

MINUTES – CHARTER REVIEW COMMITTEE

Wednesday, October 5, 2016

Seth Ventress Hall

Present: Robert Marzelli, Barbara Farnsworth, Alyssa McNamara Reed, Bruce Spitler, William Bowers, Daniel Burke, Jonathan Grabowski, Don Gibson, Scott Borstel, Town Counsel Robert Galvin, and Board of Selectmen Liaison Steve Robbins.

Mr. Bowers opened the meeting at 7:05 p.m. and announced that the meeting is being recorded by MCTV. Mr. Bowers gave a quick overview of the agenda for tonight's meeting.

Interviews:

Brian Adams, Facilities Manager, appeared before the committee and shared his thoughts on the questions that were provided to him in advance of this meeting, including the following:

- The first pages of the charter talk about facilities related to the DPW, Mr. Adams said that this could be confusing and should be clarified.
- He is not sure if the Facilities Manager position should be included in the charter, it might make more sense for this to be under the Personnel Bylaw.
- If this position stays in the charter, there needs to be more information on budget and staffing, just having a position does not really do anything.
- Mr. Adams gave some details on his job responsibilities and said it is currently a two man department. Mr. Adams noted that other towns this size have a staff of 27-28 people.
- Right now there is not a clear chain of command in Town, so it is hard to say if the facilities department could work as part of the DPW. If there was less autonomy under the new charter, a Facilities Department under the DPW could work.
- The Facilities Manager does not make decisions on what projects are funded, his role is to make recommendations to Town Meeting, but all projects townwide should go through the Facilities Manager in some form so that they can be prioritized.
- Recommended that there should be a permanent Building Committee and gave some details on the reason for this recommendation and how such a committee would work to give guidance to Department Heads and to Town Meeting. Mr. Adams noted that it would be similar to the High School Building Committee that was appointed by the School Committee, with the authority to expend funds approved by Town Meeting and make decisions on building projects.
- Permanent Building Committee would work with Department Heads and present proposed projects to the Capital Budget Committee.
- People do not appreciate the cost to maintain the number of buildings owned by the Town. Mr. Adams noted that the Town has 929,000 s.f. and the annual cost for proper preventative and corrective maintenance is about \$3-5/s.f., so \$2.7 million would be on the low end of the national average. He added that he would need a \$4-5 million budget to maintain the buildings the way they should be maintained.
- The language in the charter is a good starting point, but it needs to be expanded on in order to work.
- He is not involved in field maintenance at all, but when there is a problem he does get called. Scheduling is more administrative and could be done by either DPW or schools, but they have different parameters for deciding when fields should be pulled from use.

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The committee members asked Mr. Adams for clarification on some of his thoughts and thanked him for coming to the meeting and giving his input. Mr. Adams said that he would submit more details to the committee in writing.

Rocco Longo, Town Administrator, appeared before the committee and shared his thoughts on the questions that were provided to him in advance of this meeting, including the following:

- Mr. Longo gave some details on his background, including 40 years in local government.
- He has worked under charters with a strong Town Manager in the past and has found that working under the current charter in Marshfield can be difficult and challenging.
- He is not interested in being Town Manager in Marshfield, this is not about him, but problems will not be solved under the current system.
- Mr. Longo provided the committee with a copy of the Town's organizational chart and said that there are too many heads, no corporate structure could function effectively with this many heads.
- Communication issues in Town Hall were mentioned in the charter reviews of 1975 and 2003, these problems still exist today.
- The Board of Selectmen should be treated as CEO and have that authority, different departments have varied philosophies related to discipline. Problems arise when personnel issues are not equitably addressed.
- He has started a Communication Forum with Town Hall staff which has been very productive.
- He is working on codification of Town Bylaws.
- He would support the idea of replicating the School Department organization on the Town side, but it would be difficult to convince the public that this structure would work for the Town.
- We need a Finance Director in order to have a more centralized budget. The DPW has spent \$30-40,000 to investigate indirect costs. Most AAA bonded communities have a Finance Director.
- Need to have succession planning for when Department Heads leave; i.e. subordinates need to be trained and certified so that they can keep things going during a transition.
- The budget is a fluid process until it is voted on, there is a lack of understanding of the process among voters.
- He has worked in Towns with both 3 and 5 selectmen. Five selectmen worked well in Northboro because they had a strong charter. He does not see a real difference in working with three or five selectmen if there is a strong charter and a strong Town Manager.
- He does not see any negatives to having a Town Manager as opposed to a Town Administrator.
- Mr. Longo provided the committee with two studies that say the Town should have less elected boards. One from the DOR and the other commissioned by the DPW. Towns across the Commonwealth are going toward less elected Boards and more professionals. The Collins Institute report recommended that the Town assess the form of government of the public works department in the next charter review.
- Most Towns are moving away from elected Town Clerk.

