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OFFICE OF
TOWN CLERK

Town of Stoughton

Charter Review Committee

Date: Thursday, September 5, 2023 Time 7:00 p.m.

This meeting will be held in-person in the Fitzpatrick Room at Stoughton Town Hall with a remote option. The Google Meet Link is available below. If available this meeting may be recorded for future re-broadcast via SMAC.

Charter Review Committee Google Meet Link

Google Meet joining info

Video call link: <https://meet.google.com/sya-aavw-kdt>

Or dial: (US) +1 732-639-1594 PIN: 23 494 796#

Agenda

Meeting agendas and minutes will be available through the Town's website at: [Stoughton.org](https://stoughton.org) and on the Charter Review Committee page at: <https://stoughton.org/409/Charter-Review-Committee>.

1. Call to order
2. Pledge of Allegiance
3. Citizen Requests/Comments (2 minutes per person)
4. Committee Members Comments
5. Review of Charter Review Committee Minutes for the 4/20/23 Meeting – Appendix A
6. Town Meeting Approved Charter Review Committee Bylaws – Appendix B
7. Charter Review Committee Reorganization Approval
8. Final Charter Article 7 – Representative Town Meeting as approved in 4/20/23 meeting- Appendix C
9. Adjourn

APPENDIX A

Charter Review Committee Meeting
April 20, 2023 Town Hall and via Google Meets

Members in Attendance:

5 members present, Chair Larry Sauer, Fran Bruttaniti, Cynthia Walsh, Teresa Tapper in person and Amy Puliafico via Google Meets

Agenda Item 1: Meeting Called to Order – Larry Sauer (chair) called meeting to order at 7:07 p.m.

Agenda Item 2: Pledge of Allegiance

Agenda Item 3: Citizens Requests/Comments: None

Agenda Item 4: Committee Member Comments:

Cynthia Walsh informed us that this will be her last meeting as a new Deputy Moderator will be appointed next week and thanked us for welcoming her. Everyone thanked her, agreed that she provided helpful information and her insights were appreciated.

Chair Larry Sauer stated that next time we meet we will likely have new committee members so plan is to have it be organizational meeting. He will step down as Chair at that time due to new commitments. Town Counsel will join us tonight after he is done with another meeting.

Agenda Item 5: Approval of Meeting Minutes for the 3/30/23 Meeting

Motion to Approve Meeting Minutes for the 3/30/23 Meeting as Amended made by Cynthia Walsh, Teresa Tapper seconded.

Amendments:

1. Typographical error on first page: lists 5 members, when 6 were present
2. Teresa Tapper's first name was spelled incorrectly
3. States "Town Counselor" instead of "Town Counsel"

Fran Bruttaniti-Abstained, as she was not at the meeting 3/30/23.

Amy Puliafico -Yes

Teresa Tapper -Yes

Chair Larry Sauer -Yes

Cynthia Walsh- Yes

4 yes, 0 no, 1 abstained

Motion passes

Agenda Item 6: Discussion with Town Counsel of Charter Review Committee Bylaw Article as Amended

Attorney Brian Winner was present for this portion of the meeting. We reviewed our Proposed Bylaw for 2023 Warrant. Attorney Winner says this our Committee is odd because it was formed to provide a report to the next Town Meeting, yet it has existed for 30+ years, which does not give us a process or scope of jurisdiction. He understands that our Article is to provide that information. He made it clear that Charter Review is not a Charter Commission, so anything not delegated to a Charter Commission is fair game. When he reviews Articles like this, he does not look at it for policy, he reviews to see if is in compliance with state law and the Charter. He noted that we made changes to make it clear that we need to submit any Articles to the Selectboard, then they submit it or not. He thinks this was a good change. He said he can submit it to the AG's

office for pre-Town Meeting review if we want that. The AG's office may not have time to review before Town Meeting.

Attorney Winner explained that we can discuss pretty much anything, but that does not mean that we can actually proposed it. Cynthia Walsh explained that in approximately 2010 she felt like the mood in Town was not worth having a Charter Commission if no plan for a significant change in government. Attorney Winner explained that a lot of towns do not have a Charter Review Committee, which is a middle ground between nothing and a Charter Commission.

