



Town of Reading Meeting Posting with Agenda

Board - Committee - Commission - Council:

Charter Review Committee

Date: 2024-01-08

Time: 7:00 PM

Building: Reading Town Hall

Location: Berger Room

Address: 16 Lowell Street

Agenda: Revised

Purpose: General Business

Meeting Called By: Jacquelyn LaVerde on behalf of Chair Chris Haley

Notices and agendas are to be posted 48 hours in advance of the meetings excluding Saturdays, Sundays and Legal Holidays. Please keep in mind the Town Clerk's hours of operation and make necessary arrangements to be sure your posting is made in an adequate amount of time. A listing of topics that the chair reasonably anticipates will be discussed at the meeting must be on the agenda.

All Meeting Postings must be submitted in typed format; handwritten notices will not be accepted.

Topics of Discussion:

This meeting will be held in the Berger Conference Room of Town Hall and remotely via Zoom:

Join Zoom Meeting

<https://us06web.zoom.us/j/83949827078>

Meeting ID: 839 4982 7078

One tap mobile

+16465189805,,83949827078# US (New York)

+16465588656,,83949827078# US (New York)

Dial by your location

• +1 646 518 9805 US (New York)

• +1 646 558 8656 US (New York)

Find your local number: <https://us06web.zoom.us/j/83949827078>

AGENDA:

1. Public Comment
2. Presentation by David Zeek: Proposed Amendments to Election Recounts
3. Presentation by Greg Phipps: RMLD Charter Revision Notes*
4. Discussion on Content and Potential Changes to Charter Article 7 and Article 8
5. Approval of Minutes
6. Future Agenda Items

*Revised 1/8/2024 to add agenda item #3 RMLD Presentation. Originally posted 1/3/2024 3:42 pm.

Proposed Charter Amendments on Election Recounts

DAVID ZEEK

NOVEMBER 30, 2023

What is the problem with election recounts?

Requesting an election recount is both too hard and too easy.

Too hard:

- Procedures for requesting a recount are very detailed with specific deadlines and requirements that will be unfamiliar and confusing to a voter seeking a recount.

Too easy:

- The same procedures apply for any request for a recount even when there is next to no chance that a recount will yield a different result.

The Town of Reading saw both in the municipal election this year.

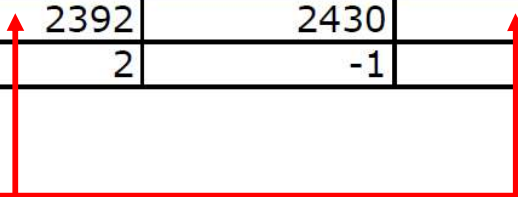
Aside from paperwork, filing and reporting, the recount involved dozens of people, many paid.

Our Experience – Too Hard

Town of Reading Recount - Select Board April 4, 2023 Election - Recount April 22, 2023

	Bacci	Herrick	Murphy	Write-In	Blanks	Total	Ballots
Totals	2394	2429	2386	26	2043	9278	4639
Election Results	2392	2430	2387	22	2049	9280	4640
Change	2	-1	-1	4	-6	-2	-1

5 votes / .05%



Melissa Murphy petitioned for a recount after a 5-vote gap in the Select Board election.

In the event, the recount expanded the gap to 8.

However, such a close vote merits a recount.

Some of the Recount Petition Details

<u>Filing Deadlines and Signature Requirements</u>			
Recount Area*	Local Filing Deadline After a Primary or Preliminary Election	Local Deadline After Election	Number of Registered Voter Signatures Required
Towns With Over 2,500 Voters and precincts	5:00 p.m. on the 6th day after	5:00 p.m. on the 10th day after	10 or more from each precinct

Our Experience – Too Easy

Town of Reading Recount - Board of Library Trustees
April 4, 2023 Election - Recount April 22, 2023

	Verrier	Curry	Popp	Terry	Write-In	Blanks	Total	Ballots
Totals	2875	1686	2254	1468	5	990	9278	4639
Election Results	2875	1686	2254	1468	6	991	9280	4640
Change	0	0	0	0	-1	-1	-2	-1

568 votes / 6.1%



Brian Curry petitioned for a recount after a 568-vote gap in the Library Board of Trustees election.