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- Mr. Longo distributed a list of AAA bonded communities and said that most of them have a Town Manager and a Finance Director.
- He supports the idea of a permanent building committee and said that the Facilities Manager needs more staff; i.e. electrician, plumber etc. rather than outsourcing this work.

The committee members asked Mr. Longo for clarification on some of his thoughts and thanked him for coming to the meeting and giving his input. Mr. Longo said that he would be happy to come to another meeting and/or submit more details in writing.

James Robinson, Town Moderator, appeared before the committee and shared his thoughts on the questions that were provided to him in advance of this meeting, including the following:

- Mr. Robinson gave an overview of his background in Marshfield Town government.
- He is a strong advocate for Town Meeting, but believes that Marshfield is the largest Town in the state that still uses this form of government.
- Mr. Robinson said that as the newly elected Town Moderator he will be setting a time limit on each article at Town Meeting in the hope of getting things done more quickly and thereby encouraging increased attendance. He added that 3% of the people that go to Town Meeting speak, the other 97% are waiting for an opportunity to vote.
- He has the authority to make these changes under State law and Town Meeting Rule #1.
- The lottery system is a bylaw that the Town Meeting Review Committee instituted. He said that he supports the lottery as it discourages groups from coming to Town Meeting to support one particular article.
- He does not like Representative Town Meeting and has heard from members of the Moderators Association that it does not necessarily make things any more efficient.
- When asked why the language on the screen is so different from the warrant Mr. Robinson said that the Board of Selectmen has addressed the issue of “sum of money” in the warrant, the Advisory Board making their recommendations at Town Meeting still needs to be addressed. Mr. Robinson noted that the warrant will always differ from the main motion which is on the screen, it is more important that what is read into the record is the same as what appears on the screen as that is what is being voted. Dan Burke noted that the Advisory Board is going to have a handout with their recommendations available at Town Meeting this year.
- When asked why the Advisory Board recommendations are no longer in the warrant Mr. Robinson said that has to do with the time constraints put in place by the Town Meeting Review Committee. The warrants now have to be printed 30 days in advance which makes it difficult for the Advisory Board to review and vote prior to printing. He feels that 30 days is not necessary, having the warrant available 2 weeks prior to Town Meeting would give voters ample time to review it.
- The flood map issue does not affect everyone in Town, but no one is happy about it. He plans to limit discussion to people who are impacted by this article to keep things moving at Town Meeting. Mr. Borstel noted that this could set a bad precedent for other issues that don’t affect all areas of Town, such as sewers. Mr Robinson said there are not many things that don’t affect the whole Town and he is not concerned about setting precedent.

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- This charter review was brought forward because of the dysfunction in Town Hall. The current Town Administrator clearly thinks there should be a Town Manager and tries to conduct himself as a Town Manger which is causing a lot of turmoil in Town Hall.
- The only flaw in the current charter is that there are only three selectmen, it is much easier to violate open meeting law when there are only three members. A three member board cannot have any conversations outside of public meetings.
- Charter changes should be voted at a regular Annual Town Meeting and should be voted like the CPC article (warrant within a warrant).
- The Board of Selectmen and Board of Public Works should be merged into one five member Board.
- The Town had a Finance Director in Nancy Holt, she was the backbone of Town Hall and the backbone of Town Meeting. The front of the room lost all credibility when she left the Town. She wanted the title of Finance Director, she was told it would happen but it never did. The Town Administrator makes personnel decisions and she did not get the job she was promised. The Town Administrator then posted the job as Finance Director and the finance department has been in a state of transition since then because he would not give Nancy Holt the position she wanted. The Town is in this mess because of things that were done intentionally. The current Town Administrator is not honoring the current charter, he is working as a Town Manager. He is managing the Board of Selectmen instead of the other way around. The current Town Administrator will be gone before this charter review is completed.

