

MINUTES – CHARTER REVIEW COMMITTEE

Thursday, January 18, 2018

Seth Ventress Hall, 76 South River Street

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

Mr. Bowers opened the meeting at 7:20 p.m. and announced that the meeting is being recorded by MCTV. Bill Bowers collected the ethics and open meeting law forms from members to be submitted to the Town Clerk's office.

Mr. Bowers noted that he sent out a draft of the Charter Review Committee's annual report and asked if anyone had any comments or changes. Seeing none, Mr. Bowers said that he will submit the report to the selectmen's office as written.

Public Comment:

Barry Cornwall, Cornwell Hill, made some suggestions relative to the budget process language in the charter. Mr. Cornwall noted that in Article 5 regarding the proposed budget there is no language regarding the advisory board's charge. Mr. Cornwall said that Article 5.4 states that the budget shall show previous, current and ensuing fiscal years, and added that when the budget is presented to town meeting it would be helpful to have a column for the prior year numbers and the Board of Selectmen's recommended budget in addition to what the advisory board is recommending so that the voters can see what changes were made. Mr. Cornwall encouraged the committee to include language that gives instructions to the advisory board and said that he will submit draft language for their review. Mr. Cornwall said that the charter should spell out specifically what the advisory board is required to present. Mr. Cornwall added that Article 5.5 does not give any statement of the purpose of the joint public meeting of the Advisory Board and the Board of Selectmen.

Bill Bowers said that the warrant currently shows prior year numbers, requested amount, and advisory board recommendations. Mr. Bowers asked Mr. Cornwall to put his comments in writing and submit them for the record.

Joseph Pecevich, Wilson Road, said that efficiency doesn't just mean a vertical system; it also means developing ways to better educate and inform the voters. Mr. Pecevich said that he was saddened to hear the comments made at previous meetings regarding the public forums and was dismayed at the way that the people who took the time to attend the forums were characterized as a fringe element that does not represent the majority of voters. Mr. Pecevich said that the committee is trying to interpret the survey results to support their own opinions. Mr. Pecevich asked if there will be public hearings at the state level. Dan Burke stated for the record that he did not recall anyone on the committee using the term fringe element to describe the attendees at the public forums.

Appointment:

State Representative James Cantwell and State Senator Patrick O'Connor appeared before the Board to review the process for a home rule petition charter review. Bill Bowers said that the committee plans to appear before the Board of Selectmen on January 29 to get their support and

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will ask the Board of Selectmen to schedule a special town meeting in May to vote on the charter changes. Jim Cantwell said that it is important to periodically review the charter to improve citizen participation and government operation. Mr. Cantwell said that staff from both of their offices worked together to create a summary of the process for a home rule petition which was distributed to the committee members. Patrick O'Connor reviewed the document and recommended that the petition be filed in the house as opposed to the senate. Mr. O'Connor said that, to answer Mr. Pecevich's question, the Joint Committee on Municipalities and Regional Government will hold a public hearing on the petition before it goes to the house and the senate.

Scott Borstel asked how long the process would take. Jim Cantwell said that it would be best to have the town meeting early in May in order to give it time to go through the process by the end of July. Mr. Cantwell noted that the language should be run by senate counsel prior to bringing it to Town Meeting.

Old Business:

Bill Bowers noted that there is no presentation sub-committee report this evening since they did not post a meeting.

Drafting Subcommittee Report – Don Gibson reviewed the changes made by the Drafting Subcommittee as follows:

Article 3.2.1B was changed to read "Vacancies in the office of selectmen shall be filled by a special election in accordance with the provisions of the General Laws and/or this Charter."

The sentence "This section shall not apply to any property in the custody or use of any town department, officer, committee or commission." was stricken from article 3.2.1C-2.

Article 3.2.6 was changed to read "There shall be a Housing Authority whose members shall be elected and/or appointed in accordance with the general laws."

The words "by the Board of Selectmen" were added after the word "appointed" in Article 4.1.2A, and the words "by the Town Manager" were added after the word "appointed" in Article 4.1.3.

The word "sixty (60)" was changed to "seventy (70)" and the word "seventy (70)" was changed to "eighty (80)" in Article 8.1.3.

Don Gibson said that the drafting subcommittee was unclear on where the new language in Article 8.1.2 should be inserted. After some discussion it was confirmed that the words "which shall be certified by the registrars" should be added at the end of the second sentence in Article 8.1.2 after the words "(100) registered voters".

Barbara Farnsworth moved, seconded by Dan Burke, to accept these changes. The vote was unanimous.

