
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 21, 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 21, 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.

Attendees:

None; There were no video or phone participants present, except as noted below regarding Member Beaumont

Member Attendees:

Saul Beaumont, Member participated remotely until 7:15 PM; Paul Griesmer, Member; Harriet Merkowitz, Member; William Proia, Member; Christine Weithman, Member; Paul Connolly, Associate Member

Member Absentees:

Anne Continelli, Member; Robert Awkward, Member; Donna McKenzie, Associate 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]
- Finance Committee Questionnaire relative to Committee Warrant Articles for Spring Town Meeting
- Motions regarding Committee Warrant Articles for Spring Town Meeting
- 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

N/A

- Agenda Item 6 – Minutes

-Member Merkowitz moves to accept the Meeting Minutes of February 7, 2023 as drafted, 2nd by Member Proia, the motion is adopted unanimously.

- Agenda Item 5 – Finance Committee Questionnaire and Motions – Committee Warrants for Spring Town Meeting

-The Committee discusses the draft Finance Committee Questionnaire prepared by Member Griesmer. Certain revisions, edits and clarifications are proposed [Member Weithman, Member Merkowitz, Member Connolly], which are discussed by the Committee. Member Weithman moves to accept said Questionnaire as amended, 2nd by Member Proia, the motion is adopted unanimously

- Agenda Item 2. Review of Charter Articles and Their Respective Sections. Recapitulation of Charter Article 3 and sections thereunder.

-Regarding proper parameters of discussion and debate at Town Meeting, Member Proia raises the issue of the interpretation and implementation of the “beyond the scope” concept relative to Warrant Article amendments on the one hand and the parameters and prerogatives of Town Meeting Members to discuss and debate relevant information on the other hand, and the potential confusion of those concept

Review of Charter Article 6 and sections thereunder.

Members Connolly and Proia submit the following comments regarding Charter Article 6, and respective Sections for the Committee’s consideration, and potential recommendations for amendment, other member comments are noted when applicable:

-Section 6-1: In light of current technology, and effects on traditional publication methods, consideration should be given to new, additional modes of publication and posting. Is Charter 6-1(a) able to be used to “by-pass” Charter or other Charter Article 7 procedures [Member Connolly].

-Section 6-1(a) and (b): Provisions relative to administrative organization of the Town are insufficient, even considering applicable and analogous Bylaw provisions. Cross-reference Charter 4-2(16).

--Section 6-2: Should the Organizational plan noted be subject to additional requirements

-Section 6-3: Provision addressing Comptroller/Department is inadequate as written, needs expansion and clarification, as relative to apparent operations of the Comptroller/Department and in the context of the organizational structure currently employed. How does Human Resources Department describe this position/department [Member Griesmer]. Should this position/department be subject to direction by Administration, was that structure established by Administrative Code per Charter 6-1(b) [Member Griesmer]. Would detailed job description/tasks be better located in the Bylaw. Appointment during unexpired term [Member

Griesmer]. Cross-reference the DLS Report for pending further Committee action [Member Weithman].

-Section 6-4: Provision addressing Treasurer-Collector/Department is inadequate as written, needs expansion and clarification as relative to apparent operations of the Treasurer-Collector/Department and in the context of the organizational structure currently employed. How does Human Resources Department describe this position/department, are the assigned daily job tasks sensible [Member Griesmer]. Would detailed job description/tasks be better located in the Bylaw. Cross-reference the DLS Report for pending further Committee action [Member Weithman].

Review of Charter Article 7 and sections thereunder.

Member Griesmer submits 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 7-9: Which Town agencies can appoint multi-member committees, by what authority. Can Select Board, see also Charter 3-2, appoint such committees, what scope/subject matter, by what authority if not in Charter or Bylaw. Section 7-9(b), multi-member committees should be reporting to the appointing authority, not Town Meeting. Member Proia opines that under general legal authority, Select Board can appoint such committees for advisory and study purposes, but the charge/scope of such committees is limited to the express legal function of the Select Board (general separation of powers and ultra vires concepts apply). What is appropriate public access/participation in such committee meetings. Issue was raised regarding proper and adequate methods of required notice and publication given current technology, and goal to provide full public access.

-Section 7-10: Question whether this provision is being fully implemented when applicable.

-Section 7-11: Question whether this provision is being fully implemented when applicable. Echoing concerns raised in previous comments relative to removals/suspensions of specific employees, whether more balance is needed between Town and employee rights [Member Proia].

Announcements

N/A

Adjournment

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

s/William Proia
Secretary – William Proia

May 16, 2023
Date of Approval

