

MINUTES – CHARTER REVIEW COMMITTEE

Thursday, July 13, 2017

Seth Ventress Hall, 76 South River Street

Present: Daniel Burke, Bruce Spitler, William Bowers, Donald Gibson, Robert Marzelli, Barbara Farnsworth (via conference call), Jonathan Grabowski (alternate), Alyssa McNamara Reed (alternate), Town Counsel Robert Galvin, Michael Bradley (Board of Selectmen liaison)
Excused: Scott Borstel

Mr. Bowers opened the meeting at 7:00 p.m. and announced that the meeting is being recorded by MCTV. Mr. Bowers also announced that Barbara Farnsworth could not be present tonight, but will be participating in the meeting via teleconference.

Public Comment:

Barry Cornwall, Cornwell Hill, said that he read the comments of Gerald Maher of the Board of Health and noted that Jim Robinson said many of the same things. Mr. Cornwall said that when citizens get the recommendations from the Charter Review Committee, they are going to be thinking about how things are running now and it will be difficult to get people to imagine what the future will be like. Mr. Cornwall added that they will likely meet a lot of resistance toward the concept of the Town Manager functioning as a CEO, but the thing that will make it work is the role of the Board of Selectmen since they are the elected board that has the responsibility of charting the course for the Town and setting parameters for the Town Manager. It is critical that the role of the Board of Selectmen relative to their CEO is spelled out clearly. Mr. Cornwall also said that since the Advisory Board is not elected, it should be called an Advisory Committee and added that they are currently serving in more of a directive role than an advisory role.

Appointment:

Charles Cristello, former Town Manager in Hingham and Middleboro and member of the Massachusetts Municipal Managers Association, appeared before the committee and gave a brief overview of his background. Mr. Cristello said that he has read through the draft charter and the minutes of the Charter Review Committee meetings and likes the direction they are moving in. Mr. Cristello added that consistent personnel management and quality recruitment depend on having strong leadership.

Mike Bradley asked how the Town Manager as a CEO would work with the Board of Selectmen. Mr. Cristello said that the Board of Selectmen would have veto power over any appointments that the Town Manager makes, but the focus should be on having a competent capable Town Manager that can handle the day to day operations. Mr. Cristello explained the history of the role of the Town Manager in Hingham and how the hiring process works, and noted that if the Board of Selectmen appoints department heads, there is the possibility that the department heads will say they don't work for the Town Manager.

Dan Burke asked if having the staff in the office of an elected board report to the Town Manager would cause a problem. Mr. Cristello said that this is the same as staff in the office of an appointed board, they should all be reporting to the Town Manager.

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Bruce Spitler asked who would appoint the staff in the office of an elected board. Mr. Cristello said that the Town Manager would consult with the appropriate board before hiring staff.

Don Gibson asked about hiring, firing and discipline of staff; i.e. if there is a dispute regarding work environment who would handle it. Mr. Cristello said that in his experience this would fall under collective bargaining and would be handled by the Town Manager. Mr. Cristello added that most elected boards don't have a lot of experience in dealing with employment issues and they rely on the Town Manager to handle these things.

Don Gibson asked how an employee would be terminated if the Town Manager feels that his work is lacking. Mr. Cristello said that the Town Manager would consult with the appropriate board before starting the termination process.

Don Gibson said that the committee has been struggling with the concept of a strong Town Manager and how that affects the authority of the Board of Selectmen. Mr. Cristello said that you need to be as clear as possible in the charter about who has what authority. Mr. Cristello added that the Board of Selectmen is typically responsible for setting policy and the Town Manager is responsible for day to day operations and enforcement of those policies. Splitting responsibility will muddy the water and lead to confusion.

Bob Marzelli said that he doesn't see how the Board of Selectmen can only be responsible for setting policy, if they are meeting for up to 8 hours per month they need to be doing more than just setting policy. Mr. Cristello said there is more to the job including licensing responsibilities.

Bob Marzelli asked what "setting policy" means in the framework of this role, when people run for Board of Selectmen they want to do more than set policy. Mr. Cristello said that Boards of Selectmen with a strong Town Manager tend to meet less often and for less time since they are not involved in every detail of the Town's operation.

Dan Burke asked for Mr. Cristello's opinion on an elected versus appointed Town Clerk. Mr. Cristello said that the trend in all areas is to have more appointed and less elected boards and staff, and added that this gives you a larger and better qualified pool of candidates.

Bill Bowers asked for specific examples of problems that Mr. Cristello had in managing staff who were appointed by the Board of Selectmen. Mr. Cristello said that he has had experience with staff, including a Police Chief, who were appointed by the Board of Selectmen and made it clear that they did not report to him, which compromises the Town Managers ability to lead.