Chair Larry Sauer asked about possibility of reducing number of Town Meeting Members, but that issue is outside of our scope, how do we address? Attorney Winner said we can discuss it, if consensus is behind it, then can make recommendation and report to whoever has that jurisdiction.

Discussion of why Selectboard can submit Polling Location Article, but we cannot. But 10(b) allows certain officers to make a proposal, which is why in this case Selectboard Member Cavey could propose it. Discussion of process of selecting polling locations and how they could be changed. Attorney Winner says there is a process Selectboard is required to follow.

Chapter 43B Section 10(b) states "town meeting shall consider and vote upon any suggested charter amendment which it would have the power to propose under subsection (a) ... which is suggested to it in a written request signed by ... any selectman of a town."

Attorney Winner said that we can ask him if we think something is within our scope. If it is outside the scope, we can move to the next step whether that is Selectboard, Charter Commission, or Special Act. If our purpose is to be advisory board, then nothing wrong with us discussing items and then making a report to Selectboard.

After Attorney Winner left the meeting, discussion of how his presence was helpful.

Agenda Item 7: Final Charter Review Article 7 – Representative Town Meeting

This was previously approved, this is copy with all changes made. No more changes necessary. We will present it with the red-lined so it is easier for Town Meeting Members to review.

Agenda Item 8: Charter Review Committee Meeting Schedule - Will be after Town Meeting, so won't set now.

Fran Bruttaniti made a Motion to adjourn

Teresa Tapper--seconded the motion.

Vote by acclamation 5 yes, 0 no

Ended at 7:59 p.m.

Respectfully submitted,
Amy Puliafico, Precinct 4

APPENDIX B

Bylaw Article – Establishment of a Charter Review Committee

To see if the Town will vote to include in the Town of Stoughton Bylaws Part 1: Administrative Legislation as follows: Chapter 11 Charter Review Committee

(History: A Town Meeting Charter Review Committee was established as a temporary committee of Town Meeting on April 26, 1976 at the Annual Town Meeting. The 1977 Town Meeting rejected an article to dissolve the Town Meeting Charter Review Committee.)

Chapter 11 – Charter Review Committee

§ 11-1 Duties of The Committee

The Charter Review Committee shall serve as an advisory committee to the Stoughton Representative Town Meeting by making recommendations to the Town through the Select Board for changes to the Town Charter by proposing articles for the Annual Town Meeting Warrant. As an advisory committee to Town Meeting, it shall be subject to all the provisions of the Town Charter and Bylaws regarding public hearings, legal advertising, reporting, publishing, and distribution of its recommendations to the Town Meeting Representatives.

§ 11-2 Membership of the Committee

This Committee shall consist of Town Meeting Representatives who shall serve for terms of two years as long as they remain Town Meeting Representatives. One Town Meeting Representative shall be appointed at large by the Moderator, and one member shall be appointed by the Chairperson of each precinct delegation. The membership shall also include the Deputy Moderator and one Town Meeting Representative from the Committee on Municipal Regulations.

§ 11-3 Meetings of the Committee

The Charter Review Committee will meet on a regular basis to study the Town Charter, make recommendations for updates or changes to the Town Charter, and consider recommendations for changes to the Town Charter from residents of Stoughton, Town Meeting Representatives, the Select Board, Municipal Departments, Town Committees, or the Town Attorney.

§ 11-4 Limitations

The Charter Review Committee may not propose any change in the Charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body (Representative Town Meeting), or the Select Board, or the School Committee, or Town Manager.

When a recommended change to the Charter that impacts any other part of Town Government is supported by the Committee, the Committee will invite a member of the impacted constituency to participate in a discussion of the proposed change with the Committee prior to voting on an article for the Town Warrant.

§ 11-5 Public Hearings

As part of its study, the Committee shall hold one or more public informational hearings on the changes to the Charter being proposed, notice of which shall be posted publicly and published for each of two weeks, and not less than seven days preceding such hearing.

