

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

RECEIVED  
TOWN CLERK  
2019 JUL -3 AM 7:30  
MILLBURY, MASS.

**Date:** 6/4/19

**Time:** 6:00pm

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

**Meeting Type:** Regular ☒ Special ☐ Emergency ☐

**Present:** Michael O'Connor, Kaye Peltier, Jeff Raymond, Roger Desrosiers, Marie Cafferty, Scott Despres

**Absent:** David Cofske, Paul Concemi, Steve Noonan

**Call to Order:** Michael O'Connor called the meeting to order at 6:01pm.

**Minutes:** The minutes from 13 April were signed by the Board.

The minutes from 11 May were amended for copyediting purposes. Michael O'Connor moved to accept the minutes as amended, Kate Peltier seconded. Accepted unanimously.

**Review of Article 2:** Michael O'Connor explained the agenda for the evening. Marie Cafferty provided some typed thoughts for reference.

Michael O'Connor revisited Section 2-7, raising the question of who has the authority to initiate warrant articles. The current language says "elected town officers," and the Board received information from Town Counsel Brian Falk that these elected officials act in "the sovereign interests of the town." The question from Roger Desrosiers and Marie Cafferty was as to whether this is too limiting, especially as town officials (such as department heads) cannot initiate articles on their own.

Jeff Raymond noted that the language appears to be a limitation on purpose to ensure citizen oversight over the warrant and department heads. Roger Desrosiers noted an example where the Town Manager may provide warrant articles submitted to him selectively. The intention is that the warrant articles in that case go through the Board of Selectmen. Effectively, per Michael O'Connor, warrant articles are submitted properly and placed on the warrant.

Michael O'Connor moved to section (c) regarding the 60 day and 28 day inclusion guidelines, and noted that the Town Manager has submitted warrant articles for submission between those timetables in apparent violation of this portion of the charter. Jeff Raymond clarified the information, and asked about what we were looking to do. Jeff Raymond offered the solution of an enforcement provision, but Kaye Peltier noted that we do not want enforcement listed in the charter.

Jayne Davolio, Town Clerk, gave some background on past practice. There has traditionally been a difference between "petitions" (which originate from those in section (a)) and with "matter originating with the board." Jeff Raymond noted that the language appears to simply give the Board of Selectmen time to organize and close the warrant.

Roger Desrosiers raised the idea of tabling this discussion until the Board of Selectmen join the Charter Review Committee, to see if this is an issue that needs to be addressed at all. Michael O'Connor noted that there may have been a ruling in the past from Town Counsel, regarding this issue, but the ruling had not been located by the time of this meeting. Michael O'Connor noted that it has been a continued issue, and was surprised it wasn't dealt with in the past, but was okay with leaving this until the Board of Selectmen join us.

Roger Desrosiers raised a question about Town Counsel Falk's note about department heads submitting articles. Michael O'Connor agreed, and shared draft language to address that. There was no motion or vote on the matter at this time.

Scott Despres brought up the definitions of "town officer" and "elected town officials/officer," specifically in 2-3 and 2-7 with qualifications. Jeff Raymond added an additional question for 2-7: is the intention that any elected official can add anything, or simply for what they are elected for? Michael O'Connor noted that they are covered with the multiple member body provision for the latter, and did not see any issue with "elected" as a descriptor. Additionally, Scott Despres noted the difference between "petitions" and "warrant articles," which Kaye Peltier noted is in conflict with current General Law in understanding. Scott Despres noted that the Board of Selectmen receive these petitions and proposed warrant articles in bulk as opposed to receiving them as they are submitted. Michael O'Connor noted that the Board of Selectmen technically receive them immediately, and the Board of Selectmen are supposed to submit them to the Finance Committee; they have not done so in the past and Michael O'Connor detailed current practice. Jayne Davolio noted that the difference between "petition" and "warrant article" is confusing; Michael O'Connor noted that people are "petitioning" town meeting. Scott Despres said that we should simply clarify it in the definitions.

