

**TOWN COUNSEL REVIEW AND ADVICE ON THE DRAFT ARTICLES FROM THE CRC**

**MEETING WITH TOWN COUNSEL, MICHAEL FORD AND TOWN ADMINSTRATOR JOHN KELLY**

**JULY 19, 2022 Gail Meyers Lavin and Patricia Fallender attending from CRC**

**Draft Article A**

Only changes recommended are in the Definitions.

The “news outlet” definition should only include newspapers/e-newspapers, the Town Website, and the Orleans Government access channel. Other entities like social media, internet blogs, and radio can be problematic.

The definitions of physical, economic, and environmental development as stated are based on regulatory language and are too prescriptive and have the potential to constrain the Planning Board in fulfilling its charge.

**Draft Article B**

The current section 1-5-1 should remain as written because it refers to specific provisions in the Charter that may conflict with general terms in the Charter. It does not pertain to bylaws or State laws, etc.

Town Counsel recommends a Section 1-5-2 that will state that the Charter provisions shall govern if there is a conflict with Town by-laws, rules and regulations.

**Draft Article C**

The second sentence is eliminated. It is too prescriptive and the Select Board should determine what is included in the Code of Conduct Policy.

**Draft Article D**

Since there are existing State laws that convey the responsibility to the Fire Chief for coordinating the Town Emergency Plan, the Select Board will work with the Fire Chief to develop said Plan. The requirement to update at least biennially remains as does the requirement to publish emergency response guidance to the Town citizens.

**Draft Article E – OK as written**

**Draft Article F**

A Recreation Advisory Committee member cannot be added to this Article since it is an “ad hoc” committee and not a “standing” committee. However, upon review of the Town Code Chapter 81 that includes the Community Preservation Committee, it was discovered that the wording is different in the Charter than the Bylaw. The wording of 6-11-1 is changed to use the word “of” instead of “by” when appointments are made by the “standing” committees, with the exception of the Select Board, for consistency with the Bylaw.

**Draft Article G**

Not adding the Recreation member to the CPC in Article F, means that the 3-9-1 letter (i) should not be changed.

Since a Special Act was passed by the legislature to state that the Town Clerk need not be a Town resident, this phrase can be deleted and the phrase “none of whom needs to be a Town resident” is not necessary.

**Draft Article H – OK as written**

**Draft Article I – OK as written**

**Draft Article J – OK as written**

**Original Draft Article K**

Town Counsel stated that the Architectural Review Committee was created as a Zoning Bylaw and any changes to that bylaw in the future would be complicated by its inclusion in the Charter. It was recommended that this Article be eliminated.

**New Draft Article K – OK as written**

**New Draft Article L**

The CRC proposed changes to 9-1-3 and 9-2-3 are OK as written.

Town Counsel said that the changes to 9-2-4 concerning the Zoning Board are not correct since the Zoning Board does not revise the Zoning Bylaws. He asked that this section as worded should be retained.

With input from John Kelly, Town Administrator, the NEW Section 9-2-6 is not needed since this is reportedly already being done by the Planning Board.

However, the discussion involved the issue of making sure the Orleans Comprehensive Plan should be updated on a set schedule. The word “periodic” should be deleted from Section 9-2-1 and a second sentence added to require updates to said Plan every 5 years.