§ 11-6 Recommendations

The Charter Review Committee may annually make recommendations to the Select Board for the Town Meeting Warrant for any changes to the Charter, in the form of warrant articles, that are recommended by a majority vote of the Committee. In the event a Special Town Meeting is called in addition to the Annual Town Meeting, the Charter Review Committee may make additional recommendations for changes to the Charter.

§ 11-7 Home Rule

Any actions taken by the Committee will be in compliance with Massachusetts Home Rule Procedures GL. Chapter 43-B.

§ 11-8 Quorum

The Charter Review Committee shall not meet or conduct business without the presence of a quorum. A majority of the current members of the Charter Review Committee shall constitute a quorum. The Charter Review Committee shall approve its actions by majority vote of those members present.

APPENDIX C

§ C7-1

CHARTER

§ C7-4

ARTICLE 7

Representative Town Meeting

§ C7-1. Annual and Special Town Meetings. [Amended 4-29-1974 ATM, approved 1975 Annual Town Election; 4-28-1980 ATM, approved 1981 Annual Town Election; Laws 1990, c. 91, approved 1991 Annual Town Election; 5-14-2001 STM, Art. 39, approved 2002 Annual Town Election; 12-2-2019 STM, Art. 18, approved 2020 Annual Town Election]

The Annual Town Meeting shall be held on the first Monday in May. The Selectboard shall insert all articles into the warrant for the Annual Town Meeting which bear signatures of 10 or more registered voters of the Town. The Annual Town Meeting warrant shall close to petitioned and budget articles on December 31 of the year previous to the Annual Town Meeting. The warrant shall remain open to the Selectboard until the first Tuesday in February.

The Selectboard may call a Special Town Meeting at any time. The warrant for Special Town Meetings will remain open for article submission at least seven days from the call of the meeting The Selectboard shall post that the warrant is open for article submission and post the closing date. At least forty-two days must pass between the close of the warrant for Special Town Meetings and the holding of such meetings. Inhabitants of the Town of Stoughton may, on their initiative, petition to have an Article placed for consideration by Town Meeting Representatives at Special Town Meetings. Petitions formed for this purpose must contain at least one hundred signatures by registered voters of the Town. The Selectboard is required to call a Special Town Meeting upon receipt of a petition formed by inhabitants of the Town containing at least two hundred signatures of registered voters.

§ C7-2. Town Moderator: election, duties. [Amended 12-2-2019 STM, Art. 17, approved 2020 Annual Town Election; 12-2-2019 STM, Art. 18, approved 2020 Annual Town Election]

The Moderator of the Town Meeting shall serve for a term of two years. They shall be Moderator of all Town Meetings, except as otherwise provided by law, until their successor is qualified. Nominations for Moderator and their election shall be as in the case of other elective Town officers and any vacancy in such office shall be filled by the Deputy Town Moderator until the next regularly scheduled election. The Moderator shall not have a vote on Articles brought before the Town Meeting except to create a tie vote or break a tie vote of Town Meeting Representatives.

§ C7-3. Compensation. [Amended 4-30-1984 ATM, Art. 42, approved 1985 Annual Town Election]

The Moderator may receive an annual compensation as determined by a vote of Town Meeting.

§ C7-4. Deputy Town Moderator: election and duties. [Amended 12-2-2019 STM, Art. 18, approved 2020 Annual Town Election]

A Deputy Town Moderator shall be elected by the Town Meeting Representatives at the organizational meeting to preside over the Town Meeting in the absence of the Moderator. They shall ~~be serve as~~ a member of the Rules Committee of the Town Meeting,

but shall not be a voting member of that committee unless the Moderator is absent from a meeting, in which case the Deputy Town Moderator shall vote in their place. In the event the position of Deputy Town Moderator becomes vacant, the Town Meeting Representatives shall, as the first order of business at the next regular or Special Town Meeting, elect a new Deputy Town Moderator to fill the unexpired term.

