

The vote and explanations for the charter amendment submitted to the Town Meeting – 6/12/2021



TOWN OF WAREHAM OFFICE OF THE TOWN CLERK

54 Marion Road
Wareham, Massachusetts 02571
(508) 291-3100, Ext. 3140
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June 14, 2021

The following is a true copy attest of the vote on Article 22 of the Annual Spring Town meeting held on June 12, 2021

ARTICLE 22 - TOWN CHARTER CHART 1

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for Special Legislation that amends the Wareham Home Rule Charter as shown in a document on file in the Office of the Town Clerk titled "Proposed Charter Changes Chart 1, Fall Town Meeting 2020" and as further shown in a document titled "Town of Wareham Charter Review Group Final Report 2020" dated September 16, 2020, or to take any other action relative thereto.

Motion to accept passed unanimously

Respectfully submitted by:
Michele Bissonnette
Town Clerk

ARTICLE 22 - TOWN CHARTER CHART 1

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Inserted by the Board of Selectmen at the request of the Charter Review Group

Explanation:

The proposed changes to the Charter summarized in Chart include all changes deemed 'editorial'. They include but not limited to: capitalization, punctuation, word order, repair of scrivener's (scribe) errors, and spelling. The most notable change recommended is the formatting of the document such that the presentation of the material is numerical and/or paragraph format. The recommendation reformats all sections to be clear, concise and readable. The formatting replaces previous formatting of paragraphs and sections of the document which were difficult to read.

Another change is the updating of the 'Table of Contents' and 'Brief Summary of Articles', neither of which were ever updated to include changes in the Charter since 1977.

See appendices for Chart:

The Board of Selectmen recommends approval of this article: 5-0-0

The Finance Committee recommends approval of this article: 7-1-0

Finance Committee Recommendation:

Although the Finance Committee recommended this article it should be noted, although the majority of changes are capitalization, punctuation, spelling and formatting, the current process for forming a Charter Review Group and completing their Review is a compressed time frame and minor things like punctuation, although important, are left to last, or skipped. The Charter requirements for organizing this group should be examined with the objective of providing more time to accomplish their task.

This document contains a brief explanation of the proposed Charter changes listed in Chart 1 on file at the Town Clerk's office, as well on the website.

Document dated September 17, 2020.

The proposed changes to the Charter summarized in Chart 1 include all changes deemed editorial. They include but are not limited to: capitalization, punctuation, word order, repair of scrivener's errors, and spelling. The most notable change recommended is the formatting of the document such that the presentation of the material is in numerical and/or paragraph format. The recommendation reformats all sections to be clear, concise, and readable. The formatting replaces previous formatting of paragraphs and sections of the document which were difficult to read and comprehend.

Another change is the updating of The Table of Contents and Brief Summary of Articles, neither of which were ever updated to include changes in the Charter since 1977. Technically this is not a part of the Charter, but reference documents.

A further noticeable change is the creation of Appendices which contain the history of the adoption of the Charter including the original reports and Town Meeting Votes to adopt the Charter in 1977. There is also an appendix of the changes to the Charter since inception, in order by Article numbers. This these documents are not technically part of the Charter, but reference documents.

PROPOSED CHARTER CHANGES CHART 1 FALL TOWN MEETING

| ARTICLE 1 | ARTICLE 2 | ARTICLE 3 | ARTICLE 4 | ARTICLE 5 | ARTICLE 6 | ARTICLE 7 | ARTICLE 8 |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Section | Section | Section | Section | Section | Section | Section | Section |
| 1-1 | 2-1 | 3-2 | 4-1 | 5-1 | 6-1 | 7-2 | 8-1 |
| 1-2 | 2-2 | 3-3 | 4-2 | 5-2 | 6-2 | 7-3 | 8-2 |
| 1-3 | 2-4 | 3-4 | (c-P) | 5-3 | 6-3 | 7-4 | 8-3 |
| 1-5 | 2-5 | (a, b) | 4-3 | 5-4 | 6-4 | 7-7 | |
| | (b,c) | 3-6 | (a,h) | 5-5 | 6-5 | 7-8 | |
| 1-6 | | 4-4 | | | | | |
| | 2-6 | (b) | (b, c) | 5-6 | | 7-10 | |
| | 2-7 | 3-7 | 4-5 | 5-7 | | | |
| | 2-8 | (a,c) | | 5-8 | | | |
| | | (e,f) | | 5-9 | | | |
| | | 3-8 | | | | | |
| | | (e,f) | | | | | |



