

**TOWN OF PROVINCETOWN**  
**Charter Review Ad Hoc Committee**  
**MEETING MINUTES OF**  
**August 11, 2014**

**MEETING HELD IN THE CAUCUS HALL MEETING ROOM**

**Members Present:** Thomas Coen, Marcy Feller, Doug Johnstone, Ann Maguire, Julia Perry, Mark Phillips, Robert Speiser, Robert Vetrick.

**Members Absent:** Judith Cicero, David McGlothlin, Elizabeth Williams (excused).

**Others Present:** Board of Selectmen: Tom Donegan, Cheryl Andrews, Erik Yingling, Robert Anthony, Raphael Richter; Acting Town Manager David Gardner, Selectmen's Secretary Mary Timmons.

Chair Julia Perry called the meeting to order at 4:30 pm.

Julia Perry provided an overview of the handout prepared highlighting the three routes for Charter changes: Charter changes by Special Act of the legislature; Charter Change through MGL Ch. 43b §10b; and Charter Change through MGL Ch. 43b §10a (handout attached).

Julia Perry reviewed the Executive Summary that she had prepared (attached), and invited input from the Selectmen regarding the Charter as it relates to specific sections related to the Board of Selectmen, and any other comments they had in regard to the Charter itself and the work of the Charter Review Ad Hoc Committee.

The Selectmen discussed their thoughts on Chapter 4: The Board of Selectmen, focusing many of their comments on 4 specific revisions highlighted in Julia's Executive summary, and also other thoughts they had in regard to the Charter as a whole. The following comments, in brief, reflect individual Selectmen's comments in regard to the 4 items showing revision of Chapter 4 highlighted in the Executive summary:

*1. That members of the Board of Selectmen have no individual authority (4-6-1).*

Cheryl Andrews: Felt this needed more definition/clarity. Asked if this a perception problem or if it was an actual change to the Charter. Feels that the Board of Selectmen has no individual authority outside of the board as a whole unless specifically authorized to do so by vote of the board.

Erik Yingling: Not in favor of including this clause as he feels that they do have authority to act individually.

Raphael Richter: Felt that this clause was more of a clarification rather than representing change to the Charter.

Tom Donegan: Felt this may be a false limitation as the Selectmen are a collaborative body but need to protect the individual.

*2. That management of the Town staff shall be left to the Town Manager (4-6-3).*

Tom Donegan: Questioned if this should be in the Charter as it appears more of a management principal that could be contained elsewhere in by-laws or board procedures.  
Raphael Richter: Views this as more of a clarification than any change to the Charter.

*3. That the Board of Selectmen shall enforce compliance with the Charter (4-2-8).*

All Selectmen were in agreement that the Selectmen were not the appropriate authority to enforce the Charter since this was the role of the Charter Enforcement Commission. Suggested that this clause be reviewed and if more authority for enforcing the Charter was needed, that the Review Committee examine the role of the Charter Enforcement Commission and make revisions there, perhaps granting the Charter Enforcement Commission more of an overseer function than it has in the current Charter.

*4. Modification of the Board of Selectmen's investigatory authority under Chapter 4, Section 5 to require that the individual being investigated be notified of the investigation and given the right to a hearing.*

Tom Donegan: Felt that investigatory procedures are already clear in that they are launched in Executive Session, then follow established procedures according to the initial investigation.

Robert Anthony: Stated that investigations occur regularly and felt that if it reached the stage where some action was questionable that established procedures would occur at that time, including notifying the individual(s).

Other comments from the Selectmen included:

Tom Donegan:

- Asked the Review Committee to ask the question, "What is the Charter and what is a by-law" when considering revisions, since specific details require flexibility, which can be accomplished more easily in a by-law than within the Charter;
- Suggested changing Selectmen to Selectboard when referenced throughout the Charter, and other similar instances such as Chairman when they may occur;
- Consider the cost of trainings if suggesting specific boards are required to attend trainings in relation to their committee work.

Erik Yingling:

- Residency requirement for staff as currently written in the Charter needs to be addressed;
- In regard to a potential change to the appointment process for the Finance Committee, he like the separation of powers and does not advocate for an elected Finance committee if one should be proposed;
- Stated that Finance committee experience is helpful and did not endorse consideration of requiring those running for Selectmen not be a member of the Finance Committee, should that idea be submitted for consideration;
- Asked the Review Committee to be mindful of what are personality issues and not suggest revisions to the Charter based on personal issues.

Tom Donegan outlined the next steps as scheduling a future workshop focusing on the remaining Chapters in the Charter to be better able to determine which path to Charter Change would be best followed and make a decision at that time.

The terms for the current Charter Review Ad Hoc Committee members expire on August 31, 2014. The Selectmen will add appointments to the next Selectmen's agenda to be held on August 25<sup>th</sup> and asked for a list of those current Charter Review Ad Hoc Committee members who wish to be re-appointed. Also requested was a listing of committees and which committees were under consideration for possible mergers or reclassification of some sort.

**ADJOURNMENT:** The meeting was adjourned at 6:00 pm.

Respectfully submitted,  
Doug Johnstone