§ C7-5. Town Meeting Representatives. [Amended 1-17-1977 STM, approved 1977 Annual Town Election; 12-2-2019 STM, Art. 18, approved 2020 Annual Town Election]

There shall be elected from each voting precinct twenty-one Town Meeting Representatives, all of whom shall be eligible to vote at Town Meetings. The Town Meeting Representatives shall be elected for a term of up to three years by registered voters of each precinct. At the first regular Town election held after voting precincts have been established by the Registrars of Voters, in accordance with the provisions of Article 2 of this Charter, the seven elected Town Meeting Representatives from each precinct receiving the highest number of votes shall serve for a term of three years, the next highest seven shall serve for two years, and the next highest shall serve for one year. Town Meeting Representatives shall then be elected as their terms of office expire for up to three-year terms. The Town Clerk, shall, after the election of Town Meeting Representatives, notify by mail each such member of their election.

§ C7-6.1. Vacancies among Town Meeting Representatives. [Amended 5-4-2009STM, Art. 59, approved 2010 Annual Town Election; Laws 2010, c. 111]

In the event of any vacancy in the full number of elected Town Mmeeting Representatives from any precinct, the remaining elected representatives of the precinct shall choose from among the registered voters thereof a successor to serve until the next annual election. The Town Clerk shall call a special meeting of the remaining representatives from such precinct for the purpose of filling such vacancy. The Town Clerk shall mail notice of the special meeting to each representative from the precinct specifying the objective, time and place of such meeting. The meeting shall be held not less than 4 days after mailing of such notice and not less than 14 days before convening of the Regular or a Special Town Mmeeting during which the vacancy is to be filled.

At such meeting, a majority of the remaining representatives shall constitute a quorum. The election to fill such vacancy shall be by ballot and the candidate or candidates receiving the greatest number of votes cast shall be deemed elected and shall be notified by the precinct clerk.

The precinct clerk shall forthwith file with the Town Clerk a certificate of such election, together with a written acceptance by the representative or representatives elected who shall thereupon be deemed elected and qualified as Town Mmeeting Representatives, subject to the right of all the Town Mmeeting Representatives to judge of the election and qualification of the representatives.

§ C7-6.2. Election by Ballot for Town Meeting Representative. [Added Laws 2010, c. 111]

The Town Clerk shall determine the number of full terms and the number of partial terms to be elected to the office of Town Mmeeting Representative. The ballot shall indicate

the total number of ~~T~~town ~~M~~meeting ~~R~~representatives to be elected, the number of full terms to be filled, and the number and term of years of partial terms to be filled, and the candidates shall be listed together on the ballot as required by section 8-5. The ballot shall also include such directions as shall aid the voter relative to the manner of election provided for in this section. At the close of the election, in descending order, the candidates receiving the highest number of votes shall be elected to the 3-year terms to be filled at the election, the candidates receiving the next highest number of votes shall be elected to the 2-year terms to be filled at the election, and after those vacancies are filled, the candidates receiving the next highest number of votes shall be elected to the 1-year terms to be filled at the election.

§ C7-7. Attendance and publication. [Amended 5-4-2009 STM, Art. 60, approved 2010 Annual Town Election]

The Town Clerk shall post in the Town Hall and shall publish in a local newspaper or publish on the official town website a list of Town Meeting Representatives present and a list of Town Meeting Representatives absent from all Annual and Special Town Meetings by sessions within thirty (30) days of the dissolution of each meeting.

§ C7-8. Powers and duties.

All powers of the Town shall be vested in the Representative Town Meeting, except as otherwise provided by law or by this Charter. The Representative Town Meeting shall provide for the exercise of the powers of the Town and for the performance of all duties and obligations imposed upon the Town.

§ C7-9. Rules for conduct of Town Meetings.

General rules for conduct of the Town Meeting shall be chosen by the Town Meeting Representatives at their annual organizational meeting. Rules and procedures for speaking shall be determined from time to time and shall be applied to all speakers, whether they are Town Meeting Representatives or inhabitants of the Town.

§ C7-10. Town Meetings generally.

All Town Meetings shall be public. The Town Clerk shall notify the Town Meeting Representatives of the time and place at which the Representative Town Meetings are to be held and shall send the notices by mail at least seven days before the meeting. A majority of the Town Meeting Representatives shall constitute a quorum for doing business ~~but a lesser number may organize temporarily and may adjourn from time to time.~~ Any inhabitant of the Town who is not a Town Meeting Representative may speak at any Representative Town Meeting but shall not vote.