Michael O'Connor asked if the consensus was basically in place on the language and issues outside of the Town Manager's role. Jeff Raymond asked for clarification, as it sounded like the issue of action on the warrant between 60 and 28 days is one for the Board of Selectmen. The topic will be revisited after discussion with the Finance Committee and the Board of Selectmen. Marie Cafferty gave some examples of why the issue needs to be dealt with, Kaye Peltier gave some clarification on recommendations versus warrant articles to help sort the discussion out. Michael O'Connor officially tabled the discussion on 2-7 as a result.

**Article 3:** Michael O'Connor opened discussion on Article 3.

For Article 3-1, Scott Despres asked why (a) and (b) are not combined. Jeff Raymond noted that the separation appears to be from statute versus town-specific need. After minor discussion, no further issues noted.

Roger Desrosiers noted the issue with the language for Blackstone Valley Regional Vocational Committee, as Millbury only elects one member. After discussion, no further issues were noted.

Michael O'Connor raised issues with (g), with the confusion about the language with "one week's notice." Jayne Davolio noted that the writing is not clear, but the intention and practice is that the date refers to the vacancy date. Roger Desrosiers asked if the language should be "a week's notice from the vacancy," Jayne Davolio confirmed. Scott Despres confirmed whether this section only applies to elected officials, Jayne Davolio confirmed.

A question was raised as to whether Blackstone Valley Technical School representatives would count for "Multiple Member Body." As they are handled differently, Jeff Raymond noted that we need to adjust the language in (b) to reflect that Blackstone Valley Technical School is elected at state, not town, elections. After discussion, Jeff Raymond moved that the words "and state" be included after "town" in "town elections" in the section. Scott Despres seconded, and the vote was unanimous.

A question was raised about the wording of the vacancy, with Michael O'Connor adding "to the date of the vacancy" for clarity. Scott Despres noted that the date of notice and the date of vacancy may be different, and Michael O'Connor offered language to include "with the date of the vacancy." Scott Despres, in the next sentence, asked about the one week's language. Kaye Peltier asked whether we need to be discussing this at all, and Jayne Davolio noted that the Board of Selectmen could act through policy on this. After discussion about time frames and intentions, discussion surrounded how to handle the time frame. Kaye Peltier offered language to replace "After one week's notice..." with "Within thirty days of vacancy," and then, following discussion, asked about how this would work for retroactive vacancies. Kaye Peltier noted some possible conflicts with General Law on when notification and vacancy actually occurs, and recommended tabling until we do more homework.

Kaye Peltier also noted that there has been problems with Counsel regarding the lack of "elected" in section (g).

Kaye Peltier noted, in section (c), the lack of qualifications listed. Kaye Peltier that someone from out of town, or someone who is younger. Jayne Davolio discussed possible legislation lowering the voting age to 16, and Jayne Davolio recommended checking with Town Counsel to ensure we can list "Millbury" as a qualifier, and will report back.

There was no further discussion on Section 3-1.

On Section 3-2, Michael O'Connor noted that the Board of Selectmen may have some discussion regarding expansion of duties, specifically noting duties of other elected boards. To him, the Board of Selectmen are more of a "titular head" of the town rather than a "strong" board. Michael O'Connor cited the MMA as reasoning, Roger Desrosiers concurred with some additional insight, with appreciation of how the language was written for section (b). Marie responded to the Chair's noting the duties of BOS to other elected boards by suggesting that the Town Manager should have an organizational chart per Article 5 Section I, saying it would be helpful if the Board had access to such a chart before it meets with other commissions. She also requested clarification regarding appointments made by the Town Manager and those made or approved by the Board of Selectmen. Additionally, she asked about people like the Police Chief and how those positions are defined. Kaye Peltier noted who would be "town officers" to clarify.

Michael O'Connor asked whether investigations under (e) actually end up in the Town Report, citing the Asa Waters Mansion audit. Jayne Davolio and Scott Despres cannot think of what has happened, but the consensus was that it should be per the written language. Michael O'Connor offered language to make summaries "available to the general public." Scott Despres raised the question as to the definition of "investigation." Roger Desrosiers asked how Town Manager investigations would be handled under (e); Jayne Davolio said this would be covered by statute and would be done in executive session.

