

Charter Review Committee Minutes from Joint Meeting with Select Board January 25, 2022

Virtual-WebEx - recorded and available for viewing at the following link:

<http://trurotv.truro-ma.gov/CablecastPublicSite/show/5224?channel=1>

A quorum of committee members was present: Brian Boyle, Nancy Medoff, Cheryl Best, Robert Panessiti, Chris Lucy, Bill Golden, and Meg Royka.

Chair Boyle started the Charter Review Committee portion of the joint meeting at 5:30PM and introduced the members of the Charter Review Committee. He then asked if any members would like to speak.

Ms. Best asked permission to read the attached statement. She stated that there appeared to be confusion regarding the motion and that her statement would share her reasoning for making the Nov. 22 motion and for voting for it in the affirmative. She was granted permission to read the statement, which discussed the political climate surrounding the study, outlined the work of the CRC, clarified the meaning of the motion, and denied the accusation that the Charter Review Committee hadn't met its charge.

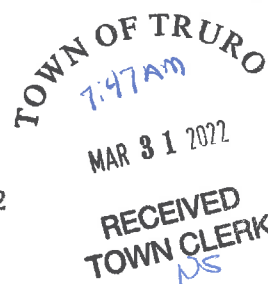
Chair Weinstein replied to Ms. Best's statement by maintaining his statement that the Charter Review Committee had not fulfilled the obligations of its charge. He listed the meetings during which the CRC discussed the issue of appointed vs. elected boards and shared what took place during those meetings. He then stated that the CRC had not had a public meeting, which is part of its charge, and shared his dismay that the statement read referred to four bodies, claiming that the ZBA is appointed by statute.

Ms. Areson asked for an explanation of the vote held at the January 24 2022 meeting.

Mr. Panessiti stated that it was a vote to reconsider the vote on the motion at the November 22, 2021 meeting.

He then responded to Ms. Best's statement by discussing his reasoning for making statements against the Planning Board to the press, which had been referred to in Ms. Best's statement. He stated that he did not think the CRC was meeting its charge and asserted that the CRC charge states that it answers to the Select Board and although answering to the public indirectly, takes its direction from, and answers to, the Select Board.

Ms. Reed then said she was not comfortable with a recommendation either for or against until there's been a thorough process and added that it is a disservice to the town that the Charter Review Committee has not had a public hearing on the Planning Board being appointed verses elected. She asserted that because of this, the CRC had not fulfilled its charge.



CRC Chair Boyle then shared that he has been chair of the CRC for only a few meetings and would like to focus on a work plan moving forward. He then discussed his desire to document what the committee has done and to take a more structured approach to the project moving forward. He added that the information we want to gather might be expensive and time consuming to collect.

In answer to a question from Ms. Reed, Ms. Medoff outlined the information she would like to collect:

- Speak to the lead petitioner who created the petition or anyone who signed it
- Speak to the committee chair under review, or being considered to hear their feedback on what they think
- Speak to other towns who have a similar body and a similar appointed or elected process
- Have a discussion on the data that we do have

She added that because we do not have this information, she made the motion to reconsider the November 22 vote.

Ms. Areson shared her distress that the Select Board had twice asked members of a volunteer board to explain themselves and stated that rather than public criticism, the most appropriate method should be for the liaison to the Charter Review to go the chair to discuss issues. She added that Chair Boyle's new CRC calendar is terrific and that it would behoove the Select Board to get out of the way and let the committee go back to do their work. She shared her concern that publicly criticizing the members of volunteer boards and committees was counterproductive to filling seats on them.

Ms. Reed asserted her right to have such discussions in public, as is her style. She then discussed the genesis of the issue through town petitions, which she would like to avoid in the future.

CRC Chair Boyle stated that the public expected the committee to do this work in a very short period of time and that we are not just considering the Planning Board but four bodies. He clarified that if they are to be considered individually, it's four times the work. He added that there is some confusion about the ZBA and we should revisit the opinion from town council about it and that for now, we have four not three bodies to consider.

Mr. Panessiti discussed that we still have to vote on the reconsideration question and that he wants to review the four committees individually.

Select Board member Ms. Rein suggested that the committees be divided and studied separately.

Mr. Golden, referring to the Nov. 22 motion to keep the current system in place and stated that it is a reliable and good option and that tossing it away is not a possible answer.