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§ C7-11. Organizational Town Meeting. [Amended 12-2-2019 STM, Art. 18, approved 2020 Annual Town Election]

An Organizational Town Meeting shall be held by Town Meeting Representatives on the Thursday preceding the Annual Town Meeting for the purposes only of electing Chairpersons and Clerks of the precinct delegations, electing the Deputy Town Moderator, and adopting Town Meeting rules and procedures.

The first order of business at the Organizational Town Meeting shall be the election of Chairpersons and Clerks for the precinct delegations. Each precinct delegation shall elect a Chairperson and Clerk. A quorum of precinct Representatives must be present for the election of these officers, and the candidate who receives the greatest number of votes shall be deemed elected.

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The second order of business at the organizational meeting shall be the election of the Deputy Town Moderator. They shall be elected in the manner set forth in § C7-4 of this Charter.

The third and final order of business at the Organizational Town Meeting shall be the adoption of rules and procedures governing the conduct of the Representative Town Meeting.

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~~The third and final order of business at the Organizational Town Meeting shall be the adoption of rules and procedures governing the conduct of the Representative Town Meeting.~~

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The Town Clerk shall notify Town Meeting Representatives of the organizational meeting at least seven days before it meets.

§ C7-12. Compensation of Town Meeting Representatives.

~~Town Meeting Representatives shall serve without remuneration but may receive reimbursement for the actual and necessary expenses incurred in the performance of their duties.~~

§ C7-13. Nonvoting members of Town Meeting. [Amended 12-2-2019 STM, Art. 18, approved 2020 Annual Town Election]

The presence at all Annual and Special Town Meetings is required of the Chairperson of the Selectboard, the Chairperson of the School Committee, and the Chairperson of the Committee on Finance and Taxation, the Town Manager, the Town Counsel, the Superintendent of Schools, the Town Accountant, and the Town Engineer. These officers shall have all of the rights and privileges of Town Meeting Representatives except they shall not have the right to vote on any Article unless they are an elected Town Meeting Representative.

§ C7-14. Town Meeting standing committees. [Amended 1-17-1977 STM, approved 1977 Annual Town Election; 12-2-2019 STM, Art. 18, approved 2020 Annual Town Election]

- A. There shall be a Town Meeting Committee on Rules consisting of the Moderator, who shall be Chairperson, the Deputy Moderator ex officio, and each Precinct Chairperson. All warrant Articles shall first be referred to the Committee on Rules

which shall subsequently refer the Article to the appropriate standing committee or committees for public hearing and recommendation to the Town Meeting. Standing committees must deliver all warrant Articles referred to them to the Town Meeting for action on the floor. No floor action may be taken at Town Meetings without a public hearing and a standing committee report on the Article.

B. Other standing committees of Town Meeting shall include and be limited to the following:

- (1) A Committee on Finance and Taxation which shall prepare the budget Article. This Committee shall consist of nine members who shall be appointed by the Moderator from the registered voters of the Town and one member elected annually by and from each precinct delegation at the Organizational Town Meeting. The nine appointed members shall serve for three-year terms. ~~The Moderator, at the first Organizational Town Meeting held under this Charter, shall appoint three Committee members for three-year terms, three for two-year terms, and three for one-year terms.~~ All members of the Committee will serve until their replacements are duly qualified, but no member shall serve for more than nine cumulative years. Any member of the Committee who shall be appointed or elected to Town office or appointed to a committee or board other than the Personnel Board shall cease to be a member of the Committee. ~~A shall upon their qualification in such office, or any member who shall remove from is no longer a resident of the Town shall upon such removal,~~ cease to be a member of the Committee. Members absent from one-third of the regular meetings in any calendar year may be removed by a two-thirds vote of the other members, present and voting. The Committee shall choose its own officers. The members of the Committee shall serve without salary.

The Committee may employ, subject to an appropriation, an Executive Secretary.

