

Charter Review Committee
Meeting Minutes

August 18, 2016

Members Present: Dennis Perron – Chair
Mark Haddad – Vice Chair
Bob DeToma – Member
Don Clark – Member
Roger Currier – Member (arrived at 6:40 pm)

Absent: Daryl Rynning – Secretary
Tim McInerney – Member

Meeting Open: 6:30pm

Chairman's Update: Chairman Perron reviewed Grafton Town Counsel Ginny Kremer's response to the CRC's questions regarding changing capitalization and typos found in the existing Charter and, under Article 3, Section 3-4 (b), the Powers and Duties of the School Committee. Both questions had been referred to Town Counsel at the August 4 CRC meeting.

Kremer's opinion was that changing capitalization and spelling were likely okay but changing punctuation should be done with extreme caution as it may change the meaning of a sentence.

Kremer said the present School Committee powers and duties appear to be in conflict with the General Laws of the Commonwealth, specifically G.L. ch. 71, and would not be approved by the State in their present form.

Haddad motioned, seconded by Perron, that Charter Section 3-4 (b) Powers and Duties be changed to read "The School Committee shall have all of the powers and duties School Committees may have under the Constitution and General Laws of the Commonwealth." and deleting the remainder of that sentence and paragraphs 1. and 2. following. Motion carried 4-0.

Perron also noted a chart, sent to all CRC members for reference, listing some 65 communities and showing whether their Planning Boards were elected or appointed and, if appointed, the appointing authority.

Review Article 4 Town Administrator
Comments from Public

Suggested edits on Article 4 were received via email from Barry Smith.

- Section 4-1, paragraph 1: Require Town Administrator to relocate to town in first year of first term. Motion by Haddad, seconded by DeToma, to hold off for consideration by the full committee and after the public hearing. Motion carried 5-0.
- Section 4-1, paragraph 2: Town Administrator cannot hold any other public office nor engage in any other business or occupation while serving as Town Administrator. Haddad noted that the Board of Selectmen presently approves any additional office or business in advance and in writing. Motion

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by Haddad, seconded by DeToma, to dismiss Smith's changes. Motion carried 5-0.

- Section 4-1, paragraph 3: Board of Selectmen's evaluation of Town Administrator should use same process each year, BOS should be trained in performance evaluation and consider implementing a 360 evaluation process. Haddad said the evaluation process belonged with the Board of Selectmen and not the Charter. Motion made by Haddad, seconded by DeToma, to dismiss Smith's changes to Section 4-1, paragraph 3. Motion carried 5-0.

Chairman Perron then recognized Selectman Craig Dauphinais, who had come into the meeting about 6:45 pm. Dauphinais was strongly in favor of making the Planning Board an appointed body, noting that there had been no candidates for the board in the last Town election and as a result, its public hearing process had been delayed. He also felt there would be more accountability for board members if they were appointed. The CRC will further discuss an appointed vs. an elected Planning Board after the public hearing in September.

The CRC returned to considering the edits suggested by Barry Smith:

- Section 4-2, paragraph (e): Consider requiring Town Administrator to make a full report of all town administrative operations to the Board of Selectmen on a quarterly basis. Haddad noted the original Charter says "to render as often as may be required by the Board of Selectmen" so BOS can require the report more often than once a year. Motion by Haddad, seconded by Currier, to dismiss Smith's suggestion. Motion carried 5-0.
- Section 4-2, paragraph (g): Does Town Administrator's jurisdiction over the rental and use of town facilities include the South Grafton Community Center and One Grafton Common? Haddad said it's not an issue as it's already covered in the Charter; no vote required as it was a question.
- Section 4-2, paragraph (m): Does Town Administrator have power to inquire into conduct or performance of employees, departments, boards or agencies appointed by someone else, ie. Board of Selectmen, Town Moderator? Haddad said the Town Administrator does have that power; no clarification needed as Smith had asked and no vote required as it was a question.
- Section 4-2, paragraph (n): Charter currently says the Town Administrator shall attend all sessions of all town meetings and answer all questions raised by voters which relate to warrant articles" Consider adding that if the Town Administrator does not have the answer at hand, he'll research and provide answer at next available opportunity. Clark noted that the Charter requires that department heads attend town meetings so any questions can be answered at that time. Motion by Haddad, seconded by Currier, to dismiss Smith's suggestion. Motion carried 5-0.

Chairman Perron motioned that the vote on Article 4 be held until after the public hearing. DeToma seconded; motion carried 5-0.

Review Article 5 Administrative Organization

- Section 5-5 Public Works Advisory Committee: Haddad wondered if this was a level of government that was necessary. Other than their recommendations on road improvements, the CRC had little idea of their responsibilities. He suggested the CRC ask them their duties and if they are necessary.
- Section 5-6 Board of Sewer Commissioners: Haddad made a motion that Section 5-6 paragraph (a) should read after Composition, Term of Office – “There shall be a Board of Sewer Commissioners made up of three members appointed by the Town Administrator for terms of three years each, so arranged that the term of office of one member shall expire each year.” DeToma seconded the motion, which carried by a 5-0 vote.
- Section 5-1 (b) Administrative Code, paragraph 2: Clark suggested that “publication in a local newspaper” be changed to “publication in both a local newspaper and on the town website” here and wherever else it may appear in the Charter. Currier noted that it could be more easily changed under Section 7-5 Definitions. Motion by DeToma, seconded by Haddad, to change “local newspaper” to “local newspaper and town website” in Section 7-5 (f). Motion carried 5-0.

Meeting Minutes

Meeting minutes from July 21, 2016 and August 4, 2016 were held for approval until the September 1 meeting.

Future Agenda Planning

Article 6 and Article 7 will be reviewed at the September 1 meeting..

Motion to adjourn made at 8:00 pm by Currier, seconded by DeToma. Motion carried 5-0.

Respectfully submitted by Donald Clark