



Charter Review Committee

**Municipal Office Building
127 Elm Street, Millbury, MA 01527**

**Francis King, Chairman
Donald Gauthier, Vice-Chairman
John Bartosiewicz, Clerk
John Alicandro
Kathy Anderson
Sandra Cristo
Michael O'Connor
Thomas Reilly
Leslie Vigneau**

May 4, 2010

Dear Millbury Residents,

The Millbury Charter Review Committee is pleased to present to Town Meeting a number of articles that would incorporate changes to the Millbury Home Rule Charter and the General Bylaws of the Town.

The following is a summary of the articles for your consideration. Also included are the motions that will be made on these articles this evening along with reasoning in support of the committee's recommendations.

Articles from the Charter Review Commission for Annual Town Meeting Warrant

Note: Home Rule Charter articles accepted at the Millbury Annual Town Meeting on May 4, 2010 would be required to be submitted to the voters by ballot in April 2011 when annual town elections are held.

There are nine (9) articles for consideration:

Seven (7) revising Millbury Home Rule Charter

Two (2) additional bylaws added to Millbury General Bylaws of The Town

Article 29: Eliminates requirement for Deputy Moderator

Article 30: Sets the timeline for closing of the warrant for annual town meeting to provide adequate time for the town manager and finance committee to consider and complete work.

Article 31: Removes Board of Health (BOH) as an elected board including the BOH composition, powers and duties. Also, moves another section.

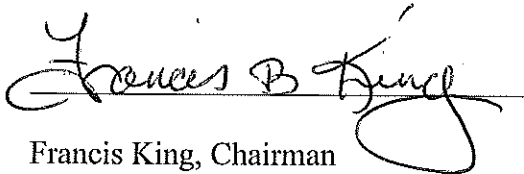
Article 32: Provides latitude for the Board of Selectmen to hire a town manager for a temporary appointment when a vacancy occurs.

Article 33: Broadens the experience requirements for consideration of town manager candidates.

Article 34: Eliminates the screening committee's authority to select a town manager.

Articles 35,36 and 37: Removes sections required only during early days of the adopted charter.

Sincerely,

A handwritten signature in cursive script, reading "Francis B. King". The signature is written in dark ink and is positioned above the printed name and title.

Francis King, Chairman
Millbury Charter Review Committee

Article Motions and with Reasoning

Article 29 will read as printed below and not from your Finance Committee Recommendations booklet this evening. One paragraph from the submitted article was deleted during transcription and is in completed form below.

ARTICLE 29: To see if the Town will vote to amend the Town of Millbury Home Rule Charter Article 2, Legislative Branch, Section 2-2, Presiding Officer, by deleting the following:

The moderator, elected as provided in section 3-4, shall preside at all sessions of the town meeting. Annually, at the first session of the annual town meeting, the moderator shall appoint a deputy moderator to serve until the next annual town meeting, or until a successor has been chosen and qualified. The deputy moderator shall serve as acting moderator in the event of the temporary absence or disability of the moderator. The appointment of a deputy moderator shall be subject to ratification by the town meeting. The deputy moderator shall have all of the powers of the moderator when presiding at town meeting sessions, but shall have no other powers or duties of the moderator.

The moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this charter, by by-law or by other vote of the town meeting.

and inserting the following:

The moderator, elected as provided in section 3-4, shall preside at all sessions of the town meeting. In the event of the temporary absence or disability of the moderator, a temporary moderator may be elected by law.

The moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this chapter, by by-law or by other vote of the town meeting.

or take any action thereon.

Reasoning:

Massachusetts General Law Chapter 39, Municipal Government, Section 14 adequately provides for the order of which town officials would preside at town meetings in the absence of the Moderator. The committee believes that the requirement for a deputy moderator is unnecessary.

ARTICLE 30:
Recommend Article 30 be accepted as written.

Reasoning:

Closing the warrant by the board of selectmen for the annual town meeting at least 28 days before town meeting will allow for an adequate period of time for the finance committee to complete its reviews and deliberations and have its recommendations available to the public as required by law, i.e., at least seven days prior to town meeting.

ARTICLE 31:
Recommend Article 31 be accepted as written.

Reasoning:

The Charter Review Committee believes that the change of members of the Board of Health from elected to appointed serves the best interests of the community now and into the future where health considerations, planning and programs including general security are of significant importance. Providing the town the ability to ensure that health industry professionals serve in this capacity would be more certain if the positions were appointed.

The committee undertook studies and engaged in discussions with five of our sister communities and learned that all have appointed members to their respective Boards of Health. Senior management from our surrounding towns believes it is critical that today's boards of health include health industry professional(s) and the only way to ensure that was to have those individuals appointed.

Also moves OTHER ELECTED OFFICERS to Section 3-11.

ARTICLE 32:
Recommend Article 32 be accepted as written.

Reasoning:

The Charter Review Committee requests a change of wording from "a qualified town administrative officer or employee" to "an individual" to perform the duties of the office on an acting basis. The committee believes it important that the board of selectmen have the ability for engage the services of an individual as soon as possible that they believe can fill the temporary appointment. The committee also believes with the position expressed by members of the board of selectmen that it is extremely difficult for a current department head to adequately perform the duties of two senior positions concurrently, therefore requiring the appointment of an acting town manager.

ARTICLE 33:

Recommend Article 33 be accepted as written.

Reasoning:

The committee believes that by broadening the experience requirements for prospective town manager candidates the screening committee will be able to present top level candidates to the board of selectmen for their consideration. Previous town manager screening committee members expressed their frustration with the current limited scope of experience requirements that prevented them from considering candidates that they believed were extremely qualified.

ARTICLE 34:

Recommend Article 34 be accepted as written.

Reasoning:

The committee believes that a screening committee should not have the authority to select Millbury's town manager if the board of selectmen does not select an individual from a slate of candidates presented to them for consideration. This bylaw would require the screening committee to start afresh in the recruitment process.

This bylaw would also allow the screening committee to request from the board of selectmen, professional search assistance in fulfilling their duties.

ARTICLE 35:

Recommend Article 35 be accepted as written.

Reasoning:

The identified paragraph (d) is no longer needed as it covered the time between the adoption of the Home Rule Charter and the selection of the town's first manager.

ARTICLE 36:

Recommend Article 36 be accepted as written.

Reasoning:

The above identified paragraph (h) is no longer needed as it covered the time between the adoption of the Home Rule Charter and the selection of the town's first manager.

ARTICLE 37:

Recommend Article 37 be accepted as written.

Reasoning:

The identified paragraph (i) is no longer needed as it covered the initial first year period after the Home Rule Charter was adopted.