Bill Bowers said they have been looking at having high level positions appointed by the Board of Selectmen. Mike Bradley said he feels that the Board of Selectmen should appoint the Fire Chief, Police Chief and Finance Director although they would report to the Town Manager. Mr. Bradley added that he feels that the Board of Selectmen should be responsible for hiring and firing, but not for day to day operations. Charlie Cristello said that he would recommend against this and said that it is better to have the Town Manager make the appointments.

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Bob Galvin asked for Mr. Cristello's opinion on the best time of year to hold the annual town meeting. Mr. Cristello said that he doesn't understand why some towns have their ATM in June since you don't know any more then than you did in April. Mr. Cristello added that the last Monday in April works well in Hingham and Norwell.

Bob Galvin asked for Mr. Cristello's opinion on how the Finance Director position should work. Mr. Cristello said that in a perfect world, if you can afford it, a separate Finance Director to oversee the Town Accountant, Treasurer/Collector, and Town Assessor would be great, but usually it is one of those positions overseeing the other two and that works well in most cases.

Dan Burke asked if a Town like Marshfield with a \$100,000,000 budget should have a Finance Director. Mr. Cristello said that they should.

Bob Marzelli asked if the Finance Director position should be in the charter or should it be up to the Town Manger to decide how those departments will be organized. Mr. Cristello said that he doesn't think it matters as long as there is no question as to the authority of the Finance Director and said that might need to be in the charter. Mr. Cristello said that he will look into this and speak to his colleagues and get back to the committee.

Bruce Spitler said that the committee looked at a lot of organization charts in other towns, and it appears that sometimes the Board of Selectmen is the appointing authority of some boards and committees and the Town Manager does others. Mr. Spitler asked if there are any guiding principles with respect to this. Mr. Cristello said that no two charters are alike; all communities are structured according to their own needs.

Bill Bowers asked for pros and cons of having the Board of Selectmen make appointments versus the Town Manager. Mr. Cristello said that typically the members of the Board of Selectmen know many people in town and can bring new people into Town government, but added that he has no strong feelings about it either way. Hopefully the Town Manager would ask the Board of Selectmen if they have any suggestions for people who might be able to fill a certain position before making an appointment.

Bill Bowers asked for examples of boards or committees that would be appointed by a Board of Selectmen vs. Town Manager. Mr. Cristello said that in Middleboro the Conservation Commission, Energy Committee and Zoning Board were appointed by the Town Manager, all other boards and committees were appointed by the Board of Selectmen.

Don Gibson asked about the budgetary process with a strong Town Manager. Mr. Cristello said that there needs to be one process, one set of deadlines, and one set of forms that all departments use and added that the Finance Director and Town Manager should have budget meetings with all department heads.

Don Gibson asked if the budget will still go to the Board of Selectmen for approval under a strong Town Manager. Mr. Cristello said yes, the Town Manager is putting together a budget for the Board of Selectmen to consider and approve.

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Don Gibson said that we basically have three budgets, one for the School Department, one for the Department of Public Works, and one for the rest of the Town. Mr. Cristello said that he has never worked with an elected Board of Public Works and feels that having an elected BPW creates a lot of problems.

Jon Grabowski asked about warrant deadlines and said that residents have expressed frustration that it is not ready soon enough. Mr. Cristello said that in Hingham the goal was to have the warrant book published 14 days in advance of town meeting, including all advisory board recommendations. Mr. Cristello added that this is very hard to do, and there was often a need for supplemental handouts at Town Meeting. In Middleboro the warrant was published in the newspaper a week in advance and a paper copy was handed out at Town Meeting. You need to get as much information to the voters as early as possible so that they will be prepared to vote at Town Meeting.

Dan Burke asked if an elected Board of Public works is rare. Mr. Cristello said it is very rare and there are only a handful of these left.

Dan Burke asked about the possibility of using an electronic warrant instead of printed copy in advance. Mr. Cristello said that he is not sure if electronic would be a substitute for a written copy according to Mass General Laws.

Barbara Farnsworth asked about the role of the Finance Director versus the Town Manager. Mr. Cristello said that it makes sense for the Town Manager to turn over as much responsibility as possible to the Finance Director so that the Town Manager can focus on other things, but added that he is not sure if this should be defined in the charter.

Barbara Farnsworth asked about term limits for appointed boards. Mr. Cristello said that in a perfect world term limits are a great idea, but you don't always have a vast amount of people willing to serve on committees. It is a good goal but you don't want it to be too rigid.

Bill Bowers asked about term limits on Board/Committee chairmen. Mr. Cristello said that he doesn't see any reason why not, and added that although he has not seen it done there may be some value.

