CHARTER REVIEW COMMITTEE MEETING MINUTES
JUNE 8, 2016
Town Hall – Room A

Present: Chair Roberta Soolman (Roberta), Vice Chair Ken Rush (Ken), Steve Greenberg (Steve), Joe Magnani (Joe), KG Narayana (KG) and Alexis Christopher (Alexis)

Absent: Betsy Emberley

Guests: Michael Ward of The Collins Center at UMass/Boston

Call to Order: 7:00 p.m.

1. Welcome and Introductions

Roberta welcomed everyone, thanked them for coming and everyone introduced themselves. Roberta asked if anyone objected to having the meeting audiotaped. The meeting was taped as there were no objections.

2. Discussion with Michael Ward

Problems:

Michael asked the members to articulate the problems that they perceived with the Charter, and the following issues were raised:

Town Meeting:

- Start the discussion about changing Ashland's form of government.
- Not happy with the poor attendance at Town Meeting where a few are making decisions for the town
- Lack of participation at Town Meeting is disheartening. Discussion of a $58 million budget takes 10 minutes
- Manipulation of Town Meeting by special interest groups
- Lack of participation or skewed participation
- Changing the form of town government is an inappropriate response to low participation. Need to look at participation in context to discern the factors that are having an impact. Need to ask residents why they don't participate.

Charter vs. Town By-laws

- Clear up the vagueness between the charter and town by-laws and make sure they are not contradictory

Code of Conduct and Recall

- Codes of Conduct for elected and appointed officials
- Modify current recall procedure which is unnecessarily complicated
- Explore un-appointment powers

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Finance Committee

- More transparency in the selection of Finance Committee members

Civic Participation

- Must be encouraged throughout all of the town's activities and in the schools. Includes voting; attending meetings, forums and hearings; and being informed about what's going on and decisions that are being made.

Michael Ward's comments re Town Meeting issues:

- Town Meeting problems are universal and challenging
- Difficult for residents to make time for Town Meeting and hearings
- Controversies bring our passionate groups, sometimes uninformed about the Town Meeting procedures and protocol
- 100 to 150 is the usual Town Meeting quorum; Ashland's quorum of 25 is low
- Information should be widely disseminated ahead of time in addition to presentations and hearings
- By the time people come to Town Meeting, they should already be informed
- Some people use Town Meeting to become informed
- Not unusual to have a Special Town Meeting and Town Meeting in the spring. Some towns use the Special Town Meeting in the fall to deal with land use and budget issues, and use the Town Meeting in the spring to deal with budget issues.

Michael Ward's responses to discussion questions previously forwarded to him:

Town Meeting questions:

1. What towns in Massachusetts are considering changing from Open Town Meeting (OTM) to Representative Town Meeting (RTM)?

2. What are the typical reasons for a town to change from OTM to RTM?

3. What towns in Massachusetts are considering changing from RTM to some other form of government?

4. What are the typical reasons for a town to change from RTM to some other form of government?

5. For towns that changed from RTM, what were the forms of government that they typically changed to?

6. Has there been any Massachusetts town that changed from RTM back to OTM? What were the principle reasons for the change?

7. If a town changes from OTM, what is the typical form of government that it changes to?

Responses:

- As a town, we have 3 options: Town Council, Open Town Meeting (OTM) or Representative Town Meeting (RTM).
- In 1989, Chelmsford changed from Open to Representative Town Meeting. It was a rare occurrence. There are only about 30 towns left with Representative Town Meeting.
- A few towns (Seekonk, Athol and Webster) reverted from Representative to Open Town Meeting. A more usual change for towns with a Representative Town Meeting is for them to change to a Town Council.
- Of all towns in Massachusetts, about 260 are OTM; 30 are RTM and the rest are Town Councils.
- If a town population has less than 6000, they can only have an OTM under the state's constitution. Towns with populations of 6000 to 12,000 can have OTM or RTM; more than 12,000 can have OTM, RTM or Council.
- Approximately 20-25 "cities" have Councils and still call themselves towns. If the municipality has a Council, it's a city.
- Challenges for RTM include:
    - Not a popular form of government right now.
    - Largest RTM in the state has 450 elected representatives.
    - There's a transparency issue.
    - It has all the challenges of OTM (attendance, special interest groups).

    - It appears that Framingham and Amherst may be moving from RTM to Town Council.
- Ways to preserve OTM can include:
    - Survey the residents about changing dates/times for Town Meeting to be more convenient
    - Provide childcare options
    - Disseminate clear information and do it early
- For RTM, the number of representatives is loosely tied to the population but it's up to the town. If the ward and precinct structure is used, precinct reps must be a multiple of 5. Can also do at-large members. Total could be an odd or even number.

Additional comments:

- After the Charter Review Committee completes its work, in order to have some other entity move forward on the issue of a change in the form of government, Town Meeting and the Board of Selectmen could form such a group but, under state law, it would need legislative and voter approval.

