who should have the authority to make it? Should the residency requirement apply to the DPW Director?

Chapter 8, Section 2

8-2-1 Should this read, “The Police Chief shall make all appointments within the Police Department with the approval of the Town Manager.”?

8-2-2 Does this duplicate 7-2-5?

8-2-3 Does veteran preference still apply now that Provincetown is no longer a part of the Civil Service?

8-2-4 Is the Chief of Police responsible for “administrative policy” or “administrative functions”?

8-2-5 What does the phrase “within his framework” mean? Does it refer to legal jurisdiction, since the authority of the police does not extend to Federal jurisdiction (National Park Service, Coast Guard)?

Chapter 8, Section 3

Should the Charter provide for the possibility that the Fire Department might go from voluntary to paid sometime in the future?

Chapter 8, Section 4?

In a Chapter on Public Safety should there be a section for the Department of Public Works?

Next Steps: Continue review of the Charter beginning with Chapter 9. Chair Julia Perry asked members to bring questions/suggestions to the next meeting.

NEXT MEETING: The next meeting will take place on December 10, 2013 at 5:00 P.M.

ADJOURNMENT: *Julia Perry moved to adjourn at 6:02 P.M. and it was so voted unanimously.*

Respectfully submitted,
Julia Perry, Clerk Pro Tem