Dan Burke asked for Mr. Cristello's opinion on an appointed versus elected Board of Health. Mr. Cristello said that more towns go with an appointed Board of Health and that would be his preference because you can draw from a wider pool of candidates if the Board is appointed.

Don Gibson asked about the role of the Advisory Board/Finance Committee with a strong Town Manager and Finance Director. Mr. Cristello said that the Advisory Board is basically a group of fellow citizens making recommendations at town meeting, which gives the voters some comfort and carries a lot of weight.

Bill Bowers asked how the Advisory Board is established in most towns. Mr. Cristello said that in Hingham the Advisory Board is appointed by the Town Moderator, in Middleboro they were elected and it did not work well.

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Mike Bradley asked about the role of the Building Inspector. Mr. Cristello said that the building inspector is generally a department head who oversees the electrical inspector, gas inspector etc. Mr. Cristello added that it is a tough job which tends to get a lot of heat for enforcing the law.

Barry Cornwall asked for an example where a Town made a change in government structure and then tried to change it back later because it didn't work. Mr. Cristello said the vast majority of changes stay in place, but they may be modified over time.

Barry Cornwall asked for an example of a Town going to a strong Town Manager and then regretting it and going back to a Town Administrator. Mr. Cristello said that he has never seen a complete reversal but has seen modifications to remove some authority.

The Committee thanked Mr. Cristello for his time and expertise. Mr. Cristello said that he would be happy to answer any other questions that come up in the future.

New Business:

Bill Bowers brought up the timeline for potentially bringing the recommendations to town meeting. Dan Burke asked Mike Bradley when the Board of Selectmen would want to have the Town meeting. Mike Bradley said that he spoke with Jim Cantwell and Patrick O'Connor as well as the Secretary of State's office. Mr. Bradley said that Michelle Tassinari, Director of the Elections Division, is expecting a call from this committee with a draft schedule. Mr. Bradley said there should be a separate Special Town Meeting for voting on charter revisions and added that he thinks that January would be a good target date, followed immediately by a special election the following Saturday. If the Board of Selectmen is changed to five members, the new members could be elected at the next regular election in April.

Bob Galvin said that the new charter would have to go to the legislature before it is ratified at a Town election. Mike Bradley said that is not the way he understood it and asked for a brief recess so that he could make some phone calls to clarify.

The committee took a 10 minute recess and reconvened at 8:40 p.m.

Mike Bradley said that he spoke to Patrick O'Connor about the two different scenarios. Senator O'Connor said he will work with Dan Burke and Bob Galvin and get back with a written guideline. Senator O'Connor asked for a draft of the new charter as soon as it is available.

Bill Bowers said the plan will be to have a special TM specifically for the charter in January and will play it by ear from that point.

Mike Bradley left the meeting at 8:45 p.m.

Bill Bowers took a moment to invite residents and interested parties to participate in the public comments portion of the meetings or request to be placed on the agenda.

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Bill Bowers asked if the committee wanted to continue their discussion on Articles 3, 4, and 5. Don Gibson said that those sections still need some tweaking and asked Mr. Bowers if he had prepared a draft a section regarding the Finance Director. Mr. Bowers said that he has not had a chance to do that yet. Bob Marzelli distributed language on the Finance Director position that was published by the Division of Local Services. Bill Bowers asked how the members feel about including language regarding the Finance Director in the charter. Bruce Spitler said that the Finance Department should be led by a person of authority and responsibility, but it does not necessarily mean that a new position needs to be created; the charter could define responsibilities of the Finance Director without necessarily creating a separate position.

Bob Marzelli said that the DLS document gives a good description of the role of the Finance Director, but does not require that it be a separate position from the Treasurer/Collector or Town Accountant.

Bill Bowers said that he would want to keep things somewhat flexible in the charter, but at the same time he wants to make sure that the job gets done. After some discussion it was decided to table this item to the next meeting.

Acceptance of Minutes:

Bob Marzelli noted that there is a mistake on the minutes of June 22, 2017, on page 3 in Section C-4, it should read “to approve or veto appointments recommended by the Town Manager”. Bob Marzelli moved, seconded by Dan Burke to approve the minutes of June 22, 2017 as amended. The vote was unanimous. Roll call vote: Barbara Farnsworth – aye; Bob Marzelli – aye; Don Gibson – aye; Dan Burke – aye; Bruce Spitler – aye; Bill Bowers – aye; Alyssa Reed – aye.

At 9:00 p.m. Don Gibson moved, seconded by Bob Marzelli, to adjourn the meeting. The vote was unanimous. Roll call vote: Bob Marzelli – aye; Don Gibson – aye; Dan Burke – aye; Bruce Spitler – aye; Bill Bowers – aye; Alyssa Reed – aye; Barbara Farnsworth – aye.

Respectfully submitted,

Catherine Burke