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# TOWN OF BURLINGTON

## Meeting Minutes

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Minutes need to be posted within 30 days or 2 meetings of the board – Draft minutes can be posted and revised at a later date

DEPT./BOARD: General Bylaw Review Committee

DATE: July 19, 2022

TIME: 6:30 PM

PLACE: Virtual via Zoom

MEMBERS IN ATTENDANCE:

Chair Scott Martin, David Miller, Wendy Guthro, Susan Kadilak, Michelle Huntoon

Excused: Phyllis Neufeld

GUESTS: TMM Adam Senesi, TMM Shari Ellis

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### Minutes

Chair Scott Martin called the meeting to order at 6:33 PM.

Discussion on Town committee appointments, membership and operations

The Committee welcomed TMM Adam Senesi, who has been a member of the capital budget committee. He asked for time on the agenda to express his concerns about the complications caused by the terms of office of the members of that committee. He said that his term of office expired this year and that he has not been re-appointed by the town moderator; all six of the other members' terms will expire in 2024, severely disrupting the committee's work. He said that his understanding of Article 3 is that the town moderator is responsible for filling vacancies within 30 days of the last night of the May Town Meeting, and that members' terms were supposed to include three three-year terms, two two-year terms, and two one-year terms, to ensure continuity and a quorum; and that if the town moderator fails to make appointments within 45 days of the last night of the May Town Meeting, the committees themselves can recruit and appoint members. He said that he was told by the Town Clerk's office that this situation is the result of a clerical error, (listing all the appointments as three-year terms instead of three-, two- and one-year terms), and that the town moderator is attempting to "straighten things out." He asked, "How can we fix this now?" for the capital budget committee and others that may be affected. He also said that in his opinion there was some ambiguity in the current bylaws.

The committee discussed possible solutions to the situation of the capital budget committee, such as re-appointing committee members to three-, two- and one-year terms. TMM Shari Ellis commented that a review could be made of when members' terms expired previously in past years, to determine whose terms should be extended and for how long. She said that a record of who was elected for which terms could be found in previous annual reports.





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The committee members also discussed the definition of an “expired” (as opposed to “vacated”) term, the actions that should take place when someone leaves a committee before their term has ended, and if the 45-day provision for committees to appoint their own members includes, or does not include, the 30 days that the moderator has to appoint committee members.

Wendy said that there was an obvious “hole in the bylaw,” missing a statement as to what occurs when the moderator does not make appointments to committees in a timely manner. Michelle agreed that the bylaw “needs to be tightened up.” Dave said that committee members can interpret the bylaw in different ways. Adam said that “there is no teeth in the law.” Susan said that the bylaw does not indicate what should be done in situations such as this, when the appointments were not made on a rolling basis. Shari said that this problem has occurred with other committees as well, when vacancies have occurred. Scott noted that this bylaw was last revised and updated in 1967 and that it is time for an update.

Adam will send Scott some information and suggested wording that this committee might consider. Scott asked that committee members review the following before the next meeting:

Article 2, Section 4.0

Article 5, Sections 2.0 and 4.0

### Approve minutes of June 21<sup>st</sup> meeting

Susan asked that the minutes of the June 21<sup>st</sup> committee meeting be amended to make clear that the committee’s vote to approve the Stormwater article was contingent on the Conservation Commission’s acceptance of some changes made at that meeting. (She noted that the committee was subsequently informed that these changes were accepted and included by the Commission.) Upon a motion by Dave, seconded by Wendy, the amended minutes were approved, 4-0-1. Michelle abstained from voting as she did not attend the June 21 meeting.

### Report of the Hybrid Town Meeting subcommittee

Scott reported that the subcommittee met but there were members not able to be present, and that the subcommittee would be considering other days/times that would make attendance possible. He said that he had contacted legislators Ken Gordon and Cindy Friedman regarding state law accommodations for hybrid meetings, and that the subcommittee was looking at Lexington and Natick as examples of towns who have/are instituting hybrid town meetings.

Dave said that the public response in Brookline was overwhelmingly favorable to hybrid town meetings, while indications in Burlington are that “there is a 50-50 split, for and against.” He said that if the committee decides to support hybrid town meetings, a communications plan would be needed to “anticipate push-back and prepare answers to residents’ questions.”





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Scott said he would be talking with Bob Cunha at Burlington High School regarding space and equipment to accommodate hybrid town meetings, with the possibility of allocating space so that the equipment would not have to be dismantled after each town meeting. This subcommittee will continue to meet regularly, with the goal of having an article ready to submit by October for the January Town Meeting.

### Filling GBRC membership vacancy

Committee members noted that this committee has one vacancy, and they discussed strategies for recruiting a new member. Scott said that Phyllis had posted committee vacancy notices on her Facebook page previously, and that he would ask her to do that again. Michelle said that the committee might consider emailing all Town Meeting members. Scott said he had forwarded 7-8 names to the town moderator, but that he has not received a reply. Susan said she knows a person who expressed an interest at one point, and will contact her to see if she might still be interested. It was noted that both Susan and Michelle's terms expire in 2025.

There was some discussion of the town moderator's responsibility to appoint committee members in a timely manner. Wendy said that the power of the moderator is considerable and perhaps it is "too much for one person." She suggested that a template should be developed that all committees could use for nominations. Scott reminded committee members to review the Articles as discussed earlier in the meeting, and be prepared to discuss at the next committee meeting on August 16, 2022.

### Adjournment

The meeting was adjourned at 7:53 PM.

