

**Town of Uxbridge  
Charter Review Committee  
October 4, 2021**

The twenty-ninth meeting of the Uxbridge Charter Review Committee, held at the Uxbridge Police Station, 275 Douglas Street, Uxbridge, Massachusetts, was called to order by Chair, Patrick Stephan at 6:30 PM, Monday, October 4, 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. Moderator Ed Maharay and Deputy Moderator John Morawski were also in attendance.

No members of the public were present to speak during open public forum.

Dr. Lindenmayer moved the minutes from the September 20, 2021 meeting of the charter review committee be accepted as presented. The motion was seconded by Mr. Potaski. The motion passed unanimously.

Mr. Stephan mentioned that he gave a presentation of the proposed charter amendments to the school committee on Wednesday, September 22, 2021. He said the presentation went well and there were just a few questions. Mr. Talke delivered the same presentation to the finance committee the same night. He mentioned there were many good questions, and the amendments appeared to be well accepted.

Mr. Stephan also presented the proposed charter amendments during lunch at the Senior Center on Friday, September 24, 2021.

A joint public hearing of proposed charter amendments by the finance committee and the board of selectmen is scheduled for Tuesday, October 12 at 6:30 PM. The meeting will be held remotely using the Zoom platform.

Moderator Ed Maharay provided guidance for presenting the charter review committee warrant item at the town meeting scheduled for Wednesday, October 27, 2021.

Mr. Maharay mentioned he needs to see presentations the charter review committee will make in favor of the submitted amendments at least 48 hours in advance of town meeting. Mr. Stephan suggested that members speaking in favor of each warrant article use a video presentation as part of their message.

Mr. Stephan discussed the process of shepherding the charter amendments, including amendments approved on the floor of town meeting, through the process of getting attorney general and legislative approval. In the event the attorney general rejects or suggests a change in language, both Mr. Stephan and Mr. Maharay agreed those changes need to be approved by town meeting. Mr. Maharay mentioned a special town meeting could be convened for the purpose of securing approvals of any changes recommended by the attorney general.

Mr. Maharay informed the members of the charter review committee that Article 17 of town meeting (to amend the charter) only requires a simple majority vote in order to pass the article(s), rather than the 2/3 majority the committee believed was necessary. This is the tally required whenever a bill is submitted to the legislature for consideration.

Chapter 43B, Section 10 of Massachusetts General Law would call for a 2/3 majority vote at town meeting in favor of any charter amendments. However, the charter review committee was planning on seeking legislative approval, rather than using the procedure detailed in Chapter 43B, on the advice of town attorney Jason R. Talerma. Since the committee is seeking to use the legislative approval route, amendments to the town charter only need a simple majority to pass at town meeting.

Mr. Maharay reminded the committee that any article at town meeting may be divided if ten voters stand up during town meeting requesting such division.

During town meeting, the charter review committee will move the entire charter be accepted. The moderator will then call on the charter review committee to make about a five-minute presentation in favor of the entire charter. After the presentation, the floor will be opened to a speaker opposing the motion. Following both positions, the board of selectmen and finance committee will state their recommendations.

Mr. Maharay will then divide the question. He recommends the charter review committee present motions on items that span multiple articles. Mr. Maharay recommends the first motion address changing the name of the board of selectmen to select board. He then recommends a second motion address the change of "officers" to "officials" and the use of Arabic numbers in addition to alphabetic notation of numbers. The committee will then offer a separate motion for each of the seven articles in the charter. The committee will have five minutes to speak in favor of each separate motion. The board of selectmen and finance committee will weigh in on each motion.

Mr. Maharay asked the committee to prepare a motion to present at town meeting to reflect the changes in the election procedures of the housing authority in Article 3, Section 5 of the charter.

Mr. Stephan asked if the charter review committee should be proactive in having ten people lined up if there is a need to divide the question in any article. Mr. Maharay suggested the committee listen to the tenor of debate on a given article before deciding whether to divide the article into sections. Mr. Knapik confirmed the division could occur anytime during open debate.

Mr. Maharay suggested the charter review committee write a short commentary for each of the motions to be included in the warrant. Mr. Stephan asked Mr. Maharay if a short report could be presented by the committee on the first night of town meeting, as had been done at Spring Town Meeting. Mr. Maharay granted the request, noting that it could be presented after his comments at the start of the meeting.

When the charter review committee presents each article, Mr. Maharay emphasized that all significant changes in the article should be included.

Mr. Maharay told the committee we are permitted to distribute hand-outs as people walk into town meeting.

On the motions addressing global changes, Mr. Maharay suggested the charter review committee offer one motion for the change of name to select board and a second motion to address the global change of "officer" to "official" and the use of Arabic numerals. He believes the second group of global changes will be non-controversial and we will save time by combining them into one motion.

The charter review committee assigned members to be the primary speakers in favor of each motion. The assignments are as follows:

The primary motion – Mr. Stephan

Motion changing board of selectmen to select board – Mr. Stephan

Motion changing officer to official and adding Arabic numbers – Mr. Lourie

Article 1 – Dr. Lindenmayer

Article 2 – Mr. Knapik

Article 3 – Mr. Stephan

Article 4 – Dr. Lindenmayer

Article 5 – Mr. Potaski

Article 6 – Mr. Talke

Article 7 – Mr. Potaski

Mr. Talke introduced the nested motions he created. It provides for alternative printed motions if amendments are rejected by the voters, yet have references to those changes in other articles. Mr. Talke will send these files to each committee member.

The committee also held a discussion as to the proper verbiage for the initial motion. Mr. Talke suggested using some wording found in the *Massachusetts General Court Legislative Research and Drafting Manual, Fifth Edition* (2010). Mr. Maharay suggested the charter review committee use the simpler language drafted by Mr. Stephan and consult town counsel to determine the proper language to be used when submitting the charter amendments to the General Court.

Mr. Knapik discussed the town counsel's issues with Article 7, Section 10 (Censure of Multiple-Member Bodies). As now written, fifty signatures are required to bring a call for censure to town meeting. Following up with the town counsel, Mr. Knapik informed the charter review committee that Massachusetts General Law, Chapter 39, Section 10, allows citizens to place an article on a town meeting warrant with only ten signatures. "Requiring a floor of fifty signatures, therefore, takes away rights currently enshrined under state law."

Motion by Mr. Potaski to change the first sentence of Article 7, Section 10, Paragraph b from "An article calling for the censure of a multiple member body shall be placed on the

warrant of a regular or special town meeting if requested by fifty (50) or more voters” to  
“An article calling for the censure of a multiple member body shall be placed on the  
warrant of a regular or special town meeting if requested by ten (10) or more voters.”

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

Mr. Maharay suggested the chair of the charter review committee present the  
committee members to the town meeting participants at the time the committee's  
motions are presented.

The next meeting of the charter review committee is scheduled for Monday, October 18,  
2021 at 6:30 PM. The meeting will be held at the Uxbridge Police Station, 275 Douglas  
Street, Uxbridge, Massachusetts

The meeting was adjourned at 8:20 PM.

Respectfully submitted,

/s/

Raymond A. Talke, Jr.  
Clerk