

## **MINUTES – CHARTER REVIEW COMMITTEE**

**Thursday, November 16, 2017**

**Seth Ventress Hall, 76 South River Street**

Present: Daniel Burke, Bruce Spitler, William Bowers, Robert Marzelli, Barbara Farnsworth, Scott Borstel, Jonathan Grabowski (alternate), Alyssa McNamara Reed (alternate)

Excused: Donald Gibson

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 looked at other towns that have a Finance Director and most have created a department of finance. Mr. Cornwall said that it does not make sense to create the position of finance director without a department of finance and encouraged the committee to consider that as a change. Mr. Cornwall said that he has always found the budget language in the charter vague and unclear and added that he keeps hearing that the original budget is created by the Board of Selectmen working with the Town Administrator but that budget seems to disappear when it gets into the advisory board hands. Mr. Cornwall said that the budget that is presented to the town seems to be the advisory board budget and he feels that the Board of Selectmen numbers should be included in the warrant so that voters can see what changes the advisory board has made. Mr. Cornwall distributed copies of a page from the Kingston Town Government Study Committee final report which lists the criteria for elected versus appointed positions and boards. Mr. Cornwall said that he is trying to grasp the logic for the proposed changes to the Board of Assessors, Board of Public Works and Town Clerk and said that he thinks that the rationale needs to be tightened up and this sheet gives useful criteria that should be used in the committee's discussions. Mr. Cornwall said that he came away from the three public forums, with a strong sense that this committee was trying to convince the people of the wisdom of the decisions and recommendations that they were making. Mr. Cornwall noted that the forums were very sparsely attended, indicating that the public is not engaged in the process.

Bill Bowers said that regarding the creation of a Finance Department the committee is not looking to define departments within the charter. Mr. Bowers said the chart from the Kingston study is helpful and agreed that there is a lack of engagement on this topic on the part of the public. Mr. Bowers said that most people are uninformed about how town government works and stand back and think that things are working well, and added that there are certain residents who will disagree no matter what the committee recommends.

Scott Borstel said that he does not feel it is the job of the committee to sell their recommendations to the public, the committee did their best to put together amendments that they feel best reflect how the town should be governed, their job now to educate the voters so they can make an informed decision. Dan Burke said that he feels the committee needs to educate people, but they also need to advocate for the changes they are recommending and support their position. Bill Bowers said that this is far more esoteric than the vote for a new high school; the committee has heard a lot from a small group of voters but has not heard from a larger group of constituents.

## **MINUTES – CHARTER REVIEW COMMITTEE**

**Page 2 of 6**

**Thursday, November 16, 2017**

Bob Marzelli said that it was his understanding that the Board of Selectmen wants to maintain appointing authority for department heads. Mr. Marzelli said that Michael Maresco was quoted in the newspaper as saying that he does not really care if he is a Town Administrator or Town Manager, he can do the job either way, and Steve Robbins said that he would not consider running for the Board of Selectmen until he knows what they are responsible for. Bob Marzelli said that everyone is in favor of efficient government but it is not easy to get them to come out to Town Meeting and vote, the people that are against change will come out to vote against it. Mr. Marzelli suggested that perhaps this should be included as part of the April town meeting.

Steve Robbins, Planting Fields Road, said that he is speaking tonight as a resident not as a member of the Board of Public Works. Mr. Robbins said that it is interesting that Bob Marzelli said that no one knows what the Board of Selectmen is going to do under the new charter. Mr. Robbins apologized for the way the Board of Public Works meeting went on Monday, and added that he supports eliminating the Board of Public Works. Mr. Robbins said that he has been on the Board of Public Works for six months and has come to the conclusion that the Department of Public Works provides a very important service to the town and works very well, but there is a lot going on in that department and it is too much for a volunteer board to oversee, the department needs to be controlled by a professional Town Manager. Mr. Robbins agreed with what Bob Galvin said at the public forum about issues with the Board of Public Works and said that Mr. Galvin only touched on the issues, there are many issues with the DPW working separately from the rest of the town. Mr. Robbins noted that working with the Treasurer/Collector they were able to increase collection rates for water sewer and trash from about 50% to over 90%, but in recent months they have slipped back to 50%.

Bill Bowers asked why the collection rate is so low. Steve Robbins said that he is not sure exactly what happened since the DPW superintendent is currently out on medical leave, but it needs to happen within the DPW, there are no checks and balances with the DPW and BPW as it stands right now. Mr. Robbins said that the DPW budget was submitted without consulting the Board of Public Works and added that when he was a member of the Board of Selectmen he worked very closely with the Town Administrator on the budget.

Scott Borstel asked if there is a formal evaluation of the DPW superintendent. Steve Robbins said that he is not aware of that happening. Scott Borstel said that would be the typical way to ensure checks and balances.