In the event, the recount changed 0 votes.

This was a waste of Reading's time and resources.

What are the rules?

Municipal recount provisions are spelled out in:

- Massachusetts General Law Chapter 54, Section 135 “Petition for Recount; Filing; Contents; Examination; Recounts; Notice; Amendments of Records”
- and elaborated in ELECTION RECOUNTS from the Secretary of the Commonwealth.

No towns have adopted Charter recount provisions deviating from the directives above.

There are special rules for DISTRICT-WIDE RECOUNTS (Including Statewide)

- After a state election, the Secretary of the Commonwealth must hold the recount petitions until after the official tabulation of votes is made by the Governor and Council. **If the difference in the number of votes cast is greater than one-half of one percent of the total number of votes cast, the district-wide recount will not be held.** If the difference is one-half of one percent or less of the total number of votes cast, the Secretary of the Commonwealth will order that the registrars of each city and town conduct the recount.

No similar limitations are specified for municipal elections.

Proposed Charter Amendments

1 - Automatic Recount for Very Close Elections:

Notwithstanding section 135 of chapter 54 of the General Laws or any other general or special law to the contrary, the town clerk of the town of Reading shall conduct an automatic recount of the town election for Moderator, Select Board, Board of Library Trustees, Municipal Light Board, or School Committee, if the election results could be changed by a vote change of less than 0.1% (one tenth of one percent) of the total votes for the challenged elected position. No recount is required if all affected candidates waive their right to the recount.

2 - Petitioner Pays for Recounts of Elections with Vote Differences beyond 1%:

A qualified voter of the town filing a petition for a recount of a town election with the Board of Registrars of Voters shall pay for the expenses incurred by the town to conduct the recount if the count required to change the results of the election exceeds 1% (one percent) of the total votes for the challenged elected position.

Triggers & Limits

Percentage of the total number of votes



**Murphy
2023**

**MA limit on
recounts**

**Curry
2023**

6.1

**Automatic
recount**

**Petitioner
pays**

Endorsed by the Reading Democratic Town Committee

November 28, 2023, meeting of the RDTC:

Move that the Reading Democratic Town Committee endorses these two proposed amendments related to election recounts and recommends them to the Reading Charter Review Committee for inclusion in the Reading Home Rule Charter.

References

Mass General Law, Chapter 54, Section 135, “Petition for Recount; Filing; Contents; Examination; Recounts; Notice; Amendments of Records”
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVIII/Chapter54/Section135>

MA Election Recount – William Galvin, Secretary of the Commonwealth
<https://www.sec.state.ma.us/divisions/elections/download/getting-on-the-ballot/Election-Recounts.pdf>

Reading Home Rule Charter
<https://www.readingma.gov/DocumentCenter/View/2240/Reading-Home-Rule-Charter-PDF?bidId=>

Reading 2023 Election Results
<https://www.readingma.gov/DocumentCenter/View/10193/2023-04-04-Local-Election-Results-PDF>

Reading 2023 Election Recount Results
<https://www.readingma.gov/DocumentCenter/View/10616/2023-Recount-Results-PDF>



RMLD Public Comments on Reading Home Rule Charter Review

08 January 2024

RMLD



Reading Municipal Light Department

RELIABLE POWER

Context

The 2021 Massachusetts Climate Bill and recent European events are driving massive changes to New England energy markets (price volatility, wholesale fragility, non-carbon mandates in buildings and transportation, early retirement of traditional generation assets, delays in new generation assets commissioning, distributed generation and transmission system buildout, ...)

RMLD load will double in the next 25 years and the energy it delivers must comply with net-zero carbon targets

RMLD is taking new strategic actions to serve its customers in Lynnfield Center, North Reading, Reading, and Wilmington with reliable, low-cost, non-carbon electricity

RMLD is a very different electric utility than it was 20 years ago (serving larger load and more customers, high customer satisfaction, larger and more complex operations, in-territory generation, new leadership, innovating, ...)

