

REC'D UXB TOWN CLERK
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**Town of Uxbridge
Charter Review Committee
September 20, 2021**

The twenty-eighth meeting of the Uxbridge Charter Review Committee, held at the Uxbridge Senior Center, 36 South Main Street, Uxbridge, Massachusetts, was called to order by Chair, Patrick Stephan at 6:32 PM, Monday, September 20, 2021.

Present were Chair, Patrick Stephan, Vice Chair, Rob Knapik, Clerk, Ray Talke, and committee members Joann Lindenmayer and Michael Potaski. Melissa Desmarais, Barry Desruisseaux, Jeffrey Lourie, and Ron Parsons were absent from the meeting.

Chair, Pat Stephan presented the findings and recommendations of the charter review committee to a public audience of three.

During the public comment section of the meeting, resident Chris Grant addressed the charter review committee. Overall, Mr. Grant stated he liked the work done by the charter review committee. Mr. Grant emphasized the finance committee should be required to issue a recommendation at town meeting on any warrant article addressing the use of town funding. He expressed his disagreement with the charter review committee's recommendation to reduce the time period a selectman must serve in office before voting to remove a town manager from one year to six months. Mr. Grant maintained that it "takes a few months to get up to speed" in the position, and there have been occasions in which board of selectmen members ran solely on the position of removing a town manager. Retaining the one-year requirement provides a fair amount of time for the selectmen and the town manager to work together before a decision is made on the town manager's future.

Mr. Grant was in favor of the sunset provision, but expressed concern that essential committees could be disbanded. Mr. Talke explained that the proposed charter language only addressed committees created by boards, such as the board of selectmen, and not multiple-member bodies defined in the town charter and by-laws.

Mr. Grant also expressed satisfaction with the proposed board of public works, and asked whether it would function similarly to the school committee, in which they perform their own contract negotiations and have their own separate budget. Mr. Stephan confirmed the board of public works was to function in a similar fashion to the school committee and would not directly report to the town manager.

Mr. Grant stated he was in support of the financial audit amendments to the charter, but also suggested that a public report of each audit be released and posted on the town website within a specific timeframe after the completion of each audit.

Mr. Stephan reported the committee will be offering another presentation of its recommendations at the senior center during lunchtime on October 1, 2021.

Mr. Stephan stated he will speak to the town manager to determine the "drop dead" time period to submit finalized documents before town meeting.

Mr. Potaski reported that he created press releases for the six media outlets serving Uxbridge and has already submitted them to the *New Uxbridge Times* and the *Blackstone Valley Express*. Shortly, he will be submitting releases to the *Blackstone Valley Tribune*, the *Worcester Telegram and Gazette*, and the *Woonsocket Call*, while Mr. Stephan will submit the release to the *Milford Daily News*. Mr. Stephan has also been posting notices on social media.

Mr. Knapik moved the minutes of the August 2, 2021 charter review committee meeting be approved as submitted, seconded by Mr. Potaski. The motion passed unanimously.

Mr. Knapik moved the minutes of the August 16, 2021 charter review committee meeting be approved as submitted, seconded by Dr. Lindenmayer. The motion passed unanimously.

Mr. Stephan stated he will be presenting the recommendations of the charter review committee to the school committee on September 22, 2021 and Mr. Talke will be presenting to the finance committee the same night.

Mr. Potaski asked if the charter review committee must attend the public hearings of the finance committee and board of selectmen as a formal presence in quorum. Mr. Knapik stated the charter review committee members don't need to attend the public hearings, although it is certainly in their interest to do so. Mr. Stephan expressed his preference that all charter review committee members attend both public hearings.

The finance committee public hearings will occur on October 5, 6, and 12, 2021.

Mr. Talke suggested the charter review committee assign members to speak in favor of each article at town meetings and those presentations be reviewed at one of our next two meetings.

Mr. Knapik moved that Article 3, Section 5, Paragraph a of the town charter be reworded to read:

(a) Composition, Term of Office - There shall be an Uxbridge housing authority which shall consist of five (5) members serving for terms of five (5) years each so arranged that the term of one member shall expire each year. Three (3) of these members shall be elected by the voters. The fourth (4th) member shall be appointed by the Massachusetts department of housing and community development as provided in the General Laws and the fifth (5th) member shall be a tenant of a property administered by the Uxbridge housing authority, appointed by the select board as provided in the General Laws.

The motion was seconded by Dr. Lindenmayer. The motion passed unanimously.

The charter review committee reviewed an email trail with commentary by town attorney, Jason R. Talerma, moderator, Ed Maharay, and town clerk, Kelly Cote.

The charter review committee reviewed the commentary about our suggested changes to the recall provision (Article 3, Section 11). The commentators did not care for the committee's proposed changes. One significant concern was that since the recall provision was added to the charter by a special legislative act, it could only be changed through another special legislative act. The members of the charter review committee don't necessarily agree with that interpretation, but because we are seeking to have the recommended charter amendments approved through another special legislative act, Mr. Talerma believed the suggested recall provisions could be submitted to town meeting.

On the charter review committee's recommendation of the adoption of a censure provision (Article 7, Section 10), Mr. Talerma stated, "as a threshold matter, I don't believe Section B is consistent with the provisions of G.L. c. 39 and must be deleted."

Mr. Talke and Mr. Knapik both reviewed Massachusetts General Laws, Chapter 39 and were unable to find any mentions of censure or any inconsistencies between censure and the statute.

Mr. Maharay and Ms. Cote referred to *Town Meeting Time* as the authoritative source of conducting town meetings, and opined a censure provision was inconsistent with the publication. *Town Meeting Time* is a guide to parliamentary procedure published by the Massachusetts Moderators. The Uxbridge By-laws list *Town Meeting Time* as the source for parliamentary issues. Mr. Talke pointed out the charter takes precedence over the by-laws.

Mr. Maharay expressed concerns the censure provision will result in personal attacks at town meeting. The charter review committee emphasizes the censure provision, as submitted to town meeting, is directed towards full multiple-member bodies, not individuals, and requires documentation of the specific law, regulation, or provision being violated. The submitted censure provision, as written, does not lend itself to personal attacks.

If, as Mr. Talerma states, the censure provision violates the law, Mr. Talke asked which specific portion of the law is violated. Mr. Talke stated the charter review committee must distinguish between actions that violate the law and actions that reflect people's personal preferences.

It was the consensus of the committee that the censure provision be presented to town meeting unless the specific item it allegedly violates in law is identified. Mr. Knapik agreed to further research this subject.

Commentary about the sunset provision (Article 7, Section 11) was similar to that the charter review committee received about the censure provision. The moderator, town clerk, and town attorney all expressed opposition to the provision, but failed to cite any specific law violated by the provision. The charter review committee will present the sunset provision to town meeting unless the specific law it may violate is identified.

Mr. Stephan pointed out the charter review committee must have written motions available at town meeting to amend articles if specific provisions fail. For example, if voters reject renaming the board of selectmen to the select board, written amendments must be presented to revert back to the original name in all charter articles. All amendments must be in writing and one copy must be submitted to the moderator and one copy submitted to the town clerk.

The potentially controversial revisions, which might require the preparation of amendments, include changing the name of the board of selectmen, establishing the board of public works, the composition of the finance committee, the censure provision, the sunset provision, and changes to the recall procedure.

The next meeting of the charter review committee is scheduled for 6:30 PM on Monday, October 4, 2021 at the Uxbridge Police Station, 275 Douglas Street, Uxbridge, Massachusetts.

The meeting was adjourned at 8:28 PM.

Respectfully submitted,

/s/

Raymond A. Talke, Jr.
Clerk