Chair Weinstein stated that we should do a five-year review of the committees that are being reviewed and he felt the track record of the Planning Board should be part of the

review. He added that the ZBA goals, objectives, and track record should be compared to the Planning Board.

There was then more discussion about the motion made at the January 24 CRC meeting. Ms. Best stated that she had to do some research into Robert's Rules regarding the motion. Ms. Medoff stated that she made the motion to reopen the vote so that we could discuss the issue further. Mr. Panessiti stated that if a motion to reconsider passes under Robert's Rules, then the original motion has to be re-voted. Chair Boyle stated that he was in favor of following the right process but that it was important for the committee to do its work.

Chair Weinstein thanked the CRC for attending and for their work.

Mr. Panessiti made a motion to adjourn, Mr. Lucy seconded the motion and on a roll call vote all agreed to adjourn. The CRC meeting portion of the joint meeting was adjourned at 6:30PM.

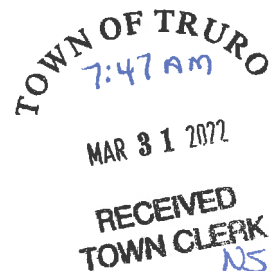
Next CRC meeting is scheduled for February 21, 2022 at 4:00PM

Respectfully Submitted on 03/30/2022



Cheryl Best

Meeting statement attached



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MAR 31 2022

Statement Read at the Select Board Meeting – January 25, 2022

During the Select Board meeting, of December 7, 2021, Ms. Reed accused the Charter Review Committee of not fulfilling its charge. One week later, at the Select Board meeting of December 14, 2021, this accusation was repeated by Ms. Reed. Additionally, at that meeting, Mr. Panessiti made numerous misrepresentations about the committee members who were not present, including but not limited to; their alleged lack of understanding about the limits of their responsibility and their lack of knowledge about their charge. These public accusations and mischaracterizations were made in response to a simple motion to recommend - which carried at the November 22 CRC meeting – At that meeting, I, Cheryl Best, moved that the CRC recommend to the Select Board that the 4 committees being studied, 3 of which were studied at the request of the public, should all remain with their current manner of filling seats as outlined in the charter. In so doing, the CRC essentially recommended that the Planning Board and Cemetery Commission each remain elected bodies -- and that the ZBA and Board of Health each remain appointed bodies. It was merely a motion for a recommendation; as the voters will ultimately have to decide the issue through a Town Meeting vote. I would like to note that on this evening's agenda only the recommendation regarding the Planning Board is listed for discussion.

The accusation that the Charter Review Committee did not fulfill its charge was allegedly based on concerns about the process followed by the CRC in addressing this one issue before it – (albeit a highly political one) - one so inflammatory at times that a member of the Select Board and a member of the CRC were quoted in the press in December 2019 indicating their strong opinions that the Planning Board should be appointed or ... "they should all go". Angry exchanges continued and in May of 2019, the Select Board member was deemed to be sufficiently inappropriate toward the Planning Board that a section 54 complaint was filed against him and a hearing was held at the July 2019 Select Board meeting. Although a vote to censure was not made due to his stating he had spoken as a citizen and not a board member, the incident was indicative of his level of antipathy toward the elected Planning Board. The same member of the Select Board was again quoted in the press in March of 2021 re-affirming his bias against the Planning Board.

I share this to elucidate the politically charged climate in which this issue exists and I believe it is enormously important that the public know the facts regarding the CRC process, because what has been communicated to the public so far is filled with misleading information and some highly inappropriate innuendo. This statement will hopefully expedite tonight's discussion, as it will address some of the questions posed during the December 14th Select Board Meeting.

The issue of elected or appointed multi-member boards has been exhaustively studied in Truro. Discussion about the election or appointment of the Planning Board has been comprehensive and ongoing for at least two and a half years. It has spanned two annual town meetings and is headed to a third in 2022.

Subsequent to the start of the CRC discussion in 2019, citizen petitions were placed onto town warrants asking for changes in the way various committees' filled their seats (by election or by Select Board appointment). Because these warrant articles would require changes to the Town Charter, the Charter Review Committee engaged in a study of the issue, as is its charge. Past and present Charter Review committees have diligently fulfilled this charge by reviewing the Charter, discussing the petitions, getting legal opinions from KP Law, interviewing the town manager and the town planner, utilizing UMass criteria to develop surveys of the committees in question, and reviewing the results of those surveys. Of utmost importance to the current CRC throughout this process is the goal of not allowing the Charter to be used as a political tool.