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Bill Bowers said that he emailed the committee the Draft Transition Provisions prepared by Town Counsel. Dan Burke asked if there needs to be language included regarding which selectmen would serve the two year term and which would serve the 3 year term. Bob Galvin said that he has never seen that language in a charter but he can check with Michelle Tassinari to see what she thinks. After a brief discussion Bob Marzelli moved, seconded by Barbara Farnsworth, to add section 10.2.1 stating that the selectmen candidate with the least votes would serve the two year term. The vote was unanimous.

There was some discussion regarding the transition process for the Town Clerk from elected to appointed and the elimination of the Board of Public Works. Dan Burke said that the committee needs to outline these things clearly in the bullet point presentation. Bill Bowers said that these transitions are done statutorily at the state level and do not need to be included in the charter, but agreed that it needs to be made clear to the voter how the transition will work.

Don Gibson said that the second section, which would be article 10.6, should read “this charter as amended” instead of “this amendment”. Scott Borstel moved, seconded by Bruce Spitler, to make this change. The vote was unanimous.

Don Gibson said that the third section, which would be Article 10.7, should say “This charter” instead of “This act”. After some discussion, Don Gibson moved, seconded by Bruce Spitler, to amend the language to say “This act entitled An Act Relative to the Charter of the Town of Marshfield shall take effect upon its passage”. The vote was 6:1 with Bob Marzelli opposed. Mr. Marzelli explained the reason for his opposition to this change. After a brief discussion, Scott Borstel moved, seconded by Barbara Farnsworth, to reconsider this vote. The vote to reconsider was unanimous. After further discussion, Scott Borstel moved, seconded by Don Gibson, to leave the language in Article 10.7 as “This charter shall become effective July 1, 1976”. The vote was unanimous.

Bill Bowers suggested that they go through the language in Bob Galvin’s Summary of Proposed Charter Amendments article by article. Bob Marzelli noted that the language regarding calling an emergency special town meeting was actually changed in 2011 and should not be included in this summary of new recommendations. Dan Burke said that when doing the presentation the committee should not get bogged down in details, they need to help people to understand the concept of the bigger picture. There was some discussion regarding the themes that need to be conveyed to the voters. Dan Burke said that he will put together a document with bullet points.

Don Gibson suggested that in the summary of Article 3 the words “chief elected” should be changed to “chief executive”. Bob Marzelli questioned why the committee is editing town counsel’s document. Bruce Spitler said that he thinks it is a great document and a great summary of the work the committee has done. Mr. Spitler said that it is concise and easy to read and conveys in a very succinct manner what the changes are, and suggested that this document be printed in the Marshfield Mariner. Scott Borstel said that this document should be used in the warrant or as a hand out at town meeting and noted that the explanation of Article 4 in particular is very well worded. After some discussion it was decided that this document, which is intended to be used as an explanation on the ballot, should not be changed other than the removal of the language regarding calling an emergency special town meeting.

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Don Gibson said that they should have a list of proposed bylaws for the selectmen when they meet with them on January 29. Mr. Gibson asked what the committee is hoping to accomplish at the meeting with the Board of Selectmen. Bill Bowers said that they are going to ask them to support the recommended changes and to set a special town meeting in May. Don Gibson asked what happens if they support only some of the changes. Bob Galvin said it would make sense to meet with a liaison from the Board of Selectmen after the meeting on January 29. Scott Borstel said that he was surprised at the last presentation how much disagreement there was from the Board of Selectmen on the recommendations of the Charter Review Committee. Don Gibson asked if the article would be submitted by the Board of Selectmen or the Charter Review Committee. Bob Marzelli said that it can be a Charter Review Committee article if the Board of Selectmen does not want to submit it. Scott Borstel asked if the committee would want to bring something to town meeting that is not supported by the Board of Selectmen, and added that the committee needs to ask the Board of Selectmen to support the recommendations.

Dan Burke agreed that the committee should ask the Board of Selectmen to vote to support the recommendations on January 29, but a follow up meeting with the liaison is also an option. Bob Galvin said it would be better not to ask them to take a vote on their position at the meeting on January 29, but they should be asked to schedule a special town meeting in May. Mr. Galvin said that the committee needs to get specific feedback from the Board of Selectmen. Bill Bowers summarized that at the meeting on January 29, the committee will ask the Board of Selectmen to establish a date for the Special Town Meeting, and to make a decision on whether they support the recommendations within a reasonable amount of time and to give the committee specific feedback on the recommendations.

Acceptance of Minutes:

Bob Marzelli moved, seconded by Don Gibson, to accept the minutes of December 7, 2017 as written. The vote was unanimous.

Bill Bowers said that the next meeting will be with the Board of Selectmen on January 29, 2018 at Town Hall, followed by a regular meeting of the Charter Review Committee on February 8, 2018.

Barbara Farnsworth moved, seconded by Bob Marzelli, to adjourn the meeting at 9:30 p.m. The vote was unanimous.

Respectfully submitted,

Catherine Burke