

**Town Of Millbury  
Meeting Minutes  
Charter Review Committee**

RECEIVED  
TOWN CLERK  
2019 JUN -5 AM 8:24  
MILLBURY, MASS.

**Date:** 4/13/19

**Time:** 9:00am

**Location of the Meeting:** Town Hall - Large Meeting Room

**Meeting Type:** Regular   x      Special      Emergency

**Present:** Michael O'Connor, Kaye Peltier, Jeff Raymond, Steve Noonan, David Cofske, Paul Concemi, Roger Desrosiers, Marie Cafferty, Scott Despres

**Absent:** n/a

Minutes submitted by: Jeff Raymond (minutes prior to nomination votes compiled by Town Clerk Jayne Davolio)

10:00 AM Meeting began with the swearing in process by the Town Clerk. Town Clerk gave everyone a copy of the current charter, had them open to Article 7 / 7-6(a) for reading of the charge. Then the Clerk opened up discussion on the Chair, Vice Chair and Secretary.

**Nominations:** After discussion of board member strengths and history, Michael O'Connor agreed to accept the position of Chairperson. The motion was brought forth by Jeff Raymond, second by Scott Despres and all were in favor, none opposed.

Kaye Peltier agreed to accept the position of Vice Chairperson. The motion was brought forth by Jeff Raymond, second by Steve Noonan and all were in favor, none opposed.

Jeff Raymond agreed to accept the position of Secretary. The motion was brought forth by Paul Concemi, second by Steve Noonan and all were in favor, none opposed.

**Discussion:** Michael O'Connor gave details on how he would like to run the meetings, viewing the board as a "working group" and giving some basic guidelines on how to handle the meetings. He asserted that the Board has nine members, and a majority will approve recommendations. It is his goal that the committee speak with one voice even if there are minority opinions.

There was a discussion on the meeting schedule. The committee set out a planned schedule of the first Tuesday of each month through the summer with occasional Saturdays to catch up. The next meeting, given Town Meeting, will be on Saturday 11 May 2019.

Michael O'Connor also gave a reminder of the Open Meeting Law. Kaye Peltier noted, after Paul Concemi mentioned email communication, that materials can be distributed via email but not discussed.

Michael O'Connor also stated his belief that we are required to hold a public hearing, but Kaye Peltier noted that we are not an elected charter commission and are not required to hold one. Jeff Raymond suggested that we hold one anyway, and Kaye Peltier agreed. Michael O'Connor also noted that any recommendations need to be presented two months before they are officially put to vote. As the goal is to put recommendations in front of town by Town Meeting in May 2020, it does mean we would be looking for March 2020. Jayne Davolio, Town Clerk, noted that the recommendations of the committee will need to go to town election vote as well.

Michael O'Connor handed out the articles that the prior Charter Review Committee recommended to Town Meeting (submitted with the minutes). He gave some history on the perspective of the committee at the time and some of the thinking behind the amendments.

Michael O'Connor gave the perspective of how the Charter is viewed by the town, and how the biggest issues come from those most involved, as well as some history as to things that may need to be cleaned up.

Michael O'Connor officially requested that Town Counsel come to the 11 May meeting. This will allow the Committee to get input on written intent as well as whether moving into new areas not currently covered by the Charter conflict with state law. Michael O'Connor requested that the board review the Charter in more detail to bring questions and concerns. Jayne Davolio noted that there may be a need to have a separate committee if we choose to add things; Town Counsel will cover that at the next meeting.

Michael O'Connor asked the board about areas of interest. Jeff Raymond noted that the library section will need a deep dive. Marie Cafferty noted the ad hoc committee rules and regulations are confusing, using a Ponds Committee situation as an example. She also questioned how the charter is organized as well as objectives, missions, and the meaning of phrases like "as needed." Jeff Raymond also noted that there are some committees, like Personnel and Parks, that are not in place at all, and Michael O'Connor noted that we may need to discuss sunseting some committees or empowering the Board of Selectmen on appointments and such. Kaye Peltier gave examples of other towns and a state recommendation (not statute). She recommended putting to Counsel whether we need to follow that organization or not. Marie Cafferty offered some historical perspective on how charter changes were put forth in context of Kaye Peltier's comments.

Kaye Peltier cited the Massachusetts Constitution, Article 89, Section 7, which limits what can go into a charter. She used elections and levy assessment as an example of issues outside of the Committee's purview. She also cited Section 4, which cites what cannot be done by amendment. Additionally, she cited MGL Chapter 43b, Section 10, which is a continuation of Article 89.

Jeff Raymond recommended the board give significant focus on qualifications of department heads, citing the controversy concerning the Department of Public Works Director qualifications from a few years earlier. David Cofske noted that the Fire Chief came to a Finance Committee meeting and noted some conflicts with need versus requirement on certain positions put forward in the Charter. Michael O'Connor noted that the Committee discussed some of these last time around, but we will look at them again. Kaye Peltier recommended we be clear about agendas to ensure the proper public input. Michael O'Connor noted that the charter a decade ago was too restrictive for the Town Manager role, as an example. Jeff Raymond noted the general vagueness in other positions as an alternative example. Paul Concemi asked whether MGL superseded the charter, and everyone agreed on this point that it does.

We discussed the dates for the next meetings. The Board scheduled 11 May, 4 June, 2 July, and 6 August and will revisit the calendar as necessary. Jeff Raymond clarified that the meetings will be televised, and the committee meetings will be televised moving forward.

**Adjournment:** Michael O'Connor moved to adjourn, Stephan Noonan seconded. Unanimous, adjourned at 11:17am.

WR  
MC  
Rogue Demoscent  
Scott Degner  
M. J. C. L.  
Kaye Peltier