

# Town of Brewster Charter Committee

**Karen Whitney**

Citizen  
Chair

**Peter Lombardi**

Town Administrator

**Richard Koch**

Citizen  
Vice Chair

**William Meehan**

Member of Finance Committee

**Charles Sumner**

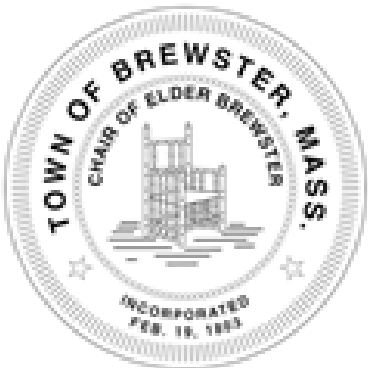
Town Moderator

**Cindy Bingham**

Member of Select Board  
Clerk

**Colette Williams**

Town Clerk



# TODAY'S MEETING

- GOALS

- Present charter to Select Board
- Identify remaining open policy questions to Select Board
- Provide Select Board guidance on next steps
- Record Select Board feedback for later consideration by Charter Committee

- NEXT STEPS

- Full draft will be made available on the town website after presentation to the Select Board
- Select Board provides additional feedback to Charter Committee
- Upon Select Board feedback, Charter Committee requests input from other town officials
- Thereafter, conduct community forums to discuss and request resident input

# CHARTER COMMITTEE OVERVIEW

- GOALS

- Create a single governing document for form, structure, and organization of the town.
  - Set clear lines of authority and responsibilities.
  - Review and define powers of administrator of town.
  - Review and define powers of elected and appointed boards.
  - Coordinate operations of various departments.
  - Seek to minimize changes to existing practices.

- CHANGE IN ORDER TO:

- Resolve ambiguities and conflicts between and among town bylaws and/or state laws.
- Memorialize current town practices.
- Apply best practices in local governance based on input from MA Department of Revenue and various town committees (Government Study Committee and Vision Advisory Group).

- DELIVER TO SELECT BOARD

- Special Legislation ACT TO ESTABLISH A CHARTER FOR THE TOWN OF BREWSTER, based on frameworks established by the committee with guidance from town counsel.

# CHARTER COMMITTEE FACT-GATHERING

- Reviewed findings from:
  - 2016 Government Study Report
  - 2018 Vision Plan
  - 2019 Dept. of Revenue Report
- Reviewed town charters from several MA towns.
- Interviewed Town Managers from Chatham and Sandwich regarding their town's charters and representatives from the Massachusetts Municipal Manager Association's Form of Government Committee.
- Interviewed and received feedback from elected officials, town employees, boards, commissions, and committees including:
  - Select Board, Assistant Town Administrators, Police Chief, Fire Chief, Constable, Finance Committee, Board of Assessors, Finance Director, Treasurer/Collector, Deputy Assessor, Planning Board, Town Planner, Board of Health, Health Director, Recreation Commission, Recreation Director, Old King's Highway Historic District Committee, Library Director, Library Board of Directors, Water Superintendent, and Water Commission.

# CHARTER DOCUMENT GENERALLY

- Seeks to provide context but avoid too many references to statutes.
- Include language about permissible actions & timing during states of emergency.
- Notable changes and additions are summarized in this presentation but text of charter should be consulted for full meaning and context.

# SELECT BOARD GUIDANCE

- Select Board has ability now to revise charter as-presented.
- Charter Committee is available to consult on questions and requested changes.
- At Town Meeting, a vote to approve the Act would also grant authority to Select Board to revise charter in accordance with requirements from General Court.
- Further questions and policy items to be answered are shown herein in **red bolded text**.

# AN ACT ESTABLISHING A CHARTER FOR THE TOWN OF BREWSTER

- SECTION 1. CONTAINS THE CHARTER LANGUAGE.
  - Note from counsel: the General Court is very particular about the capitalization of names other than the name of the Town and State. For that reason, all names of offices, etc., will be in lowercase text in the charter document.
- SECTION 2. CONTINUATION OF EXISTING LAWS.
  - Standard language regarding charter provisions shall govern and those town by-laws, rules, regulations, orders and special acts not superseded by the charter remain in force.
- SECTION 3. CONTINUATION OF GOVERNMENT.
  - Standard language regarding town offices, boards, commissions or agencies shall continue to perform their duties upon effective date of Act.
- SECTION 4. CONTINUATION OF PERSONNEL.
  - Standard language regarding personnel of town shall continue to perform their duties upon effective date of Act.