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The following is a true copy attest of the vote on Article 23 of the Annual Spring Town meeting held on June 12, 2021

ARTICLE 23 - TOWN CHARTER CHART 2

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for Special Legislation that amends the Wareham Home Rule Charter as shown in a document on file in the Office of the Town Clerk titled "Proposed Charter Changes Chart 2, Fall Town Meeting 2020" and as further shown in a document titled "Town of Wareham Charter Review Group Final Report 2020" dated September 16, 2020, or to take any other action relative thereto with respect to the following subcategories.

Subcategories:

- a) Definitions
- b) Transitional Provisions
- c) Capital Planning
- d) Sewer
- e) Assessors
- f) Charter Changes
- g) Town Clerk
- h) Town Administrator
- i) Road Commissioners

Holds were placed on 3-6(a) Town Clerk Appt vs Elected
 3-7(b, d) Sewer Commission
 3-9 Road Commissioners
 4-4(a) removals and suspensions
 7-6 Definitions

Discussions were held: Motion to accept holds

3-6(a) passed
3-7(b,d) passed
3-9 failed
4-4(a) passed
7-6 passed

**Main motion to accept all un-held as proposed in warrant
passed by majority**

ARTICLE 23 - TOWN CHARTER CHART 2

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for Special Legislation that amends the Wareham Home Rule Charter as shown in a document on file in the Office of the Town Clerk titled "Proposed Charter Changes Chart 2, Fall Town Meeting 2020" and as further shown in a document titled "Town of Wareham Charter Review Group Final Report 2020" dated September 16, 2020, or to take any other action relative thereto with respect to the following subcategories.

Subcategories:

- a) Definitions
- b) Transitional Provisions
- c) Capital Planning
- d) Sewer
- e) Assessors
- f) Charter Changes
- g) Town Clerk
- h) Town Administrator
- i) Road Commissioners

Inserted by the Board of Selectmen at the request of the Charter Review Group

Explanation:

(See appendix for Chart 2 and a brief explanation of the proposed Charter changes listed).

The Selectmen and Finance Committee cast votes on each section;

| | <u>Selectmen</u> | <u>Finance Committee</u> |
|-------------------------------|------------------|--------------------------|
| 20a. Definitions: | 5-0-0 | 6-0-0 |
| 20b. Transitional Provisions: | 4-0-1 | 6-0-0 |
| 20c. Capital Planning: | 4-1-0 | 6-0-0 |
| 20d. Sewer: | 4-1-0 | 6-0-0 |
| 20e. Assessors: | 4-1-0 | 6-0-0 |
| 20f. Charter Changes: | 3-2-0 | 6-0-0 |
| 20g. Town Clerk: | 4-1-0 | 6-0-0 |
| 20h. Town Administrator: | 4-1-0 | 6-0-0 |
| 20i. Road Commissioners: | 3-1-1 | 0-5-1 |

See appendices for brief explanation of each section:

The Board of Selectmen recommends overall approval of this article with noted exception:
The Finance Committee recommends overall approval of this article with noted exception:
The Board of Assessors unanimously recommended approval of their section of this article.
The Town Clerk recommends approval of this article.
The Sewer Commissioners recommend approval of this article.

Finance Committee Recommendation:

Each of the changes which affect a specific group (Capital Planning, Sewer, Assessors, etc.) have been reviewed by that particular group and votes have been taken and recorded. Since this document outlines how our Government conducts its business it is appropriate that the Citizens of Wareham, through Town Meeting, have an opportunity to question, and discuss, any changes before adoption.