Discussion about the first sentence continued. Scott Despres wondered about the semantics of the language, while Jayne Davolio questioned whether there was a conflict of interest. Kaye Peltier noted that language might need to change the language to "authorize" or "vote." Roger Desrosiers asked if the language should be changed to offer more options. Roger Desrosiers will propose language for the next meeting to discuss.

There was no further discussion on Section 3-2.

There was no discussion on Sections 3-3 through 3-4.

In Section 3-5, Jayne Davolio noted some changes on the state level for the Housing Authority that will be clarified in the future for the Board, allowing for tenants of Housing Authority properties to vote on the fifth member.

In Section 3-6, Scott Despres asked if all five members of the Redevelopment Authority are now elected. Jayne Davolio confirmed, and will get the Board the updated information for next meeting. Kaye Peltier raised the question as to whether the Redevelopment Authority needs to exist, citing other discussions in town and the original charge. Jeff Raymond recommended bringing them in to give their side. Roger Desrosiers noted that it appears the three groups from 3-5 to 3-7 (Housing Authority, Redevelopment Authority, Planning Board) should be working together given their similar interests, perhaps requiring at least one meeting annually. There was no further discussion.



There was no discussion on Section 3-7. Kaye Peltier confirmed that individual boards would be invited, Michael O'Connor confirmed.

On Section 3-8, Jeff Raymond provided a number of recommendations. Jeff Raymond first asked if there was a conflict in term length and membership, and Michael O'Connor believes the initial Home Rule Charter covered this.

Jeff Raymond also presented language for this section regarding the powers of the Board of Library Trustees, specifically involving appointment of a Head Librarian/Library Directors, librarians, and policymaking. Marie Cafferty expanded on this based on her reading of General Laws, and asked some questions regarding Friends groups. Kaye Peltier noted that this group, like other Friends groups, are not town organizations and not under the charter purview. Michael O'Connor asked for Jeff Raymond to bring the language back to the Board of Library Trustees for discussion and to bring it back to the next meeting, and to provide it to the Town Clerk for Town Counsel review.

On Section 3-9, Scott Despres asked whether we need to clarify the single member of the Blackstone Valley Regional District Committee, the consensus was no.

Roger Desrosiers offered additional language for Section 3-9 (submitted with the minutes) to provide some clarity and specificity on what is expected of the Millbury representative, and require a public forum for comment if criteria for admission changes with explanation (transparency in admissions, need of trades in society, etc.). Jeff Raymond asked whether a town can require additional action from a representative in this case, the group is unsure. Scott Despres asked about the requirements as well, noting along with Jayne Davolio that there is a report given each year. Kaye Peltier noted the report is 13 pages long, but asked whether the concern was specifically about Millbury's participation; Roger Desrosiers confirmed. Jayne Davolio noted that representatives from Blackstone Valley Tech provide information and come to public meetings. Michael O'Connor felt, as did others, that the town cannot bind the representative in this way. Roger Desrosiers asked who the representative acts for: the school or the town. Michael O'Connor replied that he believes the representative's responsibility is to the school. Marie Cafferty asked if admission criteria was online, Jayne Davolio said it does not exist and that admission is partially based on a test. The overall consensus is that there could more information, but there is no way to do so in the charter. Michael O'Connor noted that the Blackstone Valley Regional Technical School system is a contractual arrangement, and recommended tabling until the representative could meet with the Board.

There was no significant discussion on Sections 3-10 through 3-12. Michael O'Connor reminded the Board that the last Charter Review looked to change the Board of Health to an appointed position and it was turned down by Town Meeting.

Michael O'Connor recapped, noting one change on Section 3-1 (b), and reminded the group for the additional information for next meeting as needed. Scott Despres asked for clarification as to what language the groups coming to work with us would see: our proposed amendments or the current language? Michael O'Connor stressed that we would let people know what changes were made as needed. Roger Desrosiers confirmed we would be inviting people in; Michael O'Connor noted that will happen in the fall.

**Adjournment:** Marie Cafferty moved to adjourn, Jeff Raymond seconded.

Roger Desrosiers  
Scott Despres  
Marie Cafferty  
Michael O'Connor  
Jeff Raymond

