

UXBRIDGE CHARTER REVIEW COMMITTEE

4/19/2021 MEETING MINUTES

The twentieth meeting of the Uxbridge Charter Review Committee, held on a Zoom platform, was called to order by Chair Patrick Stephan at 6:39 PM, Monday, April 19, 2021.

**Members Present:** Patrick Stephan, Chairman; Ray Talke, Clerk; Committee Members: Atty. Rob Knapik, Michael Potaski and Dr. Joann Lindenmayer.

**Members Absent:** Ron Parsons, Melissa Desmarais, Chief Jeff Lourie and Barry Desruisseaux.

**Participating remotely from office:** Donna C. Hardy, Assistant

**Open Public Forum:** Ms. Hardy and Mr. Paul Balutis were present for Citizens' Forum.

**Input from the Community:**

Discussions about Town Meeting – Inquiry if Board of Selectmen (BOS), Town Manager and Finance Committee are usually the only groups that speak on each article, except if Planning Board has discussions relating to Zoning articles. Deputy Moderator or Moderator would be able to provide additional information. No other additional surveys have been received.

**OLD BUSINESS:**

**Review the timeline for Committee deliverables:**

Chairman Stephan provided the committee with a draft report for the Town Meeting. Town Meeting is scheduled for October 26, 2021.

**Meeting Minutes:**

**MOTION** by Dr. Lindenmayer to accept the meeting minutes of April 5, 2021. Motion was seconded by Mr. Potaski. Dr. Lindenmayer withdrew the motion to accept the meeting minutes, which will be tabled to the next meeting. The comments about vacancies is to be clarified in the meeting minutes.

**Input from Mr. Knapik on Grafton Sewer and Water organization:**

Table discussion due to network connectivity issues.

**NEW BUSINESS:**

**Review Order of Topics for Deliberations:**

**Deliberation of topics – Moderator (Article 3, Section 4)**

During the interview with Mr. Ed Maharay, Town Moderator since 2010, he made the following comments:

The Finance Committee members are selected using a unusual hybrid approach. Four members are appointed by the Town Moderator and three are elected to office. Mr. Maharay expressed his preference that the hybrid approach be abolished and that all Finance Committee members be appointed or all be elected. In about 70% of the Massachusetts towns, the members of the Finance Committee are appointed by the Town Moderator.

Mr. Talke noted that he believes that no appointing authority should be able to appoint a majority of members to a committee. He is in favor of changing the language in the first line of Article 2, Section 3: Finance Committee to have 3 members of the committee appointed by the Moderator, with 4 members elected by voters.

Mr. Maharay shared the difficulty he has in finding qualified individuals to serve as appointed members of the Finance Committee. Some of the difficulty with recruiting members to serve on the Finance Committee relates to the Uxbridge Bylaws, which prohibit members of the Finance Committee from serving on any other committees. Although this bylaw prohibition prevents potential conflicts of interest from members who may serve on other committees, it limits the pool of potential qualified individuals.

Discussion from the committee inquired if this issue should be addressed at the Town Meeting or with the Bylaw Review Committee

**Deliberation of topics – Removals, Suspensions, Penalties & Recall (Art. 7, Sec 8)**

During several interviews, there were comments about the lack of penalties for violation of Charter policies, ethics and behavior. Chair Stephan read off the above Article/Section discussing Removals and Suspensions. Discussions revolved around what penalties occur and if there is a difference of opinion between members and what happens. Chair Stephan recommended that the committee should review all the interview comments discussing this topic.

**Deliberation of topics – Checks and Balances (No Articles)**

The concept of establishing an oversight system in town government functions was discussed during interviews. Discussion pertained to whether or not the BOS should be more involved in day-to-day activities and engage or investigate in any activities that a department or committees are not doing what they should be doing. One example is the loss of funds through fraud and the lack of proper audits in detecting

fraud. The BOS is responsible for calling for independent audits. Another suggestion from the Committee is to include in the Charter a provision for the BOS to provide for an annual or bi-annual independent audit.

It was noted that Section 4 of the Charter has language about Town Meetings to be fixed by bylaw for Spring Town Meeting, yet this is being violated this year and there is no authority to address the violation or penalties. Mr. Talke has requested additional assistance from the Town Clerk's office to inquire if Gov. Baker has issued any rulings on such changes due to the Covid-19 pandemic. A suggestion came from the floor that a "Oath of Office" should be included in the Charter.

Another suggestion is to establish an Oversight or Ethics Committee that has the authority to review the functions of the town. Presently, the BOS can engage an investigation of any employee at any time based off of a vote from the BOS, but there is no other mechanism in the current bylaw.

#### **Deliberation of topics – Charter vs. Bylaws (Art. 5, Sec 1 & Art 7, Sect 6)**

The Committee discussed if various changes should be made in the Charter or in the Bylaws.

#### **Deliberation of topics – Elected vs. Appointed Positions by each position (Art. 2, Sec 2 & 3; Art 3, Sec 1-8; Art 4, Sec 1 & 2; Art 7, Sec 6 & 7)**

This topic has been included in discussions about other topics. Individuals who are elected are ultimately responsible to the citizens of the town within their particular appointment timeframes. There was a discussion about whether any town officials grades or evaluates the current committee or board members of the town. Discussions continued as to whether or not the present appointed positions should be changed to elected positions, with consideration, for example, of the composition of the Finance Committee (hybrid model that presently exists). During deliberations of specific language changes, the number of individuals on boards and committees will be addressed again.

**MOTION** to adjourn by Dr. Lindenmayer and seconded by Mr. Potaski. Motion carried 5-0-0. The meeting adjourned at approximately 8:30 PM.

**Respectfully submitted,**

**Donna C. Hardy, Uxbridge Charter Review Committee Assistant**

