

MINUTES – CHARTER REVIEW COMMITTEE

Thursday, April 6, 2017

Seth Ventress Hall, 76 South River Street

Present: Barbara Farnsworth, Bruce Spitler, William Bowers, Daniel Burke, Donald Gibson, Scott Borstel, Robert Marzelli, Jonathan Grabowski (alternate); Alyssa McNamara Reed (alternate), Board of Selectmen Liaison Steve Robbins

Excused: Town Counsel Robert Galvin

Mr. Bowers opened the meeting at 7:10 p.m. and announced that the meeting is being recorded by MCTV.

Public Comment:

Barry Cornwall, Cornwell Hill, said that he is concerned with how rigid and inflexible a charter is. Mr. Cornwall noted that in an open letter that he sent to the Charter Review Committee he said that a previous review of the Charter found that the primary need is better communication between departments, and that has not improved. Mr. Cornwall said that the State of Massachusetts does not require towns to have charters, and Hingham and Duxbury do not currently have one. Using bylaws instead of a charter allows for more flexibility as circumstances change. Mr. Cornwall encouraged the CRC to keep that in mind as they move forward and to minimize if not eliminate the Town Charter.

Don Gibson said that the Town's founders obviously felt that this was an important document and compared the Charter to the Constitution of the United States. Mr. Gibson added that the fact that bylaws can be changed so easily could be a problem, they might be too flexible.

Barry Cornwall said that there are a lot of issues with the current charter and added that the big difference between the Charter and US Constitution is that the Constitution lays out broad guidelines but does not go into specifics.

Bob Marzelli said that repealing the charter completely is outside the charge of this committee. If a Town does not have a home rule charter, its charter would be all of the rules of the general court and all state laws that have been enacted.

Scott Borstel said that he agrees with Barry in a broad sense, in that the role of the charter should not impede the way that Town Government works. The last charter review set out to fix some of the same problems that this Charter Review Committee is working on now. The balance should be to include the things in the charter that will enable the Town to do business without impeding the process.

Bill Bowers said that the charge of the CRC is to develop a structure or framework that will allow the Town to run efficiently.

Barbara Farnsworth noted some instances where not having a charter has been problematic in the Town where she works and said abolishing the charter would not be in the Town's best interest.

Bruce Spitler said that the goal should be to have the meat of the structure in the Charter, but in order to have some flexibility the specifics could be addressed in the bylaws.

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Recap of Joint Advisory Board/BOS Meeting:

Don Gibson said that it was clear that the person running the meeting was the Chairman of the Advisory Board and his opening statement was that they didn't want to hear any comments for or against specific articles, they were only there to answer questions. Mr. Gibson noted that the warrant was not available until that day, so there was no opportunity to formulate questions. Mr. Gibson said that he was expecting a lot more depth at this meeting and said that there should be more time between printing of the warrant and the meeting that is meant to answer questions.

Dan Burke agreed that this clearly pointed out that there are problems with the timelines in the charter, including the requirement to have the warrant ready four weeks before town meeting and published in the newspaper. Mr. Burke said that Keith Polansky said "we are here to hear your comments, but I don't really care what you say", and said that he understands what Mr. Polansky was trying to say but he could have said it better. The process needs to be more inclusive.

Scott Borstel said that the committee can talk about the structure of the public meeting, but should not be talking about an individual at this meeting. Mr. Borstel added that the public hearing is for citizens to get clarification on articles, it is not the place to deliberate on articles.

Barbara Farnsworth asked if the Advisory Board conducts hearings on each article. Steve Robbins said that they do. Mr. Robbins added that he feels the public meeting should be changed from a joint hearing to a Board of Selectmen hearing, the purpose is to educate the public on each article. Mr. Robbins noted that the BOS did discuss and vote on each individual article at their two previous meetings and said that there is no reason why the warrant needs to be ready four weeks prior to town meeting, but it should be ready at least a week prior to the public hearing. Mr. Robbins said that the public hearing could be pushed back by a week to allow more time for people to review the warrant.

Dan Burke said that the suggestion should be made to the Board of Selectmen that the Advisory Board meeting should be held a week after the warrant is available. Bob Marzelli asked what the purpose of this meeting is and why it is necessary. Couldn't these questions be answered at Town Meeting?

Scott Borstel said that he has always been under the impression that this is where questions are answered and articles are clarified in order to streamline the process at Town Meeting. The purpose of this meeting needs to be better articulated to the public.

Steve Robbins said that the purpose of the warrant is to notify the public about what is going to be voted on at Town Meeting, but the actual motions that are voted will be different from what is printed in the warrant.

Dan Burke said that he would like at some point to get an explanation on how the Advisory Board can take money from the stabilization fund and how this process works.

Scott Borstel said that this financial discussion should be tabled until the committee is discussing Article 5. The group agreed.

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Continued Discussion of Town Organization Chart:

Bruce Spitler distributed the organization chart that he designed based on the exercise at the last meeting and gave an explanation of how he developed this chart. There was some discussion regarding streamlining the organizational chart and what needs to be included in it.