Home Rule Revision Topics – Article 3 Section 3.5

RMLD proposes modifications to Article 3 Section 3.5 to ensure consistency and compliance with M.G.L c. 164, governing the management and operation of Massachusetts MLPs

This public comment is focused on paragraph 8 of Section 3.5 (next slide)

- Approve rates
- Capital budgets
- Calendar year
- Annual presentations to the four Towns that RMLD serves under 20-year agreement

Comments on Paragraphs 4, 6, and 7 will be presented at a later time

- Paragraph 4 – Appointment of Accountant and Counsel
- Paragraph 6 – 30B and 20-year agreement
- Paragraph 7 – Appointment of Auditor

Suggested Refinements to Section 3.5 Paragraph 8

The Municipal Light Board of Commissioners shall annually ~~set~~ **approve** electric rates and approve an annual operating budget and ~~Capital Improvements Program~~ **capital budget** each ~~fiscal year~~ **calendar year**. Such approval will be done by a majority vote of the Municipal Light Board of Commissioners. After the Municipal Light Board of Commissioners has approved an annual operating budget and ~~Capital Improvements Program~~ **capital budget**, upon request of any of the ~~other towns~~ **four towns served by the Municipal Light Department**, ~~it will present them to the Town of Reading Finance Committee and Town of Reading Town Meeting.~~ the Municipal Light Board of Commissioners **or General Manager** shall make a presentation to the Finance Committee and/or Town Meeting of any such town(s).

Thank You



RMLD



Reading Municipal Light Department
RELIABLE POWER

LaVerde, Jacquelyn

From: Geoffrey Beckwith <geoffbeckwithreading@gmail.com>
Sent: Monday, January 8, 2024 9:55 AM
To: LaVerde, Jacquelyn
Cc: Haley, Christopher
Subject: Re: Charter Review Packet 1/8

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Jackie and Chris-

I'm letting you know that I will be late to tonight's meeting - I'm a mentor/lecturer for a class at MIT Sloan, and our first session is tonight from 6-8 pm. Fortunately, it is remote, so I'll join the Charter Review Committee meeting via Zoom as soon as I can, yet I know that will be after 7:00 p.m.

I'm sorry to miss David's presentation to the committee regarding his suggestion to change Reading's election recount provisions and place the financial burden on the candidate/committee requesting the recount if the margin/differential is particularly wide. I have significant concerns about the Secretary of State's or Legislature's willingness to establish a financial hurdle that would give more affluent individuals or groups an advantage over those without funding. While some states have enacted such a practice, I am unaware of examples in Massachusetts (these states pay for the cost of the recount if the result changes the outcome and a different candidate is certified). I understand David's intent, and perhaps one way to address this without running into a legislative hurdle would be to increase the signature-gathering requirement for townwide elections that have a vote difference of more than one percent, for example (I am not proposing this idea, just giving it as an example of a non-financial approach). Regardless, it's my suggestion that the committee will need to do additional research before committing to any recount recommendations.

Thanks very much,
Geoff

Geoffrey C. Beckwith

Town Meeting Member, Precinct 6
Member, Reading Charter Review Committee
Home: 17 Palmer Hill Ave, Reading, MA 01867
Mobile: +1-617-645-1300

On Thu, Jan 4, 2024 at 3:52 PM LaVerde, Jacquelyn <jlaverde@ci.reading.ma.us> wrote:

Hello All!

Happy New Year!

Please find your packet for Monday's Charter Review Committee meeting attached.

Many thanks!

Jackie

Jackie LaVerde

Executive Assistant

Town of Reading

16 Lowell Street

Reading, MA 01867

781-942-6643

jlaverde@ci.reading.ma.us

Town Hall Hours:

Mon, Wed, Thurs 7:30 am – 5:30 pm

Tues 7:30 am – 7:00 pm

Friday - CLOSED

ARTICLE 7 BUDGET AND CAPITAL IMPROVEMENTS PROGRAM

7.1 Fiscal Year

The fiscal year of the Town shall begin on July first (1st) and end on June thirtieth (30th), unless another provision is made by the Massachusetts General Laws.

7.2 Submission of Proposed Budget

At least four (4) months before the start of the fiscal year and following consultation with the Board of Selectmen on the Municipal Government portions of the budget, the Town Manager shall submit to the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents. He shall simultaneously provide for the publication in a local news medium of a general summary of the proposed budget, and a notice stating the times and places where complete copies of his proposed budget shall be available for examination by the public.

