
Meeting Minutes

Natick Charter and Bylaw Review Committee

Established, 2022 Fall Annual Town Meeting

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

March 14, 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 March 14, 2023, 7:00 PM. This meeting also was duly posted as a hybrid meeting to open at 7:00 PM, with video and phone participation available.

Due to weather, 117 East Central Street was closed to the public. Accordingly, the meeting was held via remote access – video and phone – only.

Attendees:

Frank Foss, Town Moderator; There were no other video or phone participants present.

Member Attendees:

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

Member Absentees:

Anne Continelli, Member; Robert Awkward, 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 in accordance with duly posted meeting notice and agenda.

- Agenda Item 1. Citizens' Concerns

-Member Weithman notes for information the Government Study Committee meeting of April 10. Member Griesmer reports he has spoken to the said Committee's chair and will continue to try to keep lines of communication open through that channel.

- Agenda Item 2. Review of Charter Articles and Their Respective Sections.

Recapitulation of Charter Article 3 and sections thereunder.

Various Members submit the following comments regarding Charter Article 3, and respective Sections for the Committee's consideration, and potential recommendations for amendment, with Member comments noted as applicable:

-Section 3: General note that as powerful as the Finance Committee is, it is not addressed in the Charter, just in the Bylaw [Member Proia].

-Section 3-1: Consider whether a Town Meeting member should be able to hold other elective offices [Committee].

-Section 3-10(b): Consider motion available to Town Meeting members to overrule, subject to General Laws, any ruling of the Moderator [Member Proia]. Cross-reference as needed Charter 2-8 and Bylaw 3-3.

-Section 3-11: Consider whether the Planning Board should be appointive, review General Laws in that context [Member Beaumont].

Review of Charter Article 4 and sections thereunder.

Member Proia submits the following comments regarding Charter Article 4, and respective Sections for the Committee's consideration, and potential recommendations for amendment, other member comments are noted when applicable:

-Section 4-1(a): Question by Planning Board should have an appointment under Bylaw Article 20 relative to screening committee. Note that first six months of the employment term are noted as a "probationary period," presumably for purposes of Section 4-4. Is clarification needed in that regard. The position's qualifications and standards for hiring may be too narrowly described by terms like "business" or "public administration," and "solely on basis of executive and administrative qualifications." May want to consider revised qualifications and standards. Revisions to this Section should be coordinated with Section 4-2(4) and Bylaw Article 24 as needed.

-Section 4-1(b): As written and practiced this Section should be elaborated.

-Section 4-2(3): The appointment power appears void of any qualifications or standards, can appointments / hires, presuming they are the same, ignore qualitative considerations. Are these appointment powers subject to other Charter / Bylaw provisions. Revisions to this Section should be coordinated with Section 4-2(4) and Bylaw Article 24 as needed. Cross-reference to Charter 7-10 seems appropriate relative to vacancies and proper posting requirements, which may need updating given current technological options and innovations [Member Griesmer].

-Section 4-2(4): Role and necessity of Personnel Board is noted. Town Administrator appointment of same seems questionable.

- Section 4-2(6): Elaboration needed relative to Town Administrator, attendance at, and obligations and interactions with Town Meeting and its committees [Member Griesmer voices related concerns].
- Section 4-2(9): Town Meeting should be included in obligation [Member Griesmer].
- Section 4-2(10): In practice not all departments appear to provide / report to Administrator such that this Section may not be functioning as intended [Member Griesmer].
- Section 4-2(11): This provision may be inconsistent with Charter 3-2 and applicable General Laws [Member Griesmer, Member Proia]. Member Griesmer and the Town Moderator have broached general topic with Administrator.
- Section 4-2(13): This obligation may not be appropriate for Administrator given GAAP and other considerations [Member Griesmer].
- Section 4-2(15): This Section may conflict with applicable General Laws, may also implicate Select Board and and/or Procurement Officer functions
- Section 4-2(17): This Section appears to ambiguous, needs to be elaborated and clarified, cross-checked for potential statutory conflicts [Member Griesmer].
- Section 4-2(18): Delegation authority to be clarified [Member Griesmer].
- Section 4-3(a): This provisions if very problematic for lack of definitions, standards, process and imbalance in favor of employee. Member Griesmer conveys a few real cases where this Section hampered Town's business.
- Section 4-4(b): Major deficiencies in this Section, major imbalance between Town and employee to be addressed. Majority of quorum only for removal, use active/affirmative voice, revise standards/grounds for removal, abbreviate hearing process/witnesses, record, etc., needs more balance between Town and employee. Suggestion to explore how other municipalities manage this process [Member Griesmer]. This discussion reinforces need for meaningful, adequate annual review of employee by Select Board, and raises the germane issue of whether a special counsel should be engaged in cases of removal/suspension of employee [Town Moderator].
- Section 4-4(e): Salary during suspension matter

Review of Charter Article 5 and sections thereunder.

Member Weithman and Member Beaumont submit the following comments regarding Charter Article 5, and respective Sections for the Committee's consideration, and potential recommendations for amendment, other member comments are noted when applicable:

- Section 5-3: Issue was raised regarding proper and adequate methods of required notice and publication given current technology, and goal to provide full public access.

-Section 5-5(a) and (b): Should corollate to Charter 5-6(b) to clarify material required for Finance Committee consideration [Member Griesmer].

-Section 5-6(a): Echoing concerns raised in comments relative to Section 5-3, issue was raised regarding proper and adequate methods of required notice and publication given current technology, and goal to provide full public access.

-Section 5-6(b) and 9(c): Again note regarding clarification that Finance Committee may not formally propose an amendment, but my recommend an amendment, which must be from a Town Meeting member, which implicates procedural compliance if Finance Committee member is a Town Meeting member [Committee, Town Moderator].

-Section 5-6(c): Issue was raised relative to clarification regarding Finance Committee making initial positive motions in connection with its report recommendations. Issue is raised whether the Finance Committee or Town Meeting is authorized to make motions relative to originally proposed budget amendments, and in that connection if Finance Committee is limited to recommendations but not motions (issue relates to status of Finance Committee “speaker” if not Town Meeting member) [Member Griesmer]. Question of whether this is appropriate provision to include requirements for more transparency/updates regarding the status of previously appropriated/unused funds [Member Beaumont]. Similarly, a commentator notes that grants/previously appropriated funds may get pushed to Free Cash (except Capital which may also fall to other accounts in time) if not expended, which may want to be addressed in this or other Charter/Bylaw provisions [Member Griesmer].

-Section 5-7: Comment that previously approved revisions to this Section are not reflected in the hard copy of the Charter that the Committe is reviewing, such that further review of this Section is pending publication of the noted revised Charter Section.

Announcements

N/A

Adjournment

Motion to adjourn was duly made by Member Merkowitz and seconded by Member Beaumont, the motion was adopted unanimously.

s/William Proia
Secretary – William Proia

May 16, 2023
Date of Approval