The committee members asked Mr. Robinson for clarification on some of his thoughts and thanked him for coming to the meeting and giving his input. Mr. Robinson submitted an addendum to his comments on October 6, as follows:

Last night I said that Marshfield is the largest or one of the largest towns in Massachusetts that still uses an Open Town Meeting form of government. I did some "fact checking" this morning and I was close. Of the 351 cities and towns in Massachusetts, there are 4 towns that are larger than Marshfield with an OTM form of government. They are Andover, Dracut, Tewksbury and North Andover. All five towns have a Town Manager and 5 Selectmen.

You may also find it interesting that of the 41 communities with a population between 20k to 35k, 3 have a Council/Manager, and 5 have a Council/Mayor, 5 (including Marshfield) have 3 Selectmen, 27 have 5 Selectmen and 1 has 7 Selectmen.

In reviewing my notes the only other relevant questions to me that I did not get to were questions #4 and #8.

Question#4 - Changing any currently elected positions. I would like to respond to the question of an elected or appointed Moderator and Town Clerk. I think the priority here is "checks and balances". The Moderator manages the Legislative branch of our government. He or she should not be appointed by the Executive branch. However, the Moderator could be appointed by the Town Clerk if the Clerk were an elected position. I personally think they should both be elected. Also, because the Advisory Board is part of the Legislative branch, in most Towns they are

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appointed by the Moderator. They were in Marshfield at one time as well. I personally like a mixture of appointments to that Board from the Selectmen and the Moderator, as it is done in some towns. The important thing is that the Advisory Board does not think they are working for the Executive branch. They work for the "floor of Town Meeting", the Legislative branch.

Question#8 - Areas of the Charter to have addressed by the committee. I thought there was, and if not there should be, an article in the Charter that calls for the Selectmen to appoint a CRC every ten years. If so this process would have been started three years ago.

Public Comment:

Barry Cornwall, Cornwell Hill, said that he would encourage the Charter Review Committee to be clear in their minds what a charter is and to keep it at the bare minimum necessary, many things can be included in the bylaws to give more flexibility for change. Mr. Cornwall added that most Boards and Committees are very lax in getting minutes on the website and noted that accountability is the source of the problems in Town government.

Acceptance of Minutes:

Bob Marzelli moved, seconded by Dan Burke, to accept the minutes of August 25, 2016 as written. The vote was 8:0 with Barbara Farnsworth abstaining.

Scott Borstel moved, seconded by Bruce Spitler, to accept the minutes of September 8, 2016 as written. The vote was unanimous.

Barbara Farnsworth moved, seconded by Don Gibson, to accept the minutes of September 15, 2016 as written. The vote was 8:0 with Bruce Spitler abstaining.

Barbara Farnsworth moved, seconded by Bruce Spitler, to accept the minutes of September 22, 2016 as written. The vote was 7:0 with Don Gibson and Scott Borstel abstaining.

Don Gibson moved, seconded by Scott Borstel, to accept the minutes of September 28, 2016 as written. The vote was 7:0 with Dan Burke and Bob Marzelli abstaining.

Discussion regarding Public Forums:

Jonathan Grabowski said that he felt the second forum was more productive than the first, some good ideas were brought forward.

Future Meetings:

Dan Burke said that there are some small Boards left to be invited as well as the Conservation Commission. Also former Town Administrators/Managers: Peter Morin, Norwell; Peter Hechenbleikner, Reading; and Charlie Cristello, Middleboro.

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Bill Bowers suggested inviting representatives from neighboring Towns that are AAA rated and also representatives from other coastal towns.

Bill Bowers said that the next agenda will include a discussion on formulating next steps.

At 10:00 p.m. Don Gibson moved, seconded by Bruce Spitler, to adjourn the meeting. The vote was unanimous.

Respectfully submitted,

Catherine Burke