This document contains a brief explanation of the proposed Charter changes listed on Chart 2 on file at the Town Clerk's office, as well as on the website.

| PROPOSED CHARTER CHANGES | CHART 2 | FALL TOWN MEETING 2020 |
|--------------------------|-------------------------|------------------------------|
| 2-3 | Legislative Branch | Time of Meeting |
| 2-5 (a) | | Committees |
| 3-1 | Elected Officers | General Provisions |
| 3-5 | | Board of Assessors |
| 3-6 (a) | | Town Clerk |
| 3-7 (b-6) | | Board of Sewer Commissioners |
| 3-7 (d) | | Board of Sewer Commissioners |
| 3-9 | | Board of Road Commissioners |
| 4-2 (a) | Town Administrator | Powers and Duties |
| 4-2 (b) | | Powers and Duties |
| 4-3 c) | | Removals and Suspension |
| 4-4 (a) | | Removals and Suspension |
| 7-1 | General Provisions | Charter Changes |
| 7-5 | | Uniform Procedures |
| 7-6 | | Definitions |
| 7-9 | | Removals and Suspension |
| 8-4 (e) | Transitional Provisions | Time of Taking Effect |
| 8-4 (f) | | Time of Taking Effect |
| 8-4 (g) | | Time of Taking Effect |

Publication Sentence

This document contains a brief explanation of the proposed Charter changes listed on Chart 2 on file at the Town Clerk's office, as well as on the website.

2-3 Time of Meeting

The change recommends updating the section to reflect the accurate date of the October Annual Fall Town Meeting.

2-5 (a) Committees

The change recommends adding the phrase 'the following committees are permanent committees of the Town.'

2-5 (c,d) Capital Planning Committee

The change recommends replacing the Town Accountant with the Finance Director as a member. This committee is concerned with long term planning, not simply accounting.

3-1 General Provisions

This change recommends inclusion of the words ' Board of Sewer Commissioners.' It also recommends removal of the words 'town clerk' presuming the recommendation to make the Town Clerk appointed rather than elected is passed.

3-5 Board of Assessors

This section was rewritten with the guidance of the Director of Assessment to correctly reflect the duties and responsibilities of the elected assessors, as well as the director of assessment, under Massachusetts Law. The change is recommended.

3-6 (a) Town Clerk

The change recommends the Town Clerk become appointed by the Town Administrator, as other department heads are now appointed. This recommendation has the Town Clerk's full support. According to the Massachusetts Municipal Association more than a third of towns in Massachusetts have already adopted this change.

3-7 (b-6) Board of Sewer Commissioners

The recommended change includes a complete reformatting of the section, and removes the responsibility of the appointment of the sewer superintendent from the commissioners. (All sewer department employees are under the administrative control of the Town Administrator.) Endorsed by the Sewer Commissioners

3-7 (d) Board of Sewer Commissioners

The recommended change makes the appointment of the sewer superintendent the responsibility of the Town Administrator. Change endorsed by the Sewer Commissioners.

3-9 Board of Road Commissioners

The change recommends abolishing the Road Commissioners and having the duties revert to the Select Board under MGL ch 40 S.22. The Commission was created in 2010. Previous discussion with the Board of Selectmen indicate their support of the change.

4-2 (a) Town Administrator

The recommended change clarifies the appointing authority of the Town Administrator.

4-2 (b) Town Administrator

The recommended change clarifies that department head appointments made by the Town Administrator are the only appointments the Select Board has the right to affirm or deny. This change is consistent with the Charter's long-standing theme that the members of the Select Board are not to be involved in the day to day affairs and business of the Town.

4-4 (a) Town Administrator

The recommended change clarifies that four members of the Select Board must vote to adopt a preliminary resolution of removal or suspension of the Town Administrator.

7-1 Charter Changes

The recommended change states that the Board of Selectmen may appoint a Charter Review Committee from time to time, as well as on the required years ending in 9., and further that the appointments be made within the first two calendar months of years ending in 9.

7-5 Uniform Procedures

The change recommends the records of multiple member boards be kept by the Town Clerk, on the town website, and removes the Library as a repository.

7-6 Definitions

Definitions for 'Department Head,' 'Facilities,' 'Fixture,' and 'Media' have been added to the section.

7-9 Removals and Suspensions

The change recommends shortening the section to only the first sentence with the addition of the words 'or collective bargaining agreements' after the words 'civil service.' This change is consistent with current law and modern Human Resources procedures.

8-4 (e) Transitional Provisions

The change recommends removal of the section about Executive Secretary, no longer a position. This section is outdated.

8-4 (f, 6) Time of Taking Effect

The change recommends updating the language by deleting verbiage about appointing a Town Administrator subsequent to the passage of the Charter. This section is outdated as change has already taken effect.

This change recommends removal of language no longer needed due to changes in the Charter regarding the Sewer Commissioners, and the appointment of a collector /treasurer, as those transitions have already occurred.