At numerous CRC meetings, it has been stated and unanimously agreed upon, that changes to the Charter should not be done capriciously, meaning that changes must be justified and rise to high standard of reasoning. Therefore, if

compelling reasons or evidence is not forthcoming on an issue, the default position would logically be to keep the charter in its current form.

The committee has been profoundly responsive to the public's requests to see changes made, for whatever reason the petitioners may have, be it personal, political, or otherwise. Rather than base recommendations solely on member opinion, the CRC has spent enormous energy and time attempting to make this study as unbiased as possible. Early in 2019, many discussions about the issue took place, which lead to the ambitious, long-term goal of studying all of the town's non-statutory bodies, not just the Planning Board or others petitioned.

In 2019, the then town planner collected and shared statistics from many Outer-Cape towns as to their appointed or elected Planning Boards and these results were discussed. Similar statistics were collected from small towns throughout the Cape. Other studies from small off-cape towns were also raised, such as the comprehensive study done by Ipswich, which analyzed Massachusetts shore towns with populations similar to Truro's, -- a study of particular interest because it was analyzing the issues of an appointed Planning Board and proposing a change to an elected one. However, at the time the CRC Chair did not want to use this study, so it was not discussed or analyzed at length, whereas going forward it probably should be more thoroughly reviewed.

When none of the gathered information yielded sufficient justification to make a change in Truro's Charter, the Chair, Mr. Panessiti, sought to use a list of public management criteria, developed by Edward Collins at UMass Boston, as a means to review the issue further. The committee decided to use the criteria to create surveys and collect data in the attempt to make the study more empirical in nature. This data was discussed at the September and October meetings of the CRC, with the addition of one other survey shared at the November meeting. Unfortunately, based on the discussion and opinions of most CRC members, the survey data was deemed far less useful than anticipated, again providing no compelling reason to make a change to the Town Charter.

At the October 2021 meeting of the CRC, after over two years of exhaustive discussion, research, data collection and review, a request was made by the previous committee Chair, (Mr. Panessiti, who had overseen the vast majority of this work), to put the issue to bed at the November 2021 meeting.¹

This would allow the committee to get a recommendation to the Select Board for the 2022 Annual Town Meeting. Mr. Panessiti's request for the completion of our work honored the citizens that remanded the issue to the CRC at the 2021 ATM, and led to a motion at the November 22nd meeting. The motion, which carried, was NOT a passive one to make no recommendation as has been misrepresented. It was an active recommendation to the Select Board that the four committees being studied (The Planning Board, The Cemetery Commission, The Board of Health, and the Zoning Board of Appeals) remain with their current manner of filling seats. Primarily because in two and a half years of studying the issue, we have found no compelling reason to make a change in this area of the Charter.

This motion honored the time and energy of the Select Board, the Charter Review Committee, and the public whom we all serve. It also honors the goal to resist politicizing the Charter, regardless of one's personal or political opinion on the issue being studied. It was made because neither the survey data we collected, nor the prior research or many lengthy discussions we have had, yielded conclusive evidence to warrant making such major changes to the Charter. The motion passed with a 4 to 3 vote but was reopened, (also with a 4 to 3 vote) at our meeting last night, leaving the CRC with no recommendation for the 2022 ATM, and the goal to develop a new and improved process for ongoing review of the issue.

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The facts do not support the allegations that the CRC has disregarded its charge and these public accusations are irresponsible at best. In these past two years, the Charter Review Committee has studied this issue in good faith, which led to a positive recommendation. We have also considering other changes to the Charter, some requested by the Select Board and some by members of the CRC. The CRC has sent these recommendations to the Select Board for the 2022 Town Meeting warrant, completely fulfilling its charge. Additionally, the new Chair of the committee has created a work calendar, which aims to get increased public input, scheduling two public hearings and developing a timeframe that is more responsive to the needs of the Select Board's town warrant development.

I leave the Select Board Chair with a rhetorical question, for which I do not request an answer at this time. I respectfully request that you think carefully and honestly about it: If the exact same two and a half year process of exhaustive research, discussion, data collection and review had yielded a motion to change the Planning Board to an appointed body, would we be here today, accused of curtailing our research and not fulfilling our charge?

I thank you for your time and yield to the other CRC members.

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