# AN ACT ESTABLISHING A CHARTER FOR THE TOWN OF BREWSTER

- SECTION 5. TRANSFER OF RECORDS AND PROPERTY.
  - Standard language defines the extent to which powers, duties, records, equipment, and property are transferred among town offices, boards, commissions, committees or agencies.
- SECTION 6. EFFECT ON OBLIGATIONS, TAXES, ETC.
  - Standard language regarding the charter not rendering town obligations invalid.
- SECTION 7. TRANSITION.
  - This will address any transitional language that might be needed. *For example,* change of terms for Planning Board.
- SECTION 8. TIME OF TAKING EFFECT. This act shall take effect upon its passage.
  - Charter Committee recommends bringing the charter to vote at May 2021 Town Meeting but NOT to the polls.
  - Included with vote at Town Meeting will be authority of Select Board to modify charter as requested by General Court.



# SECTION 1: CHARTER CHAPTERS

- CHAPTER 1 POWERS OF THE TOWN
- CHAPTER 2 TOWN MEETINGS AND ELECTIONS
- CHAPTER 3 THE SELECT BOARD
- CHAPTER 4 TOWN ADMINISTRATION
- CHAPTER 5 TOWN BOARDS/COMMISSIONS/COMMITTEES
- CHAPTER 6 FINANCIAL PROVISIONS
- CHAPTER 7 BY-LAWS AND CHARTER – ADOPTION, AMENDMENT AND PERIODIC REVIEW

# CHAPTER 1 POWERS OF THE TOWN

- Keep current form of government

## CHAPTER 1 POWERS OF THE TOWN

### SECTION 1 Incorporation

1-1-1. The present town of Brewster, Massachusetts, within its corporate limits as now established, shall continue to be a body politic and corporate under the name, town of Brewster.

### SECTION 2 Scope of Town Powers

1-2-1. The town shall possess and exercise all powers possible under the constitution and laws of the commonwealth of Massachusetts as fully and completely as though those powers were expressly enumerated in this chapter.

### SECTION 3 Form of Government

1-3-1. This charter provides for a select board-open town meeting-town manager form of town government.

### SECTION 4 Construction of Charter

1-4-1. The power of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any measure the general powers of the town as stated in section 1-2-1.

### SECTION 5 Intergovernmental Relations

1-5-1. The town may exercise, consistent with the law, any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more civil divisions, subdivisions or agencies of the commonwealth, other states or of the United States government.

# CHAPTER 2 TOWN MEETINGS AND ELECTIONS

- Keep Annual Town Meeting held on the first Monday in May and a Fall Town meeting
  
- NOTABLE CHANGES
  - Fall town meeting may be canceled by Select Board no later than September 15 in any year, so long as no more than 5 petitioned articles have been submitted for inclusion on the warrant
  - Post the warrant on the Town website and make the same available, rather than require “publication”
  - Moderator term of 3 years (instead of 1 year)
  - Allowing for adjustment in quorum and timing of elections during state of emergency.
  
- NEW
  - To open a continued session of town meeting, requiring no less than half the quorum previously established
  - Once quorum is initially attained, there is no requirement for it to be maintained (no ability to call quorum)
  - Moderator shall appoint a Deputy Moderator
  - Assistant Town Clerk shall serve as clerk of meeting in absence of Town Clerk, regardless of whether such assistant is a resident or registered voter of the town
  - Recall petition must name lead petitioner

# CHAPTER 3 THE SELECT BOARD

- Keep the number of members at five. Retain role as the primary policy-making, planning, and goal-setting agency of the Town. Retain ability to appoint all non-elected boards and committees. Retain budget decision making authority. Retain the authority to hire the chief administrative officer of town ( to be named Town Manager - *see next slide*).
- NOTABLE CHANGES
  - Require consultation with the Town Manager for Board's hiring of: Fire Chief, Police Chief, and Town Counsel (advise & consent role).
  - Will no longer appoint Town Clerk, Director of Operations of the Captains Golf Course, or employees of Police Department.
  - Disband Personnel Committee.
- NEW
  - Authority to delegate licensing responsibility to the Town Manager or a board created for such purposes for issuance and enforcement of one or more licenses

