

gmlavin@outlook.com

From: jfuller184@comcast.net
Sent: Wednesday, April 28, 2021 4:31 PM
To: John Kelly; mike@fordandfordattorneys.com
Cc: Berson, Mark; Gail Meyers Lavin; Maxine Minkoff; Meff.Runyon@gmail.com; Patricia Fallender; Robin Hubbard; Walter North; Town Clerk Orleans
Subject: Fwd: Interpretation of 6-1-10

Mike,

Section 6-1-10 of the Charter, "The Town Meeting may, by By-law, enlarge or decrease the number of persons to serve as members of multi-member bodies established under this chapter ..."

If a multi-member body wants to increase its membership, would it be a separate article from the Charter Review change recommendations article on a Town Meeting warrant?

Request your opinion.

On behalf of the Committee.

Jon Fuller
Chairperson
Charter Review Committee

----- Original Message -----

From: Robin Hubbard <rlhubbard46@yahoo.com>
To: jfuller184@comcast.net, Patricia Fallender <Pfallender@msn.com>, Maxine Minkoff <minkoffmax@gmail.com>, Walter North <walterenorth@yahoo.com>, Mark Berson <mib@markiberson.com>, Gail Meyers Lavin <gmlavin@outlook.com>, commail@town.orleans.ma.us, Robin Hubbard <rlhubbard46@yahoo.com>
Date: 04/28/2021 3:10 PM
Subject: Interpretation of 6-1-10

Hi Jon,

I am wondering if you can get an opinion from Michael Ford as to whether or not we can increase the number of members on a M-M body. This seems to be a suggestion for at least one body. It appears this can only be done by By-law and not Charter.

Thanks

Robin

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[41 Defiance Lane](mailto:Robin.Hubbard@town.orleans.ma.us)
[Orleans MA. 02653](mailto:Robin.Hubbard@town.orleans.ma.us)
rlhubbard46@yahoo.com

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From: Michael Ford <mike@fordandfordattorneys.com>
Sent: Monday, May 3, 2021 6:47 AM
To: jfuller184@comcast.net; John Kelly; Molly Bates
Cc: Berson, Mark; Gail Meyers Lavin; Maxine Minkoff; Meff.Runyon@gmail.com; Patricia Fallender; Robin Hubbard; Walter North; Town Clerk Orleans
Subject: RE: Interpretation of 6-1-10

Hi Jon,

You are correct. It would be a separate article seeking to exercise the authority which currently resides with the Town Meeting to enlarge or decrease the membership of a multi-member body which article would take the form of a general bylaw amendment.

It would not be part of any article which contains the Charter Review Committee recommendations.

Let me know if you have further questions.

Best regards,

Mike

From: jfuller184@comcast.net <jfuller184@comcast.net>
Sent: Wednesday, April 28, 2021 4:31 PM
To: John Kelly <jkelly@town.orleans.ma.us>; Michael Ford <mike@fordandfordattorneys.com>
Cc: Berson, Mark <mib@markiberson.com>; Gail Meyers Lavin <gmlavin@outlook.com>; Maxine Minkoff <minkoffmax@gmail.com>; Meff.Runyon@gmail.com; Patricia Fallender <Pfallender@msn.com>; Robin Hubbard <rlhubbard46@yahoo.com>; Walter North <walterenorth@yahoo.com>; Town Clerk Orleans <commail@town.orleans.ma.us>
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MICHAEL D. FORD
JEFFREY M. FORD

TO: Charter Review Committee
FROM: Michael D. Ford Town Counsel *MD*
RE: Town Meeting Process Questions

Received 7/19/21
forwarded
via Molly
Bates to
CRC
JMS
Clerk

1 Town Meeting Moderator Authority regarding Electronic Voting

Does the Moderator have the authority and discretion to use electronic voting on any article, all articles or not use electronic voting at all?

Section 194-7 gives the Moderator the authority and discretion to use electronic voting on any article, all articles or not use electronic voting at all.

In Town Code 194-7, what does "Except as otherwise specified by law" encompass?

The quoted language encompasses those instances where the state law, bylaw or a charter provision limits the discretion of the of the Moderator in deciding the method of voting. For example, General Laws Chapter 39 Section 15 (copy attached) mandates a polling of the voters when a voice vote is challenged by 7 or more voters (Orleans bylaw C Sec194-14 requires a polling when voice vote questioned by 2 or more voters). Therefore, in this instance, the Moderator has no discretion to Recount by taking another voice vote.

2. Charter Amendments and Orleans Town Code By-laws

If Charter Amendments are adopted that would change the entries listed under Town Code Chapter 194, is a separate vote required to change the Town By-Laws?

There are some other Charter Sections that also have corresponding Town Code Chapters. If these Charter sections are amended, would there be a need to vote a separate By-Laws change?

For clarity in application, I would recommend separate by-laws votes in each instance so as to avoid questions going forward as to which provision (by-law or charter) controls.