[Amended November 21, 2011 - Article 29 and approved by vote of the Town on March 6, 2012]

7.3 School Committee Budget

The budget requested by the School Committee shall be submitted to the Town Manager at least five (5) months before the start of the fiscal year to enable him to prepare the total Town budget pursuant to Section 7.2.

7.3.1 Public Hearing

At least fourteen (14) days before the meeting at which the School Committee is to vote on its budget request, the School Committee shall cause to be published in a local news medium a general summary of such budget request. The summary shall indicate specifically any major variations from the current year's budget and the reasons for such variations and a notice stating the times and places where complete copies of the budget shall be available for examination by the public, as well as the date, time and place, not less than seven (7) days (see Section 8.5) following such publication, when a public hearing shall be held by the School Committee on the budget request.

7.4 Budget Message

The Budget Message submitted by the Town Manager shall explain the proposed budget for all Town agencies, both in fiscal terms and in terms of work programs. The Budget Message shall include a current Table of Organization and may include a proposed Table of Organization.

7.5 The Proposed Budget

The proposed budget shall provide a complete financial plan for all Town funds and activities; shall be balanced to the funds available; and shall present the budget as requested by the School Committee for the ensuing year. Except as may otherwise be required by the Massachusetts General Laws or by the Charter, the proposed budget shall be in the form that the Town Manager deems desirable. In his presentation of the budget, the Town Manager shall make use of modern concepts of fiscal presentation so as to furnish a high level of information and maximum financial control. The proposed budget shall show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- a** Proposed expenditures for current operations during the ensuing fiscal year, detailed by Town Agency, function and work programs, and the proposed methods of financing such expenditures.
- b** Proposed capital expenditures during the ensuing fiscal year, detailed by Town Agency, and the proposed method of financing each such capital expenditure.

- c Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.
- d All encumbered funds from prior fiscal years.

7.6 Action on the Budget

7.6.1 Public Hearing

The Finance Committee shall, forthwith upon receipt of the proposed budget, provide for publication in a local news medium of a notice stating the date, time and place, not less than five (5) nor more than fourteen (14) days following such publication, when a public hearing shall be held by the Finance Committee on the proposed budget.

7.6.2 Finance Committee Meetings

The Finance Committee shall consider in public meetings the detailed expenditures proposed by the Town Manager for each Town Agency, and may confer with representatives of any such Town Agency in connection with such considerations. The Finance Committee may require the Town Manager or any other Town Agency to provide such additional information as it deems necessary or desirable in furtherance of its responsibilities.

7.6.3 Presentation to the Town Meeting

The Finance Committee shall file a report of its recommendations with the Town Clerk in sufficient time to be distributed to all Town Meeting Members at least fourteen (14) days before action on the budget Warrant Article is to begin. The budget to be acted upon by the Town Meeting shall be the budget as proposed by the Finance Committee; provided, however, that such budget may be amended by the Town Meeting.

- 7.6.4** All Warrant Articles requiring an appropriation shall be considered and reported thereon by the Finance Committee.

7.7 Capital Improvements Program

The Town Manager shall submit a Capital Improvements Program to the Board of Selectmen and the Finance Committee at least thirty (30) days before the date fixed for submission of his proposed budget. Such Capital Improvements Program shall contain:

- a A general summary of its contents;
- b A list of all capital improvements proposed to be undertaken during the ensuing five (5) years, with supporting information as to the need for each capital improvement; and
- c Cost estimates, methods of financing and recommended time schedules for each such capital improvement.

The Capital Improvements Program may further contain the estimated annual cost of operating and maintaining each such capital improvement. This information may be annually revised with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

ARTICLE 8 GENERAL PROVISIONS

8.1 Charter Changes

This Charter may be replaced, revised or amended in accordance with the procedures made available by Article LXXXIX of the amendments to the Constitution of the Commonwealth of Massachusetts and Chapter 43B of the Massachusetts General Laws.

[Amended November 19, 2001 - Article 11]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8.2 Severability

If any provision of the Charter shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Charter shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in the Preamble.

8.3 Specific Provisions Prevail

To the extent that any specific provision of the Charter may conflict with any provision expressed in general terms, the specific provision shall be deemed to prevail.