In the event of any vacancy in its membership, the Committee shall notify the Moderator and the Moderator shall arrange to have the vacancy filled. They shall appoint a new member if the vacancy is from their appointments. Precinct delegations shall elect members from among Town Meeting Representatives in their precinct when the vacancy is from their number. If a Committee member who is a Town Meeting Representative moves to another precinct in the Town, they shall continue as a Committee member until the next annual Organizational Town Meeting, at which time the precinct delegation from the precinct they vacated will elect another member in their place to fill the unexpired term.

The Committee shall distribute a report to each of the Town Meeting Representatives at least fourteen days in advance of a Town Meeting. Its recommendations shall be those of a majority of the entire Committee, but this shall not be construed to prevent recommendations by a minority. The report shall state the total amount of the appropriations recommended by it on the entire warrant and the approximate tax rate based on such recommendations. The report for the Annual Town Meeting shall contain a statement of the business of the Committee during the year, with such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town. It may issue recommendations on referenda and other matters on any ballot other than the choices of individuals for offices.

The Committee shall have authority at any time to investigate the books, accounts, and management of any department of the Town and to employ such expert and other assistance as it may deem advisable for that purpose; and the books and accounts of all departments and officers of the Town shall be open to the inspection of the Committee and any person employed by it for that purpose. The Committee may appoint sub-committees of its members and delegate to them such of its powers as it deems expedient.

The various Town boards, officers and committees charged with the expenditure of Town funds shall, not later than the thirty-first of December of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the ensuing fiscal year. Such estimates and statements shall be filed with the Town Manager who shall at once transmit the same to the Selectboard.

The Committee shall duly consider the estimates and statements filed by the Town boards, officers, and committees, and may confer with said boards, officers, and committees and hold hearings. The Committee shall thereupon recommend such sums and in such division of items as it considers necessary and convenient. It shall place the recommendations of the Selectboard on the budget Article in a way that they may be easily compared with its own.

- (2) A Committee on Municipal Regulations which shall study and report on Articles and bylaws and zoning regulations of the Town. This Committee shall consist of Town Meeting Representatives who shall serve for terms of one year. One member shall be appointed at large by the Moderator, and one member shall be appointed by the Chairperson of each precinct delegation.
- (3) A Committee on Municipal Operations which shall study and report on Articles that affect functions performed by offices and departments of Town government. This Committee shall consist of Town Meeting Representatives who shall serve terms of one year. One member shall be appointed at large by the Moderator, and one member shall be appointed by the Chairperson of each precinct delegation.
- (4) A Committee on Intergovernmental Relations which shall study and report on Articles which affect the relations of the Town with other municipalities, regional government bodies, and agencies of county, state, and federal government. This Committee shall consist of Town Meeting Representatives who shall serve for terms of one year. One member shall be appointed at large by the Moderator, and one member shall be appointed by the Chairperson of each precinct delegation.

C. The Moderator shall designate a temporary chairperson to organize each standing committee. Committee vacancies shall be filled by the Moderator except as otherwise provided for in this Article. No Town Meeting Representative may serve on more than one standing committee of the Town Meeting at one time.

§ C7-15. Temporary committees of Town Meeting.

The Town Meeting shall appoint additional committees as it deems fit to facilitate its business.

§ C7-16. Availability of Town officials and employees at Town Meeting.
[Amended 12-2-2019 STM, Art. 18, approved 2020 Annual Town Election]

The Town Meeting or a duly authorized committee of Town Meeting may require the attendance at any of its meetings of elected or appointed Town officers, of members of boards, commissions, committees or agencies of Town government, or of Town employees to provide it with information and materials pertaining to matters appearing on its current agenda. The head of each department shall be available for attendance at the Town Meetings or shall designate a deputy to respond for them in the event they must be absent due to illness or another reasonable cause.

No less than seven days' notice to appear shall be given to any person required to appear before the Town Meeting.

§ C7-17. Membership of Town officials on Town Meeting committees.

Any Town official whether elected or appointed and any member of a Town board, commission, or committee may serve on a committee of the Town Meeting except for standing committees set forth in § C7-14.