



Town of Reading Meeting Minutes

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Board - Committee - Commission - Council:

Charter Review Committee

Date: 2024-09-23

Time: 7:00 PM

Building: Reading Town Hall

Location: Select Board Meeting Room

Address: 16 Lowell Street

Session: Open Session

Purpose: General Business

Version: Final

Attendees: **Members - Present:**

Chair Chris Haley, Vice Chair Phil Pacino, Jesse Arnold (remote 8:48 pm)
Jonathan Barnes, Alan Foulds, Andrew Grimes (remote)

Members - Not Present:

Geoff Beckwith, Chuck Robinson

Others Present:

Town Clerk Laura Gemme, Town Manager Matt Kraunelis, Town Counsel
Ivria Fried, RMLD General Manager Greg Phipps, Nancy Docktor

Minutes Respectfully Submitted By: Jacquelyn LaVerde

Topics of Discussion:

This meeting was held in-person in the Select Board Meeting Room of Town Hall and remotely via Zoom.

Chair Chris Haley called the meeting to order at 7:15 pm.

Roll call: Andrew Grimes (remote), Alan Foulds, Jonathan Barnes, Phil Pacino, Chris Haley.

Public Comment

Nancy Docktor of Pearl Street, and Precinct One Town Meeting Member, proposed changing the Charter to have the Board of Health changed to an elected board, as opposed to an appointed board, and asked what the steps are to make that happen.

Review and Discuss Public Feedback to Proposed Charter Changes

Town Counsel Ivria Fried explained that there are two ways to make the change to the Board of Health. The first one is through an amendment process that Town Meeting would vote on, which would then go to a ballot. The second, and easier way, would be to go through the legislature for a Special Act, where Town Meeting would authorize the Select Board to amend the Charter, and the legislature must approve it, though they might or might not still require the changes to go to the voters. One process, or both, may apply to certain proposed changes.

The Committee also briefly discussed potential revisions to the board/committee member removal process, which would need to go through the special act process. Ms. Fried stated that she would prepare a document outlining which proposed changes could go through the amendment process and which changes would go through the Special Act process.

Committee members briefly discussed the proposal to change the Board of Health. Opinions included questioning the change to the Board of Health but not other boards, voting for the appointing authority if unhappy with the elected officials making the appointments, hearing

reasons to justify the change, and questioning why it would need to be a political position. Town Clerk Laura Gemme noted that the Board of Health used to be an elected board, and would research when and why it was changed to an appointed board.

Review of Proposed Charter Changes with Town Counsel

The Committee reviewed proposed changes to the Municipal Light Board sections and a letter from Duncan & Allen, a Washington accounting firm that deals directly with power companies, regarding their opinion on the Charter. Mr. Pacino noted that currently the Charter is in conflict with M.G.L. Chapter 164.

Ms. Fried stated that her firm respectfully disagrees with the conclusions reached in Duncan & Allen's letter. The Charter and provisions were properly adopted. They are not in conflict with state law. Chapter 43B Section 20 states that provisions of a charter shall be deemed consistent with state law, provided that differences deal with power distribution and duties. All the cases cited in the Duncan & Allen letter refer to cases involving bylaws, not charters. Ms. Fried stated that these provisions are legal, but this is a policy decision. The question is whether to accept the changes they are proposing, and the Light Board is comfortable giving up that authority. Ms. Fried stated that she will write a letter outlining Town Counsel's legal opinion. She maintained that all provisions in the charter are legal and binding. The same issues were raised in 2014, and no changes were made at that time.

The Committee discussed at length the history and reasons for the provisions, and the amendment versus special act process to adopt the proposed changes. The Committee agreed they need more time to digest the proposed changes and review the opinion by Town Counsel. Mr. Pacino noted that the utility industry is changing rapidly, and expressed his concern that the provisions in the charter could hinder those changes.

The Committee also briefly discussed the changes to the recall process, and adjusting precincts based on future census data. Because the need to add a ninth precinct is not immediate, the Committee opted to not change that at this time. Ms. Fried stated that she will prepare a letter outlining Town Counsel's opinion on RMLD, and another letter that lists which proposed changes can go through the amendment process, and which ones will need to go through the Special Act process. She will also contact the Attorney General's municipal law unit to ask about dividing a ballot question.

Jonathan Barnes presented his suggested changes to section 8.12, the removal of a board/committee member. He stated that he had concerns about gaps in the language in the section. He recalled recent events where a Killam School Building Committee member was removed without the benefits of the provisions in section 8.12, replaced with another member, because the appointing authority had delegated the appointment to the Select Board. He felt that the individual was not afforded due process, and would like to clarify section 8.12 so a similar situation does not happen again. He shared a proposal to change the language and suggested replacing "appointing authority" to "appointing authority or other town representative, board, committee, or commission that is authorized or delegated authority, or who exercises de facto authority to appoint or remove any member of a board committee or commission," and various other changes to clarify specified terms, notice of removal, and proposal for voters to propose removing members.

Ms. Fried asked for clarification as to whether these proposed provisions would apply to members serving ex-officio on a board or committee. Mr. Barnes explained that his intent is if someone is to be removed, they should receive notice and be afforded an opportunity to rebut and have a hearing. Ms. Fried stated that she would review the proposed changes, possibly add some clarifying language, and provide language that includes ex-officio members.

Jesse Arnold joined the meeting remotely at 8:48 pm.

The Committee briefly discussed the Town Seal origin date and existence, as there may be a request to change the town seal in the future. Ms. Fried noted that there is a section in the

charter that states the seal in existence at the adoption of the charter shall continue and be kept in the custody of the Town Clerk. To change it would need to go through statutory process and the section of the charter would need to be revised. The section could either be struck, or changed to "as adopted by Town Meeting pursuant to state law." Other communities are creating ad hoc committees to address changing their seals. Ms. Fried explained the process that a group could use to amend the town seal and charter.

Future Meeting Dates/ Future Agenda Items

The Charter Review Committee will meet again on October 23rd, where they will discuss the Board/Committee member removal process, and continue to review the proposed changes and Town Counsel comments to the Municipal Light Board sections.

Approval of Minutes

On a motion by Phil Pacino, seconded by Jonathan Barnes, the Charter Review Committee voted 6-0-0 to approve the meeting minutes of June 10, 2024.

Roll call vote: Andrew Grimes – Yes, Jesse Arnold – Yes, Alan Foulds – Yes, Jonathan Barnes – Yes, Phil Pacino – Yes, Chris Haley – Yes.

On a motion by Phil Pacino, seconded by Jonathan Barnes, the Charter Review Committee voted 6-0-0 to adjourn at 9:13 pm.

Roll call vote: Jesse Arnold – Yes, Andrew Grimes – Yes, Alan Foulds – Yes, Jonathan Barnes – Yes, Chris Haley – Yes, Phil Pacino – Yes.