Bill Bowers distributed the department flow chart that Allyssa Reed created. Alyssa Reed gave a brief explanation of this chart.

Bill Bowers said that the group needs to start formulating thoughts on how to move forward with the organization chart.

Scott Borstel said that determining who should be elected who should be appointed needs to be the first thing. Bruce Spitler reiterated that there needs to be one point of accountability.

There was a lengthy discussion regarding the currently elected boards/positions. There was also some discussion about whether office staff should report to their elected board/committee or to the Town Administrator/Town Manager.

Board of Public Works – Bruce Spitler noted that none of the comparable towns they looked at had an elected BPW. Need to strongly consider either making it an appointed board or eliminating it altogether.

Dan Burke questioned what the role of the Board of Public Works would be if it were appointed. Bruce Spitler suggested asking other towns with appointed public works commissions what their role is.

Bob Marzelli said that he would vote in favor of eliminating the Board of Public Works and gave some details on why it was created. Mr. Marzelli added that the committee needs a good reason to eliminate an elected board, and should only make changes where there is a problem.

Dan Burke said that if the BPW is eliminated, going to a five member Board of Selectmen might make it easier to sell to the voters. Bob Marzelli agreed that if the BPW is eliminated a five member BOS should be recommended.

Dan Burke said the Collins report was very compelling, they were hired by the BPW and their recommendation was to eliminate the BPW. Mr. Burke added that there has to be a consistency of practice across departments.

Bob Marzelli moved, seconded by Don Gibson, to eliminate the Board of Public Works and expand the Board of Selectmen to five (5) members. The vote was unanimous.

Board of Assessors – Barbara Farnsworth moved, seconded by Bruce Spitler, to change the Board of Assessors to an appointed Board. Bob Marzelli asked what the advantage of an appointed Board of Assessors would be. Dan Burke said that it would ensure that we have a

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board with the necessary skill set and qualifications. Scott Borstel said that centralized leadership is a recurring theme, whether the Board is elected or appointed the Town Assessor would need to report to the Town Administrator/Town Manager or the finance Director, not to the Board of Assessors. A vote was taken on the motion on the table. The motion passed by a vote of 6:1 with Bob Marzelli in the minority.

Trustees of Veterans Memorials – Barbara Farnsworth said that she feels this Board should remain elected. After a brief discussion, Bruce Spitler moved, seconded by Bob Marzelli, to keep this board elected. The vote was unanimous.

Board of Health – Don Gibson moved, seconded by Bob Marzelli, to keep this Board elected. Don Gibson said that this board has a lot of authority with regard to the general health and welfare of the Town and as such should be independent of the Board of Selectmen. Scott Borstel said he would only support this if the Health Department staff did not report to the elected board but to the Town Administrator/Town Manager. Scott Borstel said that Don Gibson's point could be an argument for changing this board to an appointed one, in order to ensure that qualified people are on the Board. Steve Robbins said that separate elected boards with parallel visions leads to nothing getting accomplished. Bill Bowers said that there is a misconception that if a Board is appointed by the Board of Selectmen they are bound to them. Barbara Farnsworth asked about reporting responsibilities when it comes to appointed vs. elected boards. Scott Borstel suggested tabling this vote pending an opinion on the bylaw from Town Counsel. Bill Bowers said that the committee can make recommendations regardless of what the bylaw says. A vote was taken on the motion on the table. The motion failed by a vote of 2:5.

Dan Burke moved, seconded by Scott Borstel, to change the Board of Health to an appointed Board. The vote was 5:2 with Bob Marzelli and Don Gibson in the minority.

Town Clerk – Scott Borstel moved, seconded by Bruce Spitler, to change this position to an appointed position at the expiration of the current Town Clerk's term. Bob Marzelli noted that voters may feel that since the Town Clerk oversees elections, they should not be appointed by an elected board. After a brief discussion, the vote was unanimous.

Town Moderator – Scott Borstel moved, seconded by Bruce Spitler, to keep this as an elected position. The vote was 6:0 with Don Gibson abstaining.

Planning Board – Don Gibson said that the elected Planning Board is a counter weight to the appointed Zoning Board of Appeals. After a brief discussion, Bob Marzelli moved, seconded by Don Gibson, to keep the Planning Board elected. The vote was unanimous.

Bruce Spitler said that he will revise the organization chart to reflect tonight's votes.

Dan Burke suggested that the committee develop a list of questions for Bob Galvin if he cannot be at the next meeting.

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Steve Robbins said that this will be his last meeting and thanked the committee for their professionalism and hard work.

Acceptance of Minutes:

Don Gibson moved, seconded by Bob Marzelli, to accept the minutes of March 23, 2017. The vote was unanimous.

Mr. Bowers noted that the next meeting will be held next Wednesday, April 12, 2017 at 7:00 p.m. at the Seth Ventress Hall and the following meeting will be held on Thursday, May 4, 2017 at 7:00 p.m. also at the Seth Ventress Hall.

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

Respectfully submitted,

Catherine Burke