8.4 References to Massachusetts General Laws

All references to the Massachusetts General Laws contained in the Charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the Massachusetts General Laws enacted subsequent to the adoption of the Charter.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8.5 Computation of Time

In computing time under the Charter, if seven (7) days or less is specified, only days that Town Hall is open to the general public shall be counted; if more than seven (7) days is specified, every calendar day shall be counted.

8.6 Number and Gender

Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing the masculine gender shall include the feminine gender.

8.7 Rules and Regulations

A copy of all Rules and Regulations adopted by any Town Agency shall be filed in the Office of the Town Clerk and made available for review by any person upon request provided, however, that such Rules and Regulations shall become effective ten (10) days following their adoption, whether or not they are so filed.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8.8 Procedures of Boards or Committees

8.8.1 Meetings

All boards or committees shall meet in compliance with Open Meeting Laws at such times and places as they may, by their own rules, prescribe. Additional meetings of any board or committee shall be held on the call of the respective chair or by a majority of the members thereof.

8.8.2 Rules and Minutes

Each board or committee shall determine its own rules and order of business unless otherwise provided by the Charter or by Town Bylaw and shall provide for the keeping of minutes of its proceedings. Copies of these rules and minutes shall be publicly available in the Office of the Town Clerk and in the Library.

8.8.3 Voting

Except on procedural matters, all votes of all boards or committees shall be taken by a show of hands, or roll call vote, the results of which shall be recorded in the minutes. A majority vote shall be necessary to adopt any motion, order, appointment or approval to take any action not entirely procedural in nature.

8.8.4 Quorum

A majority of the number of members of a board or committee specified in the Charter or other action creating such board or committee shall constitute a quorum thereof, but a smaller number may adjourn a board or committee meeting from time to time.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8.9 Elections

8.9.1 Annual Town Elections

The choice of elected Town Officers and Town Meeting Members, as well as referendum questions, shall be acted upon and determined on the date fixed by Town Bylaw by voters on official ballots without party or other designation.

8.9.2 Procedures

All elections held pursuant to the Charter shall be conducted in accordance with the election laws of the Commonwealth of Massachusetts.

8.9.3 Any town wide election shall be held at the same time for each precinct at a place or places designated by the Board of Selectmen.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8.10 Vacancies on Boards or Committees

Whenever a new board or committee is established, or a vacancy occurs on any existing board or committee, the appointing authority shall forthwith cause notice of the vacancy to be publicly available for not less than fifteen (15) days. Any person who desires to be considered for appointment to the position may, prior to the time the position is actually filled, file with the Town Clerk a statement setting forth his interest in and qualifications for the position.

[Amended November 13, 1986 - Article 17 and approved by vote of the Town on March 23, 1987]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8.11 Recall Procedures

8.11.1 Application

Any holder of an elective office, other than a Town Meeting Member, with more than six (6) months remaining in the term for which he was elected, may be recalled therefrom by the voters in the manner provided in this section. No recall petition shall be filed against a Town Officer within three (3) months after he takes office.

8.11.2 Recall Petition

Two hundred and fifty (250) or more voters, including at least twenty-five (25) voters from each of the precincts into which the Town is divided, may file with the Town Clerk an affidavit containing the name of the Town Officer whose recall is sought and a sworn statement of the grounds upon which the affidavit is based. The Town Clerk shall, within twenty-four (24) hours of receipt, submit the affidavit to the Board of Registrars of Voters who shall forthwith certify thereon the number of signatures that are names of voters. A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk.

If the affidavit contains sufficient signatures, the Town Clerk shall deliver to the first ten voters listed upon the affidavit, blank petition forms, in such number as requested, demanding such recall, with his signature and official seal attached thereto. They shall be dated and addressed to the Board of Selectmen; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the office held by such person. The recall petitions shall be returned and filed with the Town Clerk within twenty-one (21) days following the date of the filing of the affidavit, signed by at least ten percent (10%) of the voters and containing their names and addresses; provided, however, that not more than twenty-five percent (25%) of the total number signatures may be from voters registered in any one precinct.

