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*Gateway To the Blackstone Valley*  
Millbury • Massachusetts

## CHARTER REVIEW COMMITTEE

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-0632

### **Minutes, December 17, 2009**

**Present:** Francis King; Donald Gauthier; Kathy Anderson; John Bartosiewicz; Sandra Cristo; Michael O'Connor; Thomas Reilly, Jack Alicandro

**Absent:** Leslie Vigneau

The meeting was called to order at 7:07 p.m. in the Town Hall.

Members reviewed the minutes from December 10, 2009, comments and concerns were addressed. A motion was made by D. Gauthier to accept the previous week's minutes, seconded by M. O'Connor. Motion carried unanimously.

Members continued to review the town charter going in increments of sections.

M. O'Connor proposed a change in Article 2 Section 2-7(c) of the charter. The original charter is in regular text while the proposed change is in bold with a reason for the requested change. See Addendum 1. D. Gauthier pointed out the minutes for the Board of Health and that there have been few submitted over the past couple of years. There were many meetings where there were only two members present instead of three. Mr. Gauthier also found out that there were no submitted minutes for all of 2006 and 2007 and half of 2008. Out of the thirteen meetings held only five of them had a full board.

A motion was made by M. O'Connor to accept the proposed changes and seconded by T. Reilly. Motion carried unanimously with a vote of 8-0.

After doing research on Article 3 Section 3-1(b), M. O'Connor and D. Gauthier presented information to the board with factual evidence that suggests that the Board of Health be an appointed board instead of an elected board. The information is provided in Addendum 2. After review a motion was made by D. Gauthier and seconded by T. Reilly to appoint the Board of Health rather than elect them. Motion carried unanimously with a vote of 8-0.

Changes were made to Article 3-1(g) to replace the word "joint" to "majority". The information and reason is provided in Addendum 3. A motion was made by M. O'Connor to accept the word change and seconded by J. Alicandro. Motion carried unanimously with a vote of 8-0.

Members agreed to not make any changes to the following of Article 3:

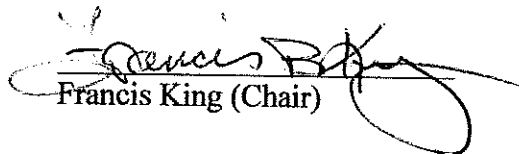
- Section 3-3
- Section 3-4
- Section 3-5
- Section 3-6
- Section 3-7
- Section 3-8
- Section 3-9
- Section 3-10
- Section 3-11

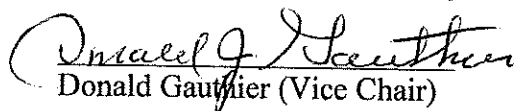
Members agreed to further review Article 3 Section 3-2(c).

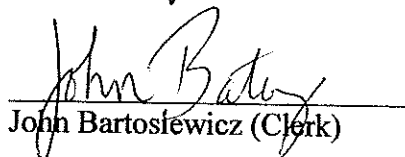
Motion made by T. Reilly to adjourn at 8:45 p.m. seconded by D. Gauthier. Motion carried unanimously. The next scheduled meeting is on January 7, 2010 at 7:00 p.m. in the Town Hall.

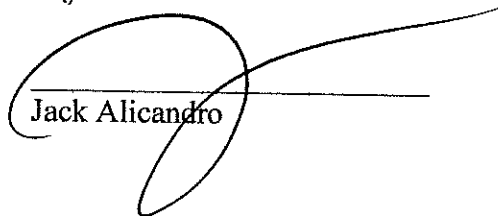
Respectfully submitted,

John Bartosiewicz, Clerk, Charter Review Committee

  
Francis King (Chair)

  
Donald Gauthier (Vice Chair)

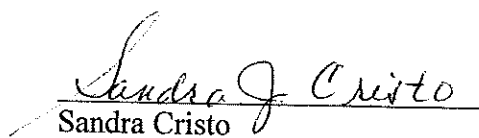
  
John Bartosiewicz (Clerk)

  
Jack Alicandro

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Kathy Anderson

  
Michael O'Connor

  
Thomas Reilly

  
Sandra Cristo

**SECTION 2-7: INITIATION OF WARRANT ARTICLES**

(a) Initiation - The board of selectmen shall receive at any time petitions addressed to it which request the submission of any matter to the town meeting and which are filed by: (1) any elected town officer, (2) any multiple member body acting by a majority of its members, (3) any ten voters for a regular town meeting and any one hundred voters for a special town meeting.

