
Meeting Minutes

Natick Charter and Bylaw Review Committee

Established, 2022 Fall Annual Town Meeting

2nd Floor, Room 218 – 117 East Central Street, Natick, MA

February 23, 2023 – 7:00 PM

Call to order

A meeting of Natick Charter and Bylaw Review Committee was held at 117 East Central Street - 2nd Floor, Room 218, Natick, MA on February 23, 2023, 7:00 PM.

Attendees:

Frank Foss, Town Moderator

Member Attendees:

Robert Awkward, Member; Saul Beaumont, Member; Paul Griesmer, Member; William Proia, Member; Christine Weithman, Member; Harriet Merkowitz, Member; Donna McKenzie, Associate Member; Paul Connolly, Associate Member

Member Absentees:

Anne Continelli, Member

Reports/Materials Reviewed and/or Discussed

- Natick Home Rule Charter, Revised Edition, April 2022 (includes voter approved changes through 2022)
- Natick Town General Bylaws, certified as current by Town Clerk as of date of this meeting
- Draft Warrant Article to be sponsored by Committee relative to the Committee's preliminary report for 2023 Spring Annual Town Meeting
- Draft Warrant Article to be sponsored by Committee relative to the Committee's preliminary report for 2023 Spring Annual Town Meeting, and relative to the Committee retaining special counsel to assist the Committee and what sums shall be provided for such special counsel
- Published meeting minutes from the Government Study Committee [established by Select Board]
- Financial Management Review, Division of Local Services, MA Department of Review, dated February 10, 2023, addressed to Natick Select Board, under signature of Sean R. Cronin, Senior Deputy Commissioner [DLS Review]
- Draft Meeting Minutes, January 10, 2023 Committee meeting
- Draft Meeting Minutes, January 31, 2023 Committee meeting
- Email correspondence from a member of the Select Board appointed Government Study Committee to Member Awkward regarding information gathered by the Government Study Committee from other municipalities regarding the duties/responsibilities of town meeting members and guidelines regarding absences/removal of town meeting members

Committee Business

Chair calls meeting to order in accordance with duly posted meeting notice and agenda.

- Agenda Item 1. Citizens' Concerns
 - Member Griesmer raises the issue of the DLS Review noted above, as the DLS Review cites the Natick Charter and General Bylaws in a manner that may inform/impact the Committee's review of and recommendations regarding Charter and Bylaw amendments. The Committee generally discusses the DLS Review in that context, with Members agreeing to do individual follow-up review of the DLS Review for potential future consideration by the Committee. The consensus is that Committee recommendations regarding certain Charter and Bylaw provisions may be subject to resolution of the issues raised by the DLS Review regarding the Town's financial/budgetary processes, management and operations

- Agenda Item 6. Meeting Minutes
 - Committee discusses the draft Meeting Minutes from the Committee's January 10, 2023 meeting. Members suggest certain amendments to those Minutes. Member Griesmer makes a motion to approve the Minutes as amended per the foregoing discussion, 2nd by Member Beaumont. The amended Minutes are approved unanimously, with Member Weithman abstaining
 - Committee discusses the draft Meeting Minutes from the Committee's January 31, 2023 meeting. Members suggest certain amendments to those Minutes. Member Weithman makes a motion to approve the Minutes as amended per the foregoing discussion, 2nd by Member Awkward. The amended Minutes are approved unanimously, with Member Merkowitz abstaining

- Agenda Item 5. Potential Spring 2023 Warrant Article(s)
 - Member Griesmer confirms previous discussion of the Committee regarding the Committee sponsored Warrant Article voted by the Committee to be placed on the Warrant for the Spring 2023 Annual Town Meeting

- Agenda Item 2. Review of Charter Articles and Their Respective Sections.
 - Committee recapitulates its discussion from previous meetings regarding the most efficient method to review Charter as well as those analogous sections of the General Bylaw. Member Awkward reminds Members that the Committee is in "issue-spotting" stage, with specific Charter/Bylaw amendments to be developed and considered at subsequent Committee meetings

 - Agenda Item 2(a). Recap of previously reviewed Charter/Bylaw Sections

 - Further Review of Charter Article 2 and sections thereunder.
 - Member Griesmer submits the following additional comments regarding Charter Article 2, and respective Sections for the Committee's consideration, and potential recommendations for amendment, other Member comments are noted when applicable:

 - Section 2-10(c): Potential amendments to better accommodate/facilitate participation at Town Meeting of those needing accommodation to advance applicable state and federal law – note is made that a Bylaw section and/or a Town Meeting rule/policy may be appropriate mechanisms in this regard. Town Moderator notes that he understands Natick Pegasus is working on an application to assist those with hearing impairments to

monitor/participate. There is a discussion of potential screen/equipment improvements at Town Meetings for this purpose. Member Griesmer notes that modifying Town Meeting seating arrangements may also foster better accommodation

Member Connolly submits the following additional comments regarding Charter Article 2, and respective Sections for the Committee's consideration, and potential recommendations for amendment, other Member comments are noted when applicable:

Section 2-3: Suggest and "editorial fix" to clarify what "laws" are meant in this Section

Section 2-5: How to interpret what the Member considers the ambiguous phrase "and are chosen and qualified"

Section 2-10(a), (b): Potential need for clarification/elaboration regarding Town Officers/Employees being "entitled to speak" at Town Meetings

Section 2-11(b): Proposes adding "and" before subparagraph (4)

Member Awkward submits the following additional comments regarding Charter Article 2, and respective Sections for the Committee's consideration, and potential recommendations for amendment, other Member comments are noted when applicable:

Section 2-6(b): Member Awkward cites the information provided by a member of the Government Study Committee note above. Note is also made of potential clarification needed regarding more expressly defining Town Meeting quorum [Member Beaumont]

-Agenda Item 2(b). Review Other Sections

-Review of Charter Article 3 and sections thereunder.

Members Weithman and Awkward submit the following comments regarding Charter Article 3, and respective Sections for the Committee's consideration, and potential recommendations for amendment, other member comments are noted when applicable:

General; Does "offices to be filled by the voters" need to be better defined/described

Section 3-1(a): Given previous discussions of the potential benefits of a Town ombudsperson/auditor role, is this the Section for such a position to be established – appointed, elected. Benefits of having the more technical boards – assessors, planning, health, etc. – be appointive rather than elective

Section 3-1(b): Is this the proper Section to address further limitations on holding multiple simultaneous town offices/positions [Town Moderator]

Section 3-1(d): General consensus that Section 3-1(d) and subsections could be amended for clarity [Member Awkward, especially Section 3-1(d)(6)]. Discussion of policy/process regarding preliminary elections and qualifying candidates thereunder [Members Beaumont, Connolly]. Point is raised whether this would be the proper

Section to address ranked-choice voting, as previously discussed by the Committee, and if a ranked voting system would render preliminary elections unnecessary

Section 3-1(f): Discussion regarding “coordination” and “call” power of Select Board/Town Administrator. Is this power lawful/fair/useful. Subjecting other “independent” town officials to this power could lead to over-reach, abuse and ultra vires conduct – issues of enforcement as well [Town Moderator]

Section 3-1(h): Issue raised regarding the evidently large number of voters required in context of recall [Member McKenzie]

Section 3-2(b): Powers and duties of Select Board perhaps should be linked to clarifying definitions in Charter Article 7, to prevent misconstrual of that Board’s proper functions and roles – to address potential uncertainty and ultra vires conduct. May want to research whether there are state statutes that can be cited to clarify the legal powers of municipal select boards. Additionally, may want to expound existing limiting language regarding constraints on “day to day” management of Town affairs, and the directive that the Board shall generate overall goals and policies for the Town, but that those are to be implemented by town officers/employees, not the Board. Note is made that DLS Report also touches on potential similar issues of town management and operations. There is general consensus that this Section appears outmoded and too ambiguous and subject to confusion and misuse [Committee as a whole]

Section 3-2(c): Board’s appointment power should reference analogous Bylaw sections, if any, otherwise consider creating Bylaw sections to guide appointments, especially if amendments are proposed to change existing elective boards to appointive bodies. Consideration should be given to defining the Board’s unilateral power to appoint multi-member study committees given Charter provisions and applicable law providing that charges of such appointive bodies shall relate to the Board’s proper powers and functions – separation of power questions, practical/economic use of executive resources, efficient governance, public perception [Committee as a whole]

Section 3-2(e): Again question whether more specific citations to state statutes may assist in defining proper scope of power, duties and responsibilities. Also matters of poor drafting of this Section that could be improved – note was made that previous revisions to this Section inadvertently resulted in some of confusion and clunkiness [Member Griesmer]

Announcements

N/A

Adjournment

Motion to adjourn was duly made by Member Merkowitz, seconded by Member Weithman; the motion was adopted unanimously

s/William Proia
Secretary – William Proia

April 4, 2023
Date of Approval