- Much of how Town Meeting is conducted is by tradition and by-law, and the operations are not very detailed in the Charter.
- Because the Charter isn't frequently reviewed, it's the hardest to change and should include procedures that don't need to change often. Items that might need to change often should be dealt with in the Town by-laws. The Charter should anchor the Town without tying it down with cumbersome changes.

Elected officials and appointments:

1. How do most towns handle the issue of whether or not members of the Board of Selectmen can be appointed to serve on committees over which the BOS has appointing authority (e.g., not allowed, ex-officio with or without vote, other)?

Responses:

- Most charters are silent on this issue
- Members of the Board of Selectmen (BOS) are typically designated to serve as a liaison or are ex-officio with no vote.
- The BOS typically has a general policymaking role.
- The BOS do the appointing and the appointed individuals do the work with the BOS addressing problems as they arise
- Clarity at all levels is needed

2. How do other towns handle "unappointing" a member of a committee? Do you have template examples of good appointment and un-appointment provisions that give the Board of Selectmen or any other appointing authority the power to rescind an appointment?

Responses:

- He will get us some examples of good appointment language.
- The BOS cannot rescind an appointment once the individual is sworn in unless they have cause to do so. He will check on this, but believes this provision is Massachusetts law.

3. Is a Code of Conduct used as a basis for un-appointment? Is it referenced in the Charter or is there a detailed Code of Conduct in the charter itself? Do you have recommended template for a Code of Conduct?

Responses:

- An Ethics Commission finding is grounds for removal.
- Some charters have a "statement of honor".
- He will check regarding censure capabilities and language for a Charter.

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Recall of elected officials:

1. Do charters usually specify acceptable reasons for recalling an elected official even if it's only a partial list (e.g., "including but not limited to")?

Responses:

- Charters intentionally don't specify unacceptable behavior and grounds for un-appointment although he will consult with his colleagues for us.

2. Do committees ever have the right to remove a member of their own committee for cause?

Responses:

- No.

3. Do you have a template for a recall provision?

Responses:

- He will send us a template.

Additional comments:

- He distributed a handout with questions to help determine if a board should be appointed or elected.
- If the board sets or enforces a lot of policy, voters have the final say if the board is elected.
- If the board has a specific mission, deals with a lot of legal and technical business, then it's usually appointed to ensure that members have the required skills.
- The Finance Committee is most often a mix of elected and appointed members. The moderator still appoints the majority of Finance Committees. No Finance Committee is elected at Town Meeting.
- There's a lot of public exposure to run for election, and many people would be willing to serve if they could be appointed.
- The issue of elected vs. appointed boards is the single most contentious issue.
- Regarding boards having authority over the staff that work for them (e.g., Board of Health and Health Agent, Conservation Commission and Conservation Agent, Planning Board and Planning Director):
    - If having the respective boards provide "consent" in hiring decisions is working, it may be worth keeping and not rocking the boat.

- The general direction is to have the Town Manager more authority over the staff due to town's liability and the desire to have uniform personnel policies.

Human resource system:

1. Do towns usually have one human resource system/department for both the government side and the school side?

Responses:

- Most towns do have separate human resource systems for the government side and the school side although the trend now is to study the possibility of combining them.
- Some feel that the tempo and substance of each is so different, that they should be kept separate while some feel they should be unified.

Additional comments:

- Discussions with the School Department have indicated they would like to be included in the town's human resource system.
- Merging could increase transparency.
- There are other examples in town of "internal regionalization" which could be an opportunity for service improvement (e.g., MIS functions, facilities).

2. The Ashland charter specifically references the development of a human resource system. The town has recently hired a human resource director. Should the section reference specific policies that are currently in place or just generally reference policies that are in effect?

Responses:

- Committee reviewed a list of current policies provided by Greg Enos, Human Resources Director, that was distributed at meeting on June 6, 2016.

3. Since volunteers are considered "municipal employees" are they covered by the same personnel policies? Should it be referenced in the charter?

- Unless there's a powerful reason to include it, it's not necessary in the Charter and can be done via town by-law.

Michael Ward's comments on survey questionnaires for residents, town staff and committees:

- Prefers more general questions in the questionnaires regarding challenges, problems and what's going well. Suggests starting with what's going well the changes and

challenges. Likes that we asked people to think of the future so they're not focused on the "current fires."

Miscellaneous comments:

- In addition to other templates that Michael will provide, he will provide us with some examples of rules for re-consideration.
- He will also send us a scope of services for us to consider if we want to look at engaging a consultant.

Joe moved, Alexis seconded and the committee voted 6-0-0 to adjourn at 9:25 p.m.

Minutes taken and submitted by,
Roberta Soolman, Chair

Documents reviewed during meeting:

1. Questions for discussion with Michael Ward
2. Framework for considering elected and appointed offices (Collins Center – Rev. 05.12.11)
3. East Longmeadow Elections Analysis – Elective Office Competitiveness Comparison (Collins Center – Rev 9.9.15)
4. Collins Center Charter Project Information (Collins Center – Rev. 06.08.16)
5. Questionnaires for residents, town staff and boards/committees

Please note: these minutes are a representation of the actions and discussion at the Charter Review Committee meeting and are not a verbatim transcript.