# CHAPTER 4 TOWN ADMINISTRATION

- Keep Select Board authority to appoint the Town Manager and to:
  - Determine/negotiate compensation.
  - Set term of service.
  - Remove from office for cause.
- NOTABLE CHANGES
  - Title of chief administrative officer of town will be Town Manager
  - Town Manager assumes all personnel/hiring responsibilities except for those identified with respect to Select Board and employees of the school department
  - Acts upon recommendations from the Police Chief and the Fire Chief, respectively, for appointment of employees of the Police and Fire Departments
  - Consults with appropriate department head or multiple-member body for appointment of employees of other departments as applicable
- Keep – Town Manager:
  - Supervises all department heads and employees
  - Prepares financial forecast, operating budget and capital improvement plan
- NEW – Town Manager:
  - Residency requirement within 1 year of employment, with ability of Select Board to waive by supermajority vote
  - Assumes full authority to act for the town during emergencies and to appoint an emergency management director

# CHAPTER 5 TOWN BOARDS/COMMISSIONS/COMMITTEES

- KEEP – All elected town officers
- NOTABLE CHANGES
  - Planning Board for 4 year terms (currently 5 years)
  - Moderator for 3 year term (currently 1 year)
  - Constable for a 3 year term (currently 1 year)
- NEW
  - Allows Select Board to appoint up to 2 alternate members to serve on elected and appointed boards (1-2 year terms)
  - Ability to deem board/committee positions vacant for lack of regular attendance
  - The authority of the constable will be limited to the posting of the warrant for the town meeting, and constable being subject to reasonable regulations proposed by Police Chief and approved by the Select Board

# CHAPTER 6 FINANCIAL PROVISIONS

- Keep budget schedule timeframe
- NOTABLE CHANGES
  - Town Manager may appoint a committee to assist with preparation of five-year capital improvement plan. **This will override existing bylaw. The Department of Revenue recommending eliminating Capital Improvement Committee. Requesting Select Board's input here.**
  - Allowing for adjustment in timing of budget adoption during state of emergency.
- NEW
  - Town Manager to prepare five-year capital improvement plan.

# CHAPTER 7 BY-LAWS AND CHARTER – ADOPTION, AMENDMENT AND PERIODIC REVIEW

- Keep the periodic review of by-laws
- Keep adoption and amendment of general and zoning by-laws shall be approved in accord with applicable general laws. (Consistent with current practice of: simple majority approval needed at Town Meeting to approve non-zoning by-law changes. Zoning by-law changes will still require a two-thirds majority to succeed.)
  
- NEW
  - Periodic review of by-laws to be conducted at least every 10 years.
  - Periodic review of charter to be not less than every 10 years by a committee of no fewer than 5 and not more than 9 members to be appointed by the Select Board; review of the charter to begin 5 years after the by-laws review.
  - Major amendments to charter (relating in any way to the composition, mode of election or appointment or terms of office of the legislative body, select board or the town manager) may be proposed only by a charter commission elected under the General Laws, or proposed pursuant to special legislation as otherwise authorized by the Massachusetts constitution.
  - Minor Amendments to the charter (relating to other matters) may be proposed by a two-thirds vote at a duly called town meeting under the General Laws, and then approval at the polls by the voters of the town, or proposed pursuant to special legislation as as otherwise authorized by the Massachusetts constitution.



# TIMELINE

*November 2020* – Present draft charter to Select Board

*November 2020* - Request charter feedback from Town Officials

*December 2020* - Update charter in response to Feedback

*January 2021* - Conduct community forums to inform, review, discuss and request input from voters.

*February 2021* - Finalize charter and present to Select Board for inclusion on Town Warrant

*March-April 2021* - Continue Public Outreach

*May 2021* - Town Meeting Deliberation and Vote ...

Thereafter Submit to State Legislature for Approval

# Thank You!

## **Public comment**

E-mail [chartercommitteemeeting@brewster-ma.gov](mailto:chartercommitteemeeting@brewster-ma.gov)

## **Questions?**

Contact Karen Whitney, Chair, at [kwhitney@brewster-ma.gov](mailto:kwhitney@brewster-ma.gov)

## **UPDATES AVAILABLE AT:**

<https://www.brewster-ma.gov/committees-mainmenu-29/charter-committee>

