CHARTER REVIEW COMMITTEE VOTED MINUTES  
Monday, February 24, 2020 – 4:00 p.m.  
Selectmen’s Meeting Room -- Town Hall  
59 Town Hall Square, Falmouth MA 02540  

Members Present: Peter Clark, H. Carter Hunt; David Garrison; Judy Fenwick;  
Charles McCaffrey: Frank Duffy, Ex Officio  

Members Absent: Daniel H. Shearer; Flannery du Rivage Rogers  
Also Present: David Vieira, Town Moderator  

Open Meeting  
At 4:03 Peter Clark called the meeting to order.  

Hear Public Comment  
None.  

Discuss and Act on Minutes  
Minutes of February 10, 2020  
David Garrison moved to approve. Carter Hunt seconded. All in favor; motion passed.  

Welcome David Vieira, Town Moderator, to Discuss Draft Report Language  
on Town Meeting procedures  
David Vieira, the Town Moderator, attended the meeting in response to an invitation from the  
Committee. CRC members noted that the Committee had received, via its public survey and in  
other testimony, comments from both Town Meeting members and others expressing concerns  
about the conduct of the Town Meeting. The Committee was considering including a short  
section in its report to the Select Board noting these concerns. That draft pointed to the Rules  
and Procedures Committee, an entity created by the Charter, as the likely nexus for considering  
any changes in Town Meeting procedures. Committee members observed that it didn’t appear  
that the Rules and Procedures Committee met on a regular basis and wondered whether setting a  
schedule for regular meetings would be a helpful step.  

The Moderator was asked if he had any comments on the Committee draft. The Moderator  
replied that the Rules and Procedures Committee was an arm of the Moderator and needed only  
to meet when the Moderator felt that there were procedural issues that needed to be modified.  
Mr. Vieira mentioned the meetings that the Rules and Procedures Committee had held in recent  
years and how the recommendations for improvement in Town Meeting process coming from  
those meetings had been adopted by Town Meeting and had improved the working of subsequent  
sessions.  

The Moderator asked if the CRC had a specific frequency of meetings or procedures for meetings, and the  
CRC responded that we preferred the language that leavers those decisions to be worked out by the  
Moderator and the Rules and Procedures Committee at this point.  

Discuss and Act on Charter Amendment Recommendations
The Committee had a discussion with Town Counsel Frank Duffy about his drafts of the language to go on the May ballot describing the charter amendments to be considered by the voters. Each of the ballot items was reviewed and Mr. Duffy noted the Committee’s comments. Mr. Duffy noted that the ballot will only display these brief descriptions on the ballot and not the actual charter change language as such.

- Alignment of Plans
  The Committee discussed the latest draft of the plan alignment amendments presented by Charles McCaffrey (document dated February 6, 2020). The focus of the discussion was on proposed new language in Charter section C3-3 (Select Board Policy Leadership), subsection B. The Committee considered the proposed language “the Select Board shall vote on all elements of the LCP”. Committee members inquired as to whether, under current practice, the Select Board is required to approve the LCP and, if so, can it amend it before the document goes to the Town Meeting for approval. The Town Counsel had departed the meeting by then and thus it was agreed to inquire of Mr. Duffy and return to this matter at the next meeting. The Town Moderator was still in attendance and offered his view that, while the Select Board is not required to comment on Finance Committee, Planning Board or Community Preservation warrant articles, the Board may do so. On all other matters coming before the Town Meeting in the form of a warrant article, the Moderator opined that he felt the Board had a “duty” to make a recommendation even if it was for indefinite postponement.

- Determination of Committees to be Listed in Charter
  The Committee returned to the issue of what, if anything, to do to resolve the prospective conflict in the Charter regarding the listing of town committees if the voters approve the recommended amendments in May.

  - Should the CRC propose again to the Select Board that the four committees not meeting the new definition of “governmental bodies” be dropped from the Charter?
  - Or should the Committee propose language “grandfathering” the four committees, notwithstanding the new definition?
  - Should the CRC propose dropping the four committees as well as a separate, back-up grandfathering alternative in case Town Meeting chooses not to approve dropping mention of the committees.
  - Or should the CRC take no further action on the matter and leave the inconsistency to be considered by the successor CRC?

The Chair asked for an informal show of hands and determined that a majority of the five committee members present favored resubmitting the original proposal to eliminate mention of the four committees.

The Chair said he would return to talk with the Recreation Committee after the May ballot questions have been voted in order to review positions and then put the matter before the CRC for a formal vote.

**Discuss and Act on Non-Charter Issues for Final Report (30 min)**

- Personnel-related matters:
The Committee discussed the memo from Dave Garrison dated 2/7/20 on “personnel matters”. Dave Garrison was asked to redraft the memo, taking out reference to the “salary and pay plan” issue and refocusing the draft on supporting current efforts by the Town Manager to develop a proposal to update the personnel bylaws. The Committee will consider the issue further at its next meeting.

- Delegation of Select Board agenda items:
The committee briefly reviewed draft language but left further discussion for a following meeting time.

Motion to adjourn, moved by Carter Hunt, seconded by Charlie McCaffrey. Adjourned at 6:20 PM.

NEXT MEETING:
- Monday, March 9, 2020; 4:00 PM