

**MINUTES-CHARTER REVIEW COMMITTEE
THURSDAY, MAY 18, 2017 AT 7:00 P.M.
MARSHFIELD TOWN HALL – SELECTMEN’S HEARING ROOM**

Present: Don Gibson, Robert Marzelli, Jonathan Grabowski, (alternate), Barbara Farnsworth, Dan Burke and Town Counsel Robert Galvin

Excused: Alyssa McNamara Reed (alternate), Scott Borstel and William Bowers

Mr. Gibson opened the meeting at 7:00 p.m. and announced that the meeting was being held in the Board of Selectmen’s Hearing Room, recorded by MCTV and that they have a quorum.

Public Comment – Mr. Gibson explained that the committee has 15 minutes for public comment but there was no one from the public present so he wanted to take some time to comment for the record that there was a report in the local newspaper that indicted that the committee had voted to change from an elected Board of Public Works to an appointed Board of Public Works and that was not accurate. Mr. Gibson noted that the committee had recommended not to have a Board of Public Works.

Attorney Galvin joined the meeting at 7:05 pm.

New Business – Mr. Gibson mentioned that they have been working through Articles 3 and 4 of the Town Charter and mentioned that he would like to work on Article 5. Mr. Gibson indicated that after their last meeting he hammered out a job description for the Town Manager which he emailed to everyone today. He asked the committee if they wanted to discuss the position or wait until June 1, 2017. Mr. Gibson mentioned that he had reviewed the Town of Hanover’s job description for the Town Manager. Mr. Gibson noted that he wanted to look at the letter H. of the job description with regard to the budget and whether or not they should consider a financial department with a Finance Director who oversees Treasurer/Collector, Town Accountant and Town Assessor and to include the Capital Budget Committee .

Mr. Gibson then passed out a copy of the Massachusetts Department of Revenue, Division of Local Services job description regarding The Role of A Finance Director. Mr. Gibson also passed out copies of a job descriptions for the position of Director of Finance/Treasurer, the Town of Marion’s Finance Department description, a copy of the Finance Director/Town Accountant from the Town of Sharon, the Town of Hanover’s Acting Director of Finance, and the Town of Wellesley which has separated the Financial Director and the Town Manager. Mr. Gibson then asked the committee if they wanted to consider the position of a Finance Director or a combination Finance Director/Town Accountant. Mr. Burke mentioned the fact that the Town had previously hired a Finance Director within the last few years but presently they do not have one. Attorney Galvin explained that when Nancy Holt left, they hired a Finance Director/Treasurer and then the position changed to Treasurer/Collector for David Leary and it is still presently Treasurer/Collector with Patrick Dello Russo. Mr. Spittler discussed the position of the Town Manager and his or her responsibilities with regard to the finances and the establishment of a Financial Director and the possibility that the Town Manger may not agree.

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Mr. Burke commented that they should consider the past operation of the Town and if they need a Chief Financial Officer and a strong Town Manager. Mr. Marzelli noted that in the previous Charter they created the position of Facilities Manager and that position did not get funded until 2011. Mr. Marzelli said he wondered if they create the position of Finance Director should it be included in the Charter or should it be the responsibility of the Town Manager. Mr. Marzelli also mentioned that a Financial Director may not want to answer to a Town Manager. Ms. Farnsworth expressed the opinion that there is nobody in charge right now and there needs to be someone in charge. Ms. Farnsworth and Mr. Burke asked about the process of creating a Finance Director and how it would get voted. Attorney Galvin stated that sometimes it goes to the state legislature and requires that something be added.

Mr. Gibson noted that the Town Manager position would be a three year position that would have to be renewed. Mr. Marzelli commented that there could be an instance when a new Town Manager does not like the Finance Director and Attorney Galvin mentioned the Town of Norwell's Finance Director who was formerly a Town Accountant and currently oversees the Treasurer/Collector and Town Assessor. Attorney Galvin indicated that the Finance Director helps the Town Manager with the budget. Mr. Burke said that he liked the idea of a Town Manager but he said he was having a hard time with the concept of a C.F.O. Mr. Grabowski indicated that the thought there might be too much on the Town Manager's plate. Mr. Gibson said he thought that might be why the Town of Wellesley has both a Town Manager and a Finance Director. Attorney Galvin indicated that the Norwell Town Manager sets the budget but works with the Finance Director. Mr. Marzelli mentioned that he thought they had made a mistake by putting the Facilities Manager in the most recent charter. Mr. Burke mentioned if they were to put a Finance Director in the Charter it could possibly go unfunded. Attorney Galvin suggested it would be a good idea to get a strong Town Manager in place first.