(b) Referral - Forthwith following receipt of any petition containing a proposed warrant article, the board of selectmen shall cause a copy of the proposal to be delivered in hand, or mailed, to the residence of the chairperson of the finance committee, a copy to be posted on the town bulletin board and shall cause such other distribution to be made of each such proposal as may be required by law or by by-law.

(c) Inclusion on Warrant - The board of selectmen shall include on the warrant, for a regular town meeting, the subject matter of all petitions which have been received by it 60 or more days prior to the date fixed by by-law for town meeting to convene. The board of selectmen shall not include in any such warrant the subject matter of any petition which has been received by it after said day nor shall any matter originating with the board be included after said date. **The board of selectmen shall close the warrant for the annual town meeting 28 or more days before the date of the annual town meeting.**

Whenever a special town meeting is to be called, the board of selectmen shall give notice by publication in a local newspaper of such intention and shall notify all town agencies of its intention to do so. The board of selectmen shall include in the warrant, for such special town meeting, the subject matter of all petitions which are received at its office on or before the close of the fifth business day following such publication.

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Reason for the requested change:

Under the current warrant review schedule for FY 2011, the finance committee has only 3 days available after the board of selectmen is scheduled to close the warrant for this year's annual town meeting to complete its work and transfer its recommendations to a publisher. The 28 day requirement will still allow the town manager 32 days to complete any additions to the warrant and review the complete warrant with the board of selectmen.

December 16, 2009

To: Charter Review Committee Members

From: Michael O'Connor

Subject: Board of Health Organizations

I took the opportunity this week to perform a survey of some of our sister towns in order to understand how their respective Boards of Health and Health Departments are organized, including their reporting structures for management and budgeting purposes.

Attached is a table that provides that information along with the contacts that I relied on for the information.

There are similar things that I observed as I developed the information and they are as follows:

1. The towns contacted all have appointed boards of health. Auburn is in a transition phase of going from an elected board to one that will be appointed.
2. All have a least one (1) health industry professional on their respective boards.
3. All health department personnel report to their respective town manager or town administrator, either directly or through a Director of Public Health.

I also spoke with Bob Spain, Millbury Town Manager this week to discuss the structure of Millbury's health department. Bob and I agreed that according to our Charter, health department personnel report to the Town Manager. The elected board of health is responsible for health regulations and enforces laws relating to public health, the provisions of the sanitary code and all health regulations.

This information is being provided so that the Millbury Charter Review Committee can have a more complete picture for its discussions and deliberations.

Cc: survey included

Survey of local area Board of Health & Health Department Organizations

| <u>Town</u> | <u>Contact</u>                          | <u>Board of Health Elected/Appointed</u> | <u>Other Health Dept. Personnel</u>               | <u>Who do health department personnel report to?</u> |
|-------------|---|--|---|--|
| Auburn      | Edward Kazanovicz, Assist. Town Manager | In a transition to Appointed             | Director of Public Health<br>Office support       | Town Manager   |
| Grafton     | Timothy McInerney, Town Administrator   | Appointed                                | Health Agent,<br>Clerical                         | Town Administrator                                   |
| Northbridge | Theodore Kazak, Town Manager            | Appointed                                | Administrative Assistant                          | Town Manager   |
| Oxford      | Joseph Zeneski, Town Manager            | Appointed                                | Clerk   | Town Manager   |
| Sutton      | Laura Caruso, Town Clerk                | Appointed                                | Public Health Nurse,<br>Health Agent,<br>Clerical | Town Administrator                                   |

**ADDENDUM 3**

**SECTION 3-1: IN GENERAL**

( g ) Filling of Vacancies

( 1 ) Change the word "joint" to "majority"

Reason : The words "majority vote" are in the list of DEFINITIONS and would ensure that a unanimous vote would not be perceived to be required.