

**Personnel Subcommittee Report on W.A. 32
Amend the Town's General By-Laws to replace "Chairman" and
"Chairperson" with "Chair"**

The Personnel Subcommittee of the Advisory Committee held a public hearing on September 16, 2019 at 5:30 p.m. to consider Warrant Article 32: Amend the Town's General By-Laws to replace "Chairman" and "Chairperson" with "Chair." In attendance were subcommittee members Janet Gelbart, Carol Caro, Chuck Swartz, and Christine Westphal; and petitioners Neil Gordon (AC, TMM 1) and Hadassah Margolis (TMM8).

Background and Discussion

Petitioners seek to change the wording in the General By-Laws to be consistent with the resolution passed by Town Meeting in November, 2017 calling for the use of gender-neutral language in the conduct of Town business. The proposal would bring the language of the By-Laws into conformity with the observed practice of many of the town's boards, commissions, and committees to refer to their "Chair."

Both Chief Information Office Kevin Stokes and Town Clerk Pat Ward indicated via e-mail that the change could be made through a "search and replace" mechanism as was done previously to replace "Board of Selectmen" with "Select Board."

Recommendation

By a vote of 4-0-0, the subcommittee recommends favorable action on WA 32.

**Personnel Subcommittee Report on W.A. 33
Amend the Town’s General By-Laws to replace references to
“inhabitants” and “Citizens”**

The Personnel Subcommittee of the Advisory Committee held a public hearing on September 16, 2019 at 5:30 p.m. to consider Warrant Article 33: Amend the Town’s General By-Laws to replace references to “inhabitants” and “Citizens.” In attendance were subcommittee members Janet Gelbart, Carol Caro, Chuck Swartz, and Christine Westphal; petitioner Neil Gordon (AC, TMM 1) and TMM Hadassah Margolis (TMM8).

Background

Petitioner seeks to change the wording in the General By-Laws to be more inclusive and to provide clarity and consistency. Currently, the By-Laws refer to “voters,” “citizens,” “inhabitants, and “residents,” which the petitioner feels reflect the many hands involved in drafting the document over time. The petitioner was struck by the fact that depending on the language of the governing By-Law, boards, commissions, committees, and departments serve to protect citizens, residents, or the public and their members are either residents, citizens, or voters. There is no intent to change underlying policy, but merely to provide clarity and consistency to the language.

Discussion

A member of the subcommittee indicated that although the word “public” is used 17 times in the warrant article, it is not defined. Another member voiced a concern that broadening the By-Laws to include the public may provide standing for lawsuits referring to 8.15 (Noise Control) and 8.23 (Tobacco Control) as examples.

In response, another subcommittee member pointed out that the intent of Article 8.15 is to prevent excessive noise because it is a health hazard. Limiting it to protecting the health, welfare and safety of its citizens implies that subjecting business owners and visitors to excessive noise is not a concern of the Town. The prohibitions in Article 8.23 refer to the sale of tobacco; its impact on health, safety and welfare affects everyone, not just the inhabitants of the Town.

The petitioner offered to insert the Merriam–Webster dictionary definition of “public” – “the people as a whole: populace” – into the warrant article but that did not resolve the concerns.

Recommendation

By a vote of 2-0-2, the subcommittee recommends favorable action on WA 33.

**Personnel Subcommittee Report on W.A. 34
Amend the Town's General By-Laws regarding eligibility for
membership on boards, commissions and committees**

The Personnel Subcommittee of the Advisory Committee held a public hearing on September 16, 2019 at 5:30 p.m. to consider Warrant Article 34: Amend the Town's General By-Laws regarding eligibility for membership on boards, commissions and committees. In attendance were subcommittee members Janet Gelbart, Carol Caro, Chuck Swartz, and Christine Westphal; and petitioner Neil Gordon (AC, TMM 1).

Background

Petitioner seeks to change the wording in the General By-Laws to create a standard for appointment to a Town board, commission or committee consistent with that for elected officials generally by replacing the existing language in various articles with the term "resident." Currently, appointees can be "citizens" or "residents" or unspecified "members." The amendment also inserts under Article 3.16 a description of the Park and Recreation Commission whose duties are defined in subsequent sections of Article 3.16 but whose composition is not specified.

Discussion

The only discussion related to changes to Article 2.2. As suggested by a subcommittee member the words in italics will be inserted in the first line of section 2.2.1 so it reads:

"The Moderator shall, in June of each year, appoint *residents to serve as members of* the Advisory Committee..."

There was also some discussion of inclusion of the phrase "to the extent practicable" at the end of the sentence which now reads "Members shall be appointed from each precinct." The amended language was proposed because the Advisory Committee does not now have a representative from precinct 2. The subcommittee felt it would not be possible to delineate all the reasons that there might not be a TMM from each precinct and so left the proposed amendment unchanged.

Recommendation

By a vote of 4-0-0, the subcommittee recommends favorable action on WA 34 as amended.