

**TOWN OF PROVINCETOWN**  
**Charter Review Ad Hoc Committee**  
**MEETING MINUTES OF**  
**May 21, 2014, 1 p.m. to 2:20 p.m.**

**MEETING HELD AT THE COUNCIL ON AGING**

**Members Present:** Judith Cicero, Thomas Coen, Ann Maguire, Julia Perry, Mark Phillips, Robert Speiser, Elizabeth Williams.

**Members Absent:** Marcy Feller, Doug Johnstone, David McGlothlin, Robert Vetric (excused).

**Guests:** Kitty Cotter, Georgia Cox, Richard Leavitt, Mary Agnes McNulty

1. Julia<sup>Perry</sup> made initial presentation on the Charter (attached).
2. Then group organized itself into a circle and had a discussion on the following issues:
  - a. Need for a large font version of the Charter.
  - b. Discussion of concerns with Committees
    - i. "Zombie Committees" – need an end date for ad hoc Committees
    - ii. The authority of Committees to act (or not) should be made clear
    - iii. Should some Committees be combined
  - c. Concern with Finance Committee
    - i. Should they be appointed or elected or some combination
    - ii. Shouldn't be allowed to speak as a private citizen, since they already had an opportunity to address the issue
    - iii. Shouldn't be allowed to call the question – cuts off public discussion
  - d. Should there be dates in the Charter – or in the By-Laws where they can be adjusted
  - e. Are there things in the By-Laws that should be in the Charter
  - f. There should be standardized processes to start a business/build a house – instead of going from Committee to Committee
  - g. There shouldn't be interference by individual Board of Selectmen members with the actions by the Town Manager – "strong Town Manager system". Board of Selectmen set policy only.
  - h. Should be orientation for Committee members:
    - i. Open Meeting law
    - ii. No individual authority
    - iii. Only the Chair can talk to the media and only about what has been decided by the Committee – not speculation about future actions
  - i. There should be a Town Ombudsman – with power to refer questions to Town Manager or Board of Selectmen

- i. Allows angered individuals to vent
  - ii. Allows timid individuals a spokesperson
- j. There should be a monthly meeting with the Town Manager – similar to “Office Hours” of a professor – allows the public to raise concerns
- k. How do we publicize our efforts to revise the Charter?
  - i. Write an article for the Banner
  - ii. Post flyers around town about public forums
  - iii. Hold meetings with groups
  - iv. Send a survey to the public that asks them about proposals to revise the Charter
- l. Can we present the Charter at Town Meeting in the spring of 2015 as an up or down vote – no amendments? Amendments can be offered at Town Meeting in the fall of 2014.
- m. How can we support an expedited legislative process once the revised Charter is approved?
- n. There should be a section in the Charter requiring a review every five (5) years – in order to have an institutional memory. It should mandate an up or down vote.
- o. We need to document the intent behind the changes we make.
- p. How can we address the apathy or antipathy to Town Meeting?
  - i. Promote clearer understanding of warrant issues prior to Town Meeting
  - ii. Set a time limit on discussion of warrant issues
  - iii. Identify microphones as yes or no positions and alternate between them
- q. How can we better control the impact of hate blogs on Town political processes?
  - i. Blogs may create a quorum of a Committee, requiring Open Meeting procedures
  - ii. Blogs should be subject to Ethics rules
- r. Need Ethics/Professional Courtesy language in Charter
- s. How can we promote participation by Second Home Owners?
  - i. Membership on Committees
  - ii. Representative at Town Meeting

Minutes prepared by Julia Perry as Secretary pro tem.

## COA TALKING POINTS

What is the Charter?

It is sort of like a Constitution for the Town of Provincetown. It describes our form of Government – the Board of Selectmen, the Town Manager, the Moderator, the Town Meeting, the Town Boards – and how each piece plays a role.

Is the Charter an independent document?

Not exactly. We are part of the Commonwealth of Massachusetts and have agreed to comply with State law. State law allows local governments to make their own laws when the local law does not contradict the State law – this is known as Home Rule. This is also an important point later in the process of Charter review. But you can see the interdependence with State law now in the references in the Charter to G.L. or M.G.L., both of which refer to Massachusetts General Law.

How is the Charter currently organized?

There are 10 working chapters – and 1 transitional or implementing chapter. The 10 working chapters are:

1. The Frame of Government
2. The Town Meeting and Elections
3. Town Boards
4. The Board of Selectmen
5. The Moderator and Elected Town Boards
6. Appointed Town Boards
7. The Town Manager
8. Public Safety
9. Financial Procedures
10. Termination of Service

We found this organization a little confusing. For example, it starts with Town Meeting – which is actually the culmination of the year.

So we said, maybe we could reorganize it to make it a little clearer:

1. The Powers and Authority of the Town
2. The Board of Selectmen
3. The Town Manager
4. The Moderator and the Elected Town Boards
5. The Appointed Town Boards
6. Rules of Operation of Town Boards
7. Removal of Officials from Town Boards
8. Public Safety
9. Financial Procedures
10. Town Meeting and Elections

Then we went through each of the Chapters and identified areas that could be made clearer. Some of the confusion was just the language:

“If any provision of this charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the charter which can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.”

Some of the problems were unclear references:

“If a member of the board of selectmen dies, resigns, or ceases to be a registered voter, a vacancy shall result which shall be filled in accordance with G.L. c. 41, s. 10.”

Sometimes we looked at what other Town’s Charters said about the same topic:

“A vacancy in the office of Selectmen shall be filled by special election in accordance with the provisions of General Law.”

We also identified some general topics that needed work – for example, the discussion of the Town’s financial processes is incomplete – it doesn’t discuss all of the processes and products that go into developing

the Town budget. And parts are in different chapters. So we have a Subcommittee working with the Town's Finance Committee to improve this part of the Charter. We've also asked the Town's other Committees and Boards for their ideas on how to improve the Charter, and we are working with them.

But we want to know what you think. Is the Charter easy to read? What could make it clearer? Do you want more charts? Clearer descriptions? Are there topics or issues that aren't even covered in the Charter? (We found some in the Town of Provincetown By-Laws that should be in the Charter. We even found a few contradictions between the two documents.)

So now is your chance to tell us what you think - now and throughout the summer. We want to bring a rewritten draft of the Charter to the Town Meeting in the Fall, so we can have a lively debate about how our Town Government works.

Then in the Spring, the Town will decide whether to vote for the new Charter. If they say yes, then it goes to Boston for approval by the Legislature - that's where that interdependence I was talking about comes back in. If the Legislature agrees that our new language is not contrary to State law - then we have a new Charter.

But now, the Committee members are going to sit down and talk with you.