8.11.3 Recall Election

If the petition is certified by the Board of Registrars of Voters to be sufficient, it shall forthwith submit the petition with its certificate to the Board of Selectmen. Upon its receipt of the certificate, the Board of Selectmen shall forthwith give written notice of the petition and certificate to the Town Officer whose recall is sought, by mail, postage prepaid, to his address as shown on the most recent voting list; and shall cause notice of the petition and certificate to be publicly available. If such Town Officer does not resign his office within five (5) days after the date of such notice, the Board of Selectmen shall order an election to be held not less than 64 days or not more than 90 days from the date the board of selectmen orders the election; provided, however, that if any other town election is to occur not less than 70 days or not more than 90 days after the date of the certificate, the Board of Selectmen shall hold the recall election on the date of such other election.

If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted to determine a successor in office.

8.11.4 Nomination of Candidates

No Town Officer whose recall is sought may be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the Warrant for the recall election, and the conduct of the election shall all be in accordance with the provisions of law relating to elections.

8.11.5 Propositions on Ballot

Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of Town Officer)
Against the recall of (name of Town Officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the proposition shall appear the word "candidates" and the names of candidates nominated pursuant to Massachusetts General Laws Chapter 54, Section 42.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected and the incumbent shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term; provided, however, that, if the successor fails to qualify within five (5) days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office shall be deemed vacant.

If a majority of votes cast upon the question of recall is in the negative, no candidate shall be declared elected, and the Town Officer whose recall was sought shall continue in office for the remainder of his unexpired term, subject to recall as before.

8.11.6 Repeat of Recall Petition

No recall petition shall be filed against a Town Officer subjected to a recall election and not recalled thereby, until at least six (6) months after the election at which his recall was submitted to the voters.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

8.12 Removal of an Appointed Board or Committee Member

- 8.12.1** The appointing authority may remove an appointed member of a board or committee with more than six (6) months remaining in the term for which he was appointed. The process for such removal may be initiated in any of three methods:
- a** The appointing authority may, by majority vote, cause a notice of removal to be filed with the Town Clerk;
 - b** A board or committee may, by majority vote, submit a written request that the appointing authority remove one of its members, specifying the grounds for such removal request in writing and causing a notice of removal to be filed with the Town Clerk;
 - c** One hundred (100) or more voters may file with the Town Clerk a petition requesting the removal of a member of a board or committee, specifying the grounds for such removal. Upon certification by the Board of Registrars of Voters of a sufficient number of valid signatures, the Town Clerk shall immediately notify the appointing authority thereof.

8.12.2 Public Hearing

A public hearing shall be convened by the appointing authority not less than twenty (20) nor more than thirty (30) days after a notice, request or valid petition for removal is filed with the Town Clerk. Not less than five (5) days (see Section 8.5) prior to such hearing, written notice thereof shall be given by the Town Clerk to the board or committee member whose removal is sought, by mail, postage prepaid, to his last known address. Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, the board or committee member shall be entitled to file a written statement with the appointing authority responding to the reasons cited for the proposed removal. The board or committee member may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

8.12.3 Removal

The appointing authority may, by majority vote, adopt a final resolution of removal, which shall be effective upon adoption. Failure to adopt a final resolution of removal within thirty (30) days of the public hearing shall be deemed to be a disapproval of such resolution. The action of the appointing authority in removing the board or committee member shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such removal in the appointing authority. The board or committee member shall continue to serve on the board or committee until a final resolution of removal has become effective.

8.13 Resignation of Town Officers

Any person holding an elective or appointive office may resign his office by filing a notice of resignation with the Town Clerk, and such resignation shall be effective immediately upon such filing, unless a time certain is specified therein when it shall take effect.

8.14 Town Seal

The Town Seal in existence at the time of adoption of the Charter shall continue to be the Town Seal and shall be kept in the custody of the Town Clerk. Papers or documents issued by any Town Officer or Town Agency may be attested by use of the Town Seal.

From Jesse Arnold

8.11.2 Recall Petition

Two percent (2%) of registered voters, including at least twenty-five (25) voters from each of the precincts into which the Town is divided, shall file with the Town Clerk an affidavit containing the name of the Town Officer whose recall is sought and a sworn statement of the **grounds** upon which the affidavit is based. **The affidavit shall contain a factual statement which alleges and includes relevant evidence of an explicit legal or ethical breach of the officeholder's sworn responsibilities.** The Town Clerk shall, within twenty-four (24) hours of receipt, submit the affidavit to the Board of Registrars of Voters who shall forthwith certify thereon the number of signatures that are names of voters. A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk.