Dan Burke said that this demonstrates the need for a professional manager supervising professional employees. Steve Robbins agreed that the Town Manager supervising the DPW superintendent would provide better oversight of the day to day operations. Mr. Robbins said that indirect costs have been an issue for years now and gave a brief explanation of enterprise accounts. Mr. Robbins added that there has been talk that if the BPW is eliminated there will be no one to watch the enterprise accounts and the Board of Selectmen will steal the money; Mr. Robbins said that this does not make sense since the accounts are overseen by the voters at town meeting.

## **MINUTES – CHARTER REVIEW COMMITTEE**

**Page 3 of 6**

**Thursday, November 16, 2017**

Scott Borstel said that the committee looked at a number of pieces of data and felt that the Collins report had a lot of credibility since it was commissioned by the Board of Public Works. Mr. Borstel asked how many recommendations from that report have been carried out. Steve Robbins said that he does not know, but he does know that one of the recommendations was to hire a business manager and that was done.

Bill Bowers asked what percentage of the budget represents the enterprise accounts. Steve Robbins said that it is less than 1%, and the Board of Public works spends 80% of their energy on this. Mr. Robbins said that he has been working as hard as he can on the Board of Public Works and will continue to do that, but it is clear that the Department of Public Works would run a lot more efficiently if it operated in cooperation with the rest of the town.

### **Old Business:**

Bill Bowers said that the Presentation Subcommittee met on October 21 at 6:30 p.m. Bob Marzelli said that the subcommittee needs to submit minutes from their meeting. Bill Bowers said that he will bring them to the next meeting for approval.

### **New Business:**

Bill Bowers said that the committee had three public forums as well as the radio show on WATD and suggested that it would be helpful to discuss the themes of the major feedback from those meetings. Bruce Spitler said that they need to spend quite a bit more time on the transition process since that is something that is important for people to understand. Bill Bowers said that the secretary of state's office can help with this. Dan Burke said that he will send out the information he has received from the State so that it can be put on a future agenda for discussion.

Scott Borstel listed the 8 major themes that were brought forward at the public forums as follows:

- 1) Board of Selectmen: 3 members, 5 members or 7 members
- 2) Town Meeting: when to hold the meeting to vote on the charter changes and language regarding when the warrant will be available to the public
- 3) Moving from Town Administrator to strong Town Manager
- 4) Town Clerk: elected versus appointed
- 5) Board of Public Works
- 6) Board of Health: why elected when similar boards are appointed
- 7) Limit terms for Board/Committee Chairmen
- 8) Transition language

Bob Marzelli said that the committee needs to clearly explain the advantages of the recommendations in terms of more efficient and more responsive government, and added that the committee needs to get done with drafting and spend some significant time discussing how best to present this to the voters. There was a brief discussion about the process going forward. Bill Bowers suggested that the committee start going through the list of topics tonight and continue at the next meeting.

## MINUTES – CHARTER REVIEW COMMITTEE

Page 4 of 6

Thursday, November 16, 2017

- 1) Board of Selectmen: Scott Borstel said that there is not much appetite to keep the Board of Selectmen at three members, but the committee did receive some feedback recommending going to seven members. Bill Bowers said that in making their decision, the committee considered best practices and the vast majority of towns have a five member Board of Selectmen. Scott Borstel said that one speaker at a forum said that a selectman from Telegraph Hill would not care about seawalls. Mr. Borstel said that this is not true and there is no history to support this claim. Alyssa Reed said that there is no compelling argument to go to seven selectmen and added that she feels that the more members you have the less effective the board will be. Bob Marzelli said that Scituate tried having Selectmen represent certain areas and it did not work so they went back to at-large members. Scott Borstel said that Charlie Naff sent an email asking if the committee felt that a five member Board of Selectmen would be able to take on the operation of the entire town including the DPW. Bill Bowers said that Bud Duksta had a similar comment. Bob Marzelli said that the Board of Selectmen will not be managing day-to-day operations, they will be a policy making board. Scott Borstel said that they need to state clearly to the Board of Selectmen that it is their vision that the professional staff will run the day to day business of the town. There was some discussion about the role of the Board of Selectmen with regard to appointment and termination of department heads. There was no motion to make changes to this language.
- 2) Town Meeting:
  - a. When to hold the Town Meeting regarding charter changes: Dan Burke said that there was a lot of feedback from the forums opposed to having the meeting in January or February. There was some discussion about the process for town meeting and how the article would be presented. Bob Marzelli noted that the committee was appointed for a two year term and the end of that term is quickly approaching. Bruce Spitler said that the transition plan is a critical point that is going to take some time and could impact when the committee is ready to present at town meeting. After some discussion it was decided that the committee would recommend to the Board of Selectmen that the charter be addressed in a special town meeting as part of the annual town meeting in April.
  - b. When should the warrant be made available to the public: Bob Marzelli said that the language in the charter is not contradictory with the language in the bylaw, the charter states that it must be made available *at least* two weeks prior to town meeting and the bylaw states that it must be made available four weeks prior to town meeting which is consistent. Bill Bowers suggested that changing the minimum in the charter to four weeks would alleviate the concerns of some citizens that the bylaw will be changed to two weeks. Alyssa Reed said that Bob Marzelli provided sound reasoning for leaving the language in the charter as is, but making it consistent might be the path of least resistance. After a brief discussion, Barbara Farnsworth moved, seconded by Scott Borstel, to amend the language in Article 2.3 of the charter to state that the warrant will be made available no later than four weeks before town meeting. The vote was unanimous.
- 3) Strong Town Manager: Scott Borstel said that some people have questioned the need for a strong Town Manager. Dan Burke said that he also heard that the charter gives the Town Manager too much power. There was some discussion regarding the need for a

