
Meeting Minutes

Natick Charter and Bylaw Review Committee

Established, 2022 Fall Annual Town Meeting

1st Floor, Room 125 – 117 East Central Street, Natick, MA
February 28, 2023 – 7:00 PM

Call to order

A meeting of Natick Charter and Bylaw Review Committee was advertised to be held at 117 East Central Street - 2nd Floor, Room 218, Natick, MA on February 28, 2023, 7:00 PM. Upon arrival Room 218 was not available. Accordingly, a writing was posted at the entrance of 117 East Central Street conspicuously informing interested parties that the Committee would be meeting in Room 125. This meeting also was duly posted as a hybrid meeting to open at 7:00 PM, with video and phone participation available.

There was a technical matter with the video-meeting password, which resulted in the video link for the meeting being inoperable until 7:49 PM, at which time the meeting was called to order.

Attendees:

Frank Foss, Town Moderator; Robert Weithman, Natick resident. There were no video or phone participants present.

Member Attendees:

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

Member Absentees:

Anne Continelli, Member; Harriet Merkwowitz, 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
- 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]
- Committee Warrant Article for Spring Town Meeting relative to Special Counsel
- M.G.L. c. 43B, § 10

Committee Business

Chair calls meeting to order as noted above, otherwise in accordance with duly posted meeting notice and agenda.

- Agenda Item 1. Citizens' Concerns
 - Member Weithman notes this Committee was mentioned a number of times in the DLS Review, as was the Government Study Committee, prompting the question from the Member whether the DOR/DLS should be contacted by the Committee. The Committee took no formal action in that regard.
 - Member Griesmer noted that he had received an invitation for this Committee to make a presentation before the Government Study Committee at that Committee's April 10 session. The Committee consensus was that this Committee would not present before the Government Study Committee, and Member Griesmer was directed to draft a written reply to said Committee invitation for this Committee to consider at a future meeting.
- Agenda Item 2. Review of Charter Articles and Their Respective 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:
 - Section 3-2(b): The necessity of the last sentence of this Section was questioned [Member Connolly]. The generality of the second sentence of this Section was also questioned, and suggestion was made that an express/statutory list of enumerated powers of the Board may be beneficial here or in the General Bylaw [Member Griesmer]. In this context the transition from a 3 member Select Board to the current 5 member Select Board was noted, with the Committee electing to research whether M.G.L. c. 43B, § 10 was invoked for that transition or special legislation? The Committee also elected to research, as a key matter of its charge, by what process the Charter was originally adopted by the Town.
 - Section 3-2(c): The reference to "Article 6" in the first sentence of this Section appears to be erroneous, "Article 4" appearing to be the correct reference. Should Articles 7 and 10 be added as additional references [multiple Members].
 - Section 3-2(e): The reference to "Executive Board" in the heading of this Section is questioned [Member Connolly] and context is given for that reference.
 - Section 3-3(a): The number of School Committee members was questioned, is that a state law requirement, should a different number be considered [Member McKenzie].
 - Section 3-3(b): Does reference to "general laws" encompass the Code of Massachusetts Regulations (CMR) as it is pointed out municipal school departments are subject to extensions CMR provisions [Member Griesmer]. An opinion is provided that the General Laws encompass the CMRs as those regulations are authorized by the General Laws and considered part of the specific authorizing statutes [Member Proia].

-Section 3-4(a): Question whether the Board of Assessors should be appointive or elective [Member Weithman, Member Awkward]. Note is made to research whether the General Laws address the appointive/elective nature of municipal boards of assessors. Concern is raised that elective Board may not produce a Board possessing the needed skills, training, education and experience for such an important municipal function [Member Weithman]. Preference is voiced for an elective Board because of the “judicial” functions of that Board [Member Connolly]. Potential issues are raised regarding appointive Board of Assessors (among them, poaching from other municipalities, potential appointees leveraging multiple communities for best employment terms) [Member Griesmer]. Committee considers maintaining elective Board, while prescribing professional qualifications for such candidates. Questions raised regarding whether the General Laws address if a municipal Board of Assessors may be appointed, and whether qualifications can be prescribed for candidates for election to such a Board [Member Proia].

-Section 3-4(b): Note is made that this Section may not reflect the proper procedures for Board actions [Member Griesmer]. Note is made that direction of Assessing department staff by the Board may not be adequately addressed by this Section. General question of how this Board/department is operating and if the Charter (or Bylaw) adequately addresses same. Committee reiterates that the issues raised in the DLS Review likely will need to be addressed by the Town administration before this Committee can do a final review/recommendation regarding this Section.

-Section 3-5: Committee defers review of this Section until Town election of March 28, which will determine if Clerk is appointive or elective position.

-Section 3-6(a): General comment whether need for Constables is outdated. Is six the right number of Constables? Are Constables addressed in the General Laws. Should the Committee seek advice/input from the Police Department in this regard.

-Section 3-6(b): Note is made whether new state gaming statutes affect legal jurisdiction/role of Constables [Member Connolly].

-Section 3-7 (a) and (b): Committee discussion relative to Board of Health and Health department largely mirror its discussion concerning the Board of Assessors and Assessing department, see above notes regarding Section 3-4(a) and Section 3-4(b).

-Section 3-9: Formatting and typographical issues noted. Further Committee evaluation and recommendations regarding this Section pending review of will of Mary Ann Morse and ancillary operative materials. Note is made that the Morse Institute likely is a charity regulated by the state Attorney General’s office [Member Proia].

-Section 3-10: Point is made that if the Town votes to make the Town Clerk an appointive position, then in the absence of the Town Moderator, the administration appointed Town Clerk would preside at Town Meeting, which may run counter to Charter intent and optimal governing principles. This raises the question of the need for an assistant Moderator, or a temporary Moderator, appointed by the Moderator or by some other process, that may be best situated in the Bylaw [Member Griesmer].

- Agenda Item 5. Warrant Article to be sponsored by Committee relative to the Committee retaining special counsel to assist the Committee and what sums shall be provided for such special counsel
 -Member Griesmer reports he as contacted, to date, one potential Special Counsel that quoted a range of \$10,000 to \$50,000 to assist the Committee with its charge. The Member notes he intends to solicit other estimates to be further discussed by the Committee.
- Agenda Item 4. Interview, Input and Information Process
 -Committee generally discussed best methods to conduct public outreach regarding discharging its obligations under its charge. Question is raised what level of understanding does the hypothetical average resident possess regarding the Charter and Bylaw and overall Town government structure as this may inform the Committee’s information gathering methodology [Member Griesmer]. Note is made that researching how other Town committees may have conducted similar public outreach, including Government Study Committee, may be helpful [Member Beaumont]. Question whether this Committee should reach out to the Government Study Committee to request they appear to discuss their information gathering [Member Griesmer]. Preference is that this Committee should not make such a request until after the Government Study Committee meeting of April 10 [Member Connolly]. Committee consensus is that Members should familiarize themselves with the meeting minutes, surveys, discussions and other available materials produced by the Government Study Committee. Member Griesmer notes he will explore providing such material of the Government Study Committee to this Committee. General point to consider the need to reconcile the work product of the Government Study Committee with this Committee’s work.

Announcements

N/A

Adjournment

Motion to adjourn was duly made by Member Weithman and seconded by Member Awkward; the motion was adopted unanimously.

s/William Proia

 Secretary – William Proia

April 18, 2023

 Date of Approval