Mr. Gibson then proceeded to start reading through the Town Manager job description 4.1.1: Section A. Appointment: After some discussion, the committee decided to remove the sentence regarding the 5 member Board of Selectmen. Mr. Spitler asked if the Charter Review committee article for Town Meeting would be one article or several and Mr. Marzelli explained that it should all be in one article. Mr. Gibson then read Terms of Employment A. Additional Qualifications : There were no changes. Mr. Gibson continued to read under the terms of employment Section: A., B., C., and D. and there were no changes.

Section E. Powers and Duties - General: Mr. Burke mentioned that they should be prepared to answer questions on their charter recommendations at Town Meeting. Mr. Marzelli suggested changing the word "act" to "article" under E. Powers and Duties.

Section F. Powers of Appointment (1) : After some discussion it was decided that this section would need to be reworded. Ms. Farnsworth suggested that they change the words "twentieth" to "fourteenth" and "20" day period to "14" day period with regard to removals and appointments and the committee agreed.

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Section G. Powers and Duties - Specific- Administrative: No change to (1) but the committee decided (2) needs to be reworked. Mr. Gibson continued to read through (3) and Attorney Galvin thought that they should add the words “or abolish” in the first sentence after the word establish. Attorney Galvin also noted that they need to change “Advisory Committee” to “Advisory Board” and the words “or abolished” after the word “consolidated” in the last sentence. Mr. Marzelli questioned the use of the word “abolish” and Attorney Galvin indicated that it is a concept that is permitted by Mass General laws.

(4) - There were no changes.

(5) – Change “Advisory Committee” to “Advisory Board”

(6) – The committee agreed to add the words “fixed compensation and” after the words “rates of pay”

(7) – There were no changes.

(8) – There were no changes.

(9) – There were no changes.

10) - The Committee discussed signage by the Town Manager and Attorney Galvin said the Town Manager has the authority to sign warrants.

11) – There were no changes.

12) – There were no changes.

H. Powers and Duties – Specific – Financial:

(1) Budget a), b) and c) – There were no changes.

I. Powers and Duties – Specific – Collective Bargaining:

(a and b) :The committee discussed the fact that the Town has a Labor Counsel and a Town Counsel to help with these purposes.

J. Powers and Duties – Specific – Procurement:

a) The committee agreed to add the words “for the town” after the word officer and removal of the words after Chapter 30B of the General Laws.

K. Permanent Vacancy - Attorney Galvin suggested changing the word “feasible” to “possible” at the end of the first sentence and the committee agreed.

L. Temporary Absence or Disability:

1) There were no changes.

2) There were no changes.

3) Powers and Duties:

The committee agreed to change the word “office” to “offices” and “of” to “or” after the words “town offices” before the word employment.

M. Removal and Suspension:

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Mr. Marzelli noted that under Removal and Suspension it conflicts with 8-2 Suspensions of the current Charter. Mr. Gibson indicated that he would rework this section. Attorney Galvin stated that the Board of Selectmen can adopt to have a public hearing or preliminary resolution. Mr. Marzelli indicated that there would be notice, time to prepare for a hearing and a decision would be made based on what occurred in the hearing. Mr. Gibson stated that this concludes their discussion on the role of the Town Manager.

The committee decided to defer the reviewing list of comparable communities. Mr. Burke indicated that they need to get the Finance Director position hammered out. Attorney Galvin questioned whether or not the Town could pay a Finance Director, Town Accountant and Treasurer/Collector. The Committee also decided to defer the Items for Future CRC Discussion/Agenda.

Acceptance of Minutes - Mr. Burke said he would not be voting on the minutes as he was absent from the meeting of May 4, 2017. Ms. Farnsworth noted that in the minutes of May 4, 2017 Section 4 (C) 1: "Alyssa Gibson" should be "Alyssa Reed". Mr. Gibson stated that he would like to change the last sentence under Section 4 (C)1. Mr. Gibson noted that he would like the words "Don Gibson" could continue as a committee member and as vice chairman, but he should probably not participate or be involved in any committee discussion or vote involving the Town Moderator position."

Mr. Marzelli moved, seconded by Mr. Gibson to approve the minutes of May 4, 2017 as amended. The vote was unanimous.

Mr. Gibson noted that the next meeting would be held on June 1, 2017 at 7:00 p.m. at the Seth Ventress Building.

Mr. Gibson moved, seconded by Mr. Marzelli to adjourn the meeting at 8:49 p.m. The vote was unanimous.

Respectfully submitted,

Beverly Wiedemann

Documents and exhibits presented at this meeting were the following: copy of draft of Town Manager position, copy of Division of Local Services – Role of a Finance Director, copy of a job description for Director of Finance/Treasurer, copy of Town of Marion's Finance Department, copy of Town of Sharon's Finance Director/Town Accountant position, copy of the role of the Finance Department for the Town of Hanover, copy of the Town of Wellesley's Finance Department and copy of minutes of May 4, 2017.