

CHARTER & BYLAW REVIEW COMMITTEE

10 MECHANIC STREET BELLINGHAM, MASSACHUSETTS 02019

Charter and Bylaw Review Committee Meeting Minutes – August 9, 2023, 5:00p

(DRAFT MINUTES SENT TO H. ALLIE AND MEMBERS 8/15/2023)

Members In Attendance via roll call: D. Martinis, K. Grant, S. Garten, L. Sposato, B. O’Connell. Via Zoom J. Collamati and J. Altomonte,

Absent: B. Salisbury, J. Flannery

Others present: B. Cornell-Smith Interim Town Administrator, Lauren Goldberg, Esq of KP Law

The meeting was called to order at 5p by Chairman Martinis

I. Atty Goldberg is present to help address OML (Open Meeting Law) complaint sent by Mr. Hennessey. KP OML Complaint response draft is attached to the end of this document.

Atty Goldberg stated that when an OML complaint is filed against a committee, they then need to meet within two weeks to discuss. After discussion, Atty Goldberg will respond to the Atty General’s office as well. Atty Goldberg discussed each allegation and its response. (Attached below). Atty Goldberg also went over what is required by the law and OML and what is not. Any minutes whether approved or not, posted or not, remain as the official record of the body and meeting. Under the public records law, as soon as they are created, the minutes can be requested and reviewed. She also clarified that no OML can name specific people but addresses the entire board.

Recommendations are: The Committee should meet as soon as possible and should place the minutes on the next agenda with all corresponding dates and act on approving them, if they do not get approved, then they should be stamped “unofficial”.

Also strive to have the previous meetings’ minutes placed on the agenda so that they can be heard in a timely manner.

Mr. O’Connell asked for clarification about having the minutes approved. Atty Goldberg stated that under the law the law just says, “approve timely”. If that hasn’t happened and there was no vote, then essentially to comply with best practice, the committee can use their notes, agendas etc. to create minutes and to bring to the board for approval. It is important for citizens to understand that an attempt was made to clarify and get them approved. Mr. O’Connell stated that he asked to obtain KP Laws advice on the minute’s approval, so it is done correctly and protects the work that the committee has put in. He also asked if we do expect the AG to respond and Atty Goldberg stated yes.

Mr. Sposado: Stated that there are 3 meetings where there are not any minutes. 2/28/22, 3/22/22, 6/6/22. Atty Goldberg and chair will review. Mr. Martinis located all three of the mentioned minutes.

Mr. Sposado also asked for clarification as to what to do for minutes in the past where there may be a discrepancy. Atty Goldberg recommended doing the best that we can.

Mrs. Altomonte stated that she was struggling to understand this and therefore was going to vote no.

Mrs. Grant Made the motions as stated in the attached document. The motion was seconded by Mr. Martinis. Vote passed 4/2

II: Charter changes review: (Document with changes is attached with these minutes and is also available on town website as of 8/9/2023)

Discussion among the board members about votes being taken and that process is moving too quickly.

Mr. Martinis reviewed that we were asked to make the document easier to read and that was done. Definitions have been moved to the front and the document has been made gender neutral. The document has now been made consistent with MGL, which is why the charter is reviewed every ten years. (Example: changes to Housing Authority, additions to Town Administrator qualification minimums). Note: all changes to the document are clearly noted in the track changes on the right side of the document.

Atty Goldberg said regarding changes to Recall Petition: the purpose of going through this is to address anything that could potentially bring a legal challenge.

Mr. O'Connell Asked if it would be better if we made the degree requirement for Town Administrator more specific (i.e.: Bachelors in business or Public Admin). Atty Goldberg advised against it.

Mrs. Garten wanted it to be noted that Denis Fraine himself was the one that suggested that we remove the residency requirement.

Mrs. Altomonte and Mr. O'Connell believe the town administrator should be residents within 12 months and it is important to be part of the community.

Mr. Martinis feels it is unreasonable to ask the right candidate for town administrator to move.

Mr. O'Connell asked if the changes to section 3 would have any bearings for the select board to appoint the acting TA to the permanent TA position. Atty Goldberg state that it does not.

Mr. Collamati asked if there was a difference between Arbiter or Arbitrator in section 4-6-1. Atty Goldberg determined that there was not.

Mr. Martinis determined that as we are not done discussing the charter, we will not be taking a vote.

Mr. Sposado did ask if the committee would consider adding to the charter that every effort be made to appoint members to future charter and bylaw review committee that are not appointed or elected officials. Atty Goldberg did state that there is language in there that would allow it and not preclude it. Atty Goldberg will provide some options on how we can address this.

Mrs. Garten asked that copies of all the minutes be available in hard copy for the committee to pick up and review.

Mr. Martinis will get some dates that the meeting room is available and ask members about their availability and we will meet when there is a quorum available. Members were ok with this.

On a Garten/Grant Motion to adjourn. All in favor. Adjourned at 6:50p