

**Town of Uxbridge  
Charter Review Committee  
September 14, 2020**

The fifth meeting of the Uxbridge Charter Review Committee, held on the Zoom platform, was called to order by Chair, Patrick Stephan at 6:31 PM, Monday, September 14, 2020.

Present were Chair, Patrick Stephan, Clerk, Ray Talke, and committee members Rob Knapik, Jeffrey Lourie, Joann Lindenmayer, Ron Parsons, and Michael Potaski. Uxbridge town counsel, Jason R. Talerman, was also in attendance. Committee Vice-Chair, Melissa Desmarais and member, Barry Desruisseaux, were absent from the meeting.

Dr. Lindenmayer volunteered to serve as timekeeper.

Uxbridge Town Counsel Talerman reviewed issues with the Uxbridge Town Charter and answered questions submitted by members of the committee. The following are the highlights of Mr. Talerman's comments:

Certain aspects of the Town Charter, particularly as they relate to Town Meeting, are unique to Uxbridge. These provisions provide for checks and balances, but do sometimes make it difficult to operate quickly.

Both the Spring and Autumn Town Meetings are, from a legal perspective, *Annual* Town Meetings. There are certain state statutes and Charter provisions which mandate certain financial matters, such as the setting of budgets, must be performed at the Spring Annual Town Meeting. For all other purposes, the Spring and Autumn Town Meetings are functionally equivalent. Since both the Spring and Autumn Town Meetings are conducted annually, neither is considered a *Special* Town Meeting.

A Charter Commission is far more formal than a Charter Review Committee. Generally, towns create a Charter Commission once, when a charter is originally instituted, and then handle any changes or updates to a charter through the legislative process. Charter Review Committees tend to be less formal and less powerful than Charter Commissions. However, as a multiple member body, the Charter Review Committee may, pursuant to Article 2, Section 7, Paragraph a, submit a warrant article to be considered during an annual Town Meeting.

A report submitted by the Charter Review Committee does not constitute a *petition*, as defined in the Town Charter. Recommendations made by the Charter Review Committee do not constitute a petition, and those recommendations need not be included on a Town Meeting warrant. However,

as a multiple member body, the Charter Review Committee can officially petition for the inclusion of a warrant article, as provided by Article 2, Section 7, Paragraph c, of the existing Town Charter. Any warrant article submitted by petition, at least 60 days prior to the date of Town Meeting, must be included for consideration at Town Meeting. This petition does not require the approval of the Board of Selectmen or any other town body.

Traditionally, Uxbridge has had a "placeholder" warrant article for the acceptance of reports from multiple member bodies (usually the first article). State statute does require multiple member bodies to submit annual reports to Town Meeting. These reports may be addressed by a warrant article or by comments from the Town Moderator.

Article 1, Section 4 of the Town Charter addresses intergovernmental relations. Members of the Charter Review Committee noted this section did not address international relations. The Uxbridge Charter is a home rule charter, and as such, may vary from state law, but must not conflict with state law. Although the verbiage in Article 1, Section 4 is harmless, serving as a purpose clause, it is surplus. These provisions are already addressed in state law.

Although the powers of the Board of Selectmen and Board of Health are not absolute, their powers to establish regulations are very broad according to state law. Regulations passed by a Board of Health take on the force of a bylaw or statute, according to state law. Board of Health regulations, for example, must address health-related issues, but cannot infringe upon zoning or other issues governed by statute. The Board of Selectmen can issue police power regulations.

Chapter 111, Section 31 of the Massachusetts General Laws grants the Board of Health the power to "make reasonable health regulations." Those regulations cannot be subjected to approval or change by Town Meeting or town multiple member bodies. Regulations by the Board of Selectmen and other bodies may be subjected to additional approval steps before they may be implemented. For example, some towns require all regulations of the Board of Selectmen be submitted as Bylaw articles, subject to the approval of Town Meeting.

A number of boards and committees are required by state law. Members of these multiple member bodies may be elected or appointed, with the exception of the Board of Selectmen. Members of the Board of Selectmen must be elected to their positions under the Town Meeting form of government. Generally, the number of members of any multiple member body must be at least three, but the number may be set higher. State statute, however, does specify the minimum and maximum quantity of members for some boards and committees.

Boards can appoint subcommittees, but most appointments to town multiple member bodies are made by those with executive authority (e.g. Board of Selectmen, Town Moderator, Town Manager). Town Meeting may create multiple member bodies and specify the appointment authority for these bodies.

There is a question as to whether multi member bodies in which some members are elected and others appointed are legal under Chapter 41 of the Massachusetts General Laws. Currently, the Uxbridge Finance Committee contains both elected and appointed members. Mr. Talerman will research this question and get back to the committee with an answer.

Approval of the minutes of the August 31, 2020 meeting was tabled. A discussion was held on the level of detail included in the minutes.

Mr. Stephan reviewed his work on allowing the creation of a shared calendar. He is still working on it.

Meetings of the Charter Review Committee will be held on the first and third of every month. If the committee is to present a report for the May Town Meeting, data gathering should be completed by January and the report should be ready by mid-March. After discussion, the committee consensus was to possibly create an interim report for the Spring Town Meeting and complete our activities in time for the Autumn Town Meeting.

Mr. Potaski sent members of the Charter Review Committee revised copies of the media release inviting the public to comment on the committee's work. Motion by Dr. Lindenmayer to accept and distribute the media release as written; seconded by Mr. Lourie. The motion passed unanimously.

The media release created by Mr. Potaski and approved by the Charter Review Committee will be sent to news organizations, Uxbridge Community Television, posted on the Town Hall bulletin board, and may be distributed through social media.

Mr. Stephan pointed out our email address was listed incorrectly on the town website. The address has been corrected on the website.

A discussion of the contents of the forms to be used to solicit information from town employees and the public was conducted. During discussions, there seemed to be some differences in perception about the role and mission of the Charter Review Committee. Some viewed the committee's task as one of "cleaning up" the language of the Charter and using the current language as a starting point. Others felt the committee's mission was broader – to identify areas in which the Uxbridge town government is not working well and seeking ways to improve the structure of the government to address these deficiencies. A subcommittee of Mr. Stephan, Dr. Lindenmayer, and Mr. Talke will be formed to discuss and create input forms.

Mr. Stephan began a discussion of those who should be interviewed by the Charter

Review Committee and the structure of the interviews. Mr. Lourie and the former Chair of the Board of Selectmen, Jennifer Modica are suggested as those to be interviewed at the next meeting of the Charter Review Committee.

Mr. Stephan presented a list of town Boards and Committees and suggested the Charter Review Committee determine which bodies should be included in interviews and which should be invited to submit written input. Some members were concerned that interview determinations can't effectively be made until further information is gathered from the members of the committees. Mr. Stephan asked committee members to review the list and provide their input at the next meeting of the Charter Review Committee.

The question as to the order of interviews and who must be included was raised as well as whether all interviews must be completed before the Charter Review Committee can begin its deliberations.

There were no public comments during the citizens' forum.

The next meeting of the Charter Review Committee will be held on Monday, September 21, 2020 at 6:30 PM. The meeting will be conducted on the Zoom meeting platform.

The meeting was adjourned at 8:20 PM.

Respectfully submitted,

/s/

Raymond A. Talke, Jr.  
Clerk