If the affidavit contains sufficient signatures, the Town Clerk shall deliver to the first ten voters listed upon the affidavit, blank petition forms, in such number as requested, demanding such recall, with his signature and official seal attached thereto. They shall be dated and addressed to the **Select Board**; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the office held by such person. The recall petitions shall be returned and filed with the Town Clerk within twenty-one (21) days following the date of the filing of the affidavit, signed by at least **twenty percent (20%)** of the voters and containing their names and addresses; provided, however, that not more than **fifteen percent (15%)** of the total number signatures may be from voters registered in any one precinct.



Town of Reading Meeting Minutes

Board - Committee - Commission - Council:

Charter Review Committee

Date: 2023-12-11

Time: 7:00 PM

Building: Reading Town Hall

Location: Conference Room

Address: 16 Lowell Street

Session: Open Session

Purpose: General Business

Version: Draft

Attendees: **Members - Present:**

Chair Chris Haley, Vice Chair Phil Pacino, Jesse Arnold, Geoffrey Beckwith, Jonathan Barnes, William Brown, Alan Foulds, Chuck Robinson

Members - Not Present:

Andrew Grimes

Others Present:

Town Clerk Laura Gemme, Assistant Town Manager Matt Kraunelis

Minutes Respectfully Submitted By: Jacquelyn LaVerde

Topics of Discussion:

Chair Chris Haley called the meeting to order at 7:00 pm.

Public Comment

Phil Pacino stated that RMLD General Manager Greg Phipps plans to attend a future meeting to speak on section 3.5.

Discussion on Content and Potential Changes to Charter Article 5 and Article 6

Article 5

The Committee continued with updates to "Select Board", and gender-neutral pronouns and titles.

Section 5.1 Appointment Qualifications and Term of the Town Manager: The Committee agreed to modify the qualifications to three (3) years of City or Town Manager/Assistant Town Manager experience or five (5) years of equivalent level of public or private sector experience. They also discussed parameters surrounding incentives for years of service. Mr. Haley will ask Bernie Lynch, the consultant contracted to recruit the new Town Manager, questions raised regarding termination in typical Town Manager contracts. Also, he will ask Town Counsel to advise on Town Manager compensation.

Section 5.2 Powers and Duties: Chris Haley stated that Town Counsel noted that the School Committee and RMLD Board of Commissioners are referenced throughout the Charter, and recommended considering adding the Board of Library Trustees if the Town Manager is not the Chief Procurement Officer for the Library. Assistant Town Manager Matt Kraunelis will confirm.

Section 5.3 Ombudsman: Assistant Town Manager Matt Kraunelis stated that he feels that "Ombudsman" is a misnomer, as the title has very different responsibilities in healthcare. He receives a lot of calls from nursing homes seeking advice, and other residents do not

understand the role. He recommended changing the title to something more intuitive for residents. The Committee agreed to change the title to Constituent Services Officer.

Section 5.5 Removal Procedures: The Committee discussed at length whether to amend the resolution notification of "forthwith" to a time certain, but ultimately agreed to leave it in place.

Article 6

Section 6.2 Town Counsel: Committee members discussed and added clarifications to the section that Town Counsel can be an individual or a law firm. Members requested to have Town Counsel comment on Special Counsel, should it ever be needed.

All other sections were reviewed and amended with continued updates to Select Board, gender neutral pronouns, and other minor grammatical changes.

Approval of Minutes

On a motion by Chuck Robinson, seconded by Jesse Arnold, the Charter Review Committee voted 8-0 to approve the meeting minutes of November 14, 2023 as presented.

Future Agenda Items

The next meeting will be held on January 8th, 2024 at 7:00 pm, where the Committee will review Articles Seven and Eight.

A subsequent meeting is tentatively scheduled for January 22nd, 2024, where the Committee can begin to address answers from Town Counsel and others, and discuss setting up how to involve the community and Boards and Committees.

On a motion by Chuck Robinson, seconded by Alan Foulds, the Charter Review Committee voted 8-0 to adjourn at 9:43 pm.