## **MINUTES – CHARTER REVIEW COMMITTEE**

**Page 5 of 6**

**Thursday, November 16, 2017**

strong Town Manager. Scott Borstel said that the survey results showed that people want town employees to be more accountable and friendlier, in order to do this there has to be someone at the top that will hold people accountable. Bruce Spitler said that this is the principle concept that the committee has been working on. There was no motion to make changes to this language.

- 4) Town Clerk: Bill Bowers said that his opinion has not changed on this, and added that it is the only elected position that is a salaried employee and it is a professional role that should be filled by someone with the appropriate qualifications and certifications. Dan Burke said that the only way to guarantee that the Town Clerk has the necessary qualifications is by making it an appointed position. There was no motion to make changes to this language.
- 5) Board of Public Works: Dan Burke said that the committee has to do a better job on the presentation when they get to this article, this is the most significant change they are recommending so the presentation has to be thorough and really lay out the reasoning behind the recommendation. Bill Bowers said that this is a big change, but the change to Town Manager is the most significant change in his opinion. Bill Bowers asked if there is any interest in keeping the Board of Public Works, but having the DPW Superintendent report to the Town Manager. Dan Burke said that in order to do this you would have to define in the charter that the Board of Public Works is solely a policy making board with no oversight over the day to day operations of the DPW. Bob Marzelli said that the best argument for a strong Town Manager is that a weak Town Administrator has not been working for many years. After further discussion, there was no motion to make changes to this language. Bob Marzelli said that he would like to include language in Article 3.2.1.C1 that states that the Board of Selectmen “shall also have all of the powers heretofore exercised by the Board of Public Works”. Bob Marzelli moved, seconded by Bruce Spitler, to direct the drafting subcommittee to include this language. The vote was unanimous.
- 6) Board of Health: Bob Marzelli said that this is a regulatory board like the planning board and therefore should be elected. Bill Bowers asked how this differs from the ZBA. Bob Marzelli said that the ZBA deals more with permitting and added that having one board appointed and the other elected provides some balance. There was some discussion about the benefits of having the Planning Board be elected. Bill Bowers said that the perception of inconsistency concerns him. Bob Marzelli said that the decision to keep the Planning Board and Board of Health elected was not arbitrary. Jon Grabowski said that the committee needs to go back to the points that Bob Marzelli and Don Gibson made when they were arguing for keeping the Board of Health elected. After further discussion there was no motion to change this language.
- 7) Limit on terms for Board/Committee Chairman: Bill Bowers said there was some discussion about this at the public forums. Bob Marzelli said that it should be up to the Board to choose their chairman. Scott Borstel said that it would be micromanaging on the part of the committee to include this in the charter and added that there are many complexities and variables within every board and committee. Bruce Spitler said that if

## **MINUTES – CHARTER REVIEW COMMITTEE**

**Page 6 of 6**

**Thursday, November 16, 2017**

this is addressed it should be in the bylaw, not the charter. After further discussion there was no motion to change this language.

8) Transition Process: this item was tabled to the next meeting.

Bill Bowers said that the committee has received a number of emails and asked the committee if they are satisfied with the response that he drafted. Alyssa Reed noted that they received an email from Eric Kelley asking for two representatives from the Charter Review Committee to appear on his cable TV show. Bill Bowers said that the presentation committee could appear on the show if no one else wants to do it. Scott Borstel suggested having Town Counsel attend as well. Alyssa Reed said that Eric Kelley specified two members. Bill Bowers said that he will work it out with the other members of the presentation subcommittee and respond to the email.

Bill Bowers suggested inviting Senator O'Connor and Representative Cantwell to the next meeting to talk about the legislative process. The committee agreed. There was some discussion about steps going forward and the process for presenting to the Board of Selectmen. It was decided that the next meeting would be held on December 7, 2017 followed by a meeting on January 4, 2017. Bill Bowers said that he would speak to the selectmen about being placed on their January 8, 2017 agenda.

### **Acceptance of Minutes:**

Barbara Farnsworth moved, seconded by Dan Burke, to accept the minutes of October 26, 2017 as written. The vote was 5:0 with Bob Marzelli abstaining.

Barbara Farnsworth moved, seconded by Bruce Spitler, to adjourn the meeting at 9:35 p.m. The vote was unanimous.

Respectfully submitted,

Catherine Burke