

MINUTES – CHARTER REVIEW COMMITTEE

Thursday, May 4, 2017

Seth Ventress Hall, 76 South River Street

Present: Barbara Farnsworth, Bruce Spitler, William Bowers, Donald Gibson, Scott Borstel, Robert Marzelli, Jonathan Grabowski (alternate), Alyssa McNamara Reed (alternate), Town Counsel Robert Galvin

Excused: Dan Burke

Mr. Bowers opened the meeting at 7:05 p.m. and announced that the meeting is being recorded by MCTV. Mr. Bowers summarized the last meeting and said that the Committee needs to stay more focused and avoid having multiple conversations at the same time. Seeing no members of the public present, Mr. Bowers suggested that the Committee start by defining the role of the Town Manager. Mr. Bowers noted that Don Gibson had emailed the committee links to Legislative Acts establishing a Town Manager in several Towns, including Hanover, Cohasset, Hamilton and Danvers.

New Business:

Bob Marzelli said that he spent some time looking for examples of charters where staff members appointed by an elected Board other than the Board of Selectmen are supervised by the Town Manager, but he could not find any. Mr. Marzelli noted that Hanover, Lexington and Concord all have similar language regarding supervision. Mr. Marzelli said that the committee needs to anticipate what people who oppose the recommendations of the CRC will say and what amendments might be proposed, the Committee needs to feel strongly about any recommendations they make. Bill Bowers agreed that the Committee needs to go in with conviction and added that certain items will have to be linked.

Don Gibson suggested that the committee review the language in one of the comparable Town's charters relative to establishing a Town Manager to see what elements they like and what they would want to change. After some discussion it was decided that they would use Hanover's charter for this exercise.

Section 3(A)1: Appointment. The committee agreed that the "term not to exceed 3 years" was good, and agreed that the language stating "After the establishment of the 5-member Board of Selectmen, there shall be established . . . the office of Town Manager" should stay.

Section 3(A)2: Qualifications. Hanover's charter requires "administrative experience in public management or business administration". Bob Marzelli suggested changing the word "public" to "municipal". Bruce Spitler asked if there were any qualifications or certifications that should be included as either preferred or required.

Section 3(A)3: Terms of Office. The committee agreed that the line prohibiting the Town Manager from holding elective office in the Town while serving as Town Manager should stay as is, except that "on an interim basis" should be included. There was some discussion as to whether a previously elected official could be appointed as Town Manager. Hanover's charter states that "the Town Manager shall not have served in an elected office in the Town of Hanover for at least 24 months prior to his appointment." The consensus was that 24 months may be too long and could disqualify good candidates for the position.

MINUTES – CHARTER REVIEW COMMITTEE

Page 2 of 4

Thursday, May 4, 2017

Section 3(A)4: Terms of Employment. Okay as written.

Section 4. Town Manager Powers and Duties. First section designating the Town Manager as CEO is good as written.

Section 4(A)1: The section regarding appointment and removal of all non-elected department heads and all employees except the school department is okay as written. Scott Borstel said that the language in this section is good and is similar to the way the School Department currently operates. Bob Marzelli said that the 20 day period should refer to any elected board, i.e. the Planning Board, and suggested changing the language to “shall become effective on the twentieth day following the day notice of appointment or removal is filed with the appropriate elected Board”; rather than “filed with the Board of Selectmen”.

Section 4(A)2: There should be parallel language in subsections 1 and 2.

Section 4(A)3: Replace the word “fitness” with “competency”.

Section 4(A)4: Replace “posted on the town bulletin board” with “posted in the appropriate locations”.

Section 4(B)1&2: Don Gibson noted that the language in Subsections 1 and 2 seems to be contradictory, is it “all town departments” or only those whose department head is appointed by the Town Manager. Bill Bowers said that Subsection 1 seems to refer to day to day operations and Subsection 2 refers to supervision, and suggested that the word “supervision” in subsection 2 be replaced with “operation”. Alyssa Reed asked how someone can be responsible for operation if they don’t have supervision.

Section 4(B)3: Scott Borstel asked if this process for transferring unexpended funds is what is currently being done in Marshfield. Bob Marzelli said that it is.

Section 4(B)4: no changes.

Section 4(B)5: no changes.

Section 4(B)6: Scott Borstel asked if this should go under Collective Bargaining. Bill Bowers suggested inserting “within the bounds of collective bargaining” at the end. Bob Marzelli suggested removing the word “develop” at the beginning.

Section 4(B)7: After some discussion it was decided that this section should be eliminated since Marshfield has a Facilities Manager.

Section 4(B)8: no changes.

Section 4(B)9: no changes.

Section 4(B)10: Don Gibson suggested that they add “as directed by the Board of Selectmen”.

MINUTES – CHARTER REVIEW COMMITTEE

Page 3 of 4

Thursday, May 4, 2017

Section 4(B)11: After some discussion it was decided that this language was broad enough to allow present practice to continue.

Section 4(B)12: no changes.

Section 4(B)13: no changes.

Section 4(C)1: Financial Powers and Duties – Budget. Insert Article 5 from the current charter here, but change Town Administrator to Town Manager.

Scott Borstel suggested working to embed these changes into the existing charter so that we have a clearer picture. Don Gibson said that he will produce a document based on tonight's discussion. Alyssa Reed said that she is making the changes in a word document as the committee goes through it.

Town Counsel Bob Galvin joined the meeting at 8:10 p.m. Bill Bowers asked about possible ethics violations now that Don Gibson has been elected as Town Moderator. Bob Galvin said that Don Gibson could continue as 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.

Section 4(C)2(a): Collective Bargaining. Bob Galvin described how the process currently works. Bob Marzelli said there is an argument to be made that since the Town Manager is doing the negotiations, he should be responsible for hiring Labor Counsel.

Section 4(C)2(b): add "except School Department".

Section 4(C)3: Procurement. No changes.

Section 5(A). Town Manager – Vacancy. No changes.

Section 5(B)1. Temporary Absence or Disability. Bob Galvin questioned the meaning of "temporary" and suggested that it be limited to 30 days or less. Bill Bowers suggested two weeks.

Section 5(B)2. Change "30 days" to "14 days".

Section 5(B)3. Powers and Duties. No changes.

Section 6: Removal/Suspension. Bob Galvin said that there are many ways to do this, but the language that Hanover used is protective of the Board of Selectmen's rights. Bob Marzelli said that this is covered in Article 8-2 of the current charter and involves a very lengthy process.

Section 8: Transition Provisions. Scott Borstel said that this language is very well worded. No changes recommended.

MINUTES – CHARTER REVIEW COMMITTEE

Page 4 of 4

Thursday, May 4, 2017

Don Gibson said that this completes the review of the Hanover charter language relative to the Town Manager position.

Bill Bowers asked if the Board would like to reconsider the vote from a previous meeting regarding elected boards. Don Gibson said that he would prefer to have this document created and distributed to the Committee before going any further.

Acceptance of Minutes:

Barbara Farnsworth moved, seconded by Bruce Spitler, to accept the minutes of April 12, 2017. The vote was unanimous.

Mr. Bowers noted that the next meeting will be held on Thursday, May 18, 2017 at Town Hall in the Selectmen's Hearing Room.

At 8:35 p.m. Don Gibson moved, seconded by Bob Marzelli, to adjourn the meeting. The vote was unanimous.

Respectfully submitted,

Catherine Burke