

Charter Review Committee Meeting Minutes

03/09/2020

In attendance: Doreen Hayes (DH); Craig Schultze (Csc); Nancy Sitta (NS); Chris Soffayer (CSO), Chair.

Not In Attendance: Diane Jurmain (DJ) (due to illness); Doug Riley (DR) (newly appointed).

In the audience: Lisa Jane Hardin, Town Clerk (LJH)

Call to order at 7:20 pm by Committee Chair, Chris Soffayer

I. Housekeeping

- a. A new Clerk will be appointed at the next meeting. In the meantime, Nancy Sitta will serve as Clerk at tonight's meeting.
- b. If a Committee Member is unable to attend a meeting, please contact Committee Chair Chris Soffayer, in advance.
- c. **The minutes from 2/19/2020 meeting were unanimously approved and accepted as corrected.**
- d. Jason "Jay" Jay Talerman, Town Council, has offered to be of service to this committee. He will answer any questions and will assist with any verbiage concerns. Please forward your items to the Chair.

II. Millis Home Rule Charter Review

As part of our research, the following appointed and elected members from the Town of Millis were invited to attend our meeting: Jay Talerman, Town Council (JT); Mike Guzinski, Town Administrator (MG); Jim McCaffrey, Select Board (JM) and Peter Jurmain Select Board (PJ), (although unable to attend due to illness.)

Two-fold purpose: The Committee is seeking views to specific points; and we are interested in hearing their views as to which changes we should be considering.

A. Jay Talerman, Town Council

In general, the Town Home Rule Charter is more of a process to amend as they are reviewed every 10 years; the Town By-Laws are easier to change. JH will review and craft "in good defense" form any of the suggested provisions the Committee decides should be add to the Charter. NOTE: JH has over 10 years' experience as Town Moderator for the Town of Norfolk.

1. CS asked about the current status of Remote Participation to Meetings. JH confirmed that The Town of Millis had previously adopted, although The State of MA rules on Remote Participation must be observed. JH commented that with Public Hearings, it may be unsuccessful if visuals are used as part of the discussion. If utilized, the Committee must abide by the following:
 - a. A Quorum must be maintained throughout the meeting to include those participating remotely.
 - b. A Roll Call for Voting must be maintained throughout the meeting.
2. CS asked about Removing an Appointed Committee Member in the following case: If an appointed Committee Member is neglecting his/her responsibilities, such as not attending meetings, whether in person, or remotely, without prior notice to Chair, is the Committee able to remove this person from the Committee? JH said the person may be removed at the discretion of the Chair because the member is

'appointed' and not elected. JH said this can be added to the Charter, suggesting inserting it in Article 3, Executive Branch, or include in Article 5, General Provisions.

3. CS asked JH's opinion/experience about putting an end time (hour) to Town Meeting. JH knows of other Town's which have included an end time in their Charter.

If there is an end time to Town Meeting, JH said that it can be phrased that it is up to the discretion of the Town Moderator whether to complete the business of the Town, or, whether to call, for example, a 2/3 vote to complete the same night or to return another night; or whether to call another meeting at another time (that week); or, to postpone discussion until the next Town Meeting. In JH's experience as Town Moderator, if the few issues left after the declared end time are insignificant, very few voters will return on another night, possibly with Quorum being jeopardized. In general, JH says if a new policy is being suggested, that it is best to have a procedure in place (included the Charter) so there is no ambiguity, and the Town Moderator has guidelines to follow.

Another point discussed, when the Select Board and the Finance Committee are preparing the Warrants for the upcoming Town Meetings, be mindful which order the Articles are placed in.

When asked if this was more appropriate for the Charter or By-Laws, JH said that it could go in either place, but we might want to consider recommendation to the By-Laws as it is easier to change in the future.

4. CS asked about JH's thoughts on the term of Town Moderator, whether it be 1 or a 3 year Term. JH confirmed the Town of Norfolk is 3 years and he personally feels comfortable committing to a 3 year term; and, the Town of Norfolk is pleased with his services. A good reason to have a 1 year term is to be able to end the term if 1) the Moderator is not successful in performing his/her duties; or, if the Town Moderator has a particular agenda and is appointing Members to the Finance Committee who may be directing his/her particular agenda.

B. Mike Guzinsky, Town Administrator

1. MG would like to submit, in writing, a draft of his recommendation of Article 3, Section III-5, Chief Administration Officer. MG feels the description could be expanded, with more details and structure. MG may be offering suggested changes for either or both, the Charter, or the By-Laws. This will be provided in advance for the Committee Members, to be reviewed and discussed at an upcoming meeting.
2. When asked if MG feels it appropriate to remove a Committee Member if say, not attending meetings, MG feels it is an appropriate procedure and should be included, but he recommends that since the person was appointed by the Select Board, the Select Board should be notified prior to the Committee's Vote, to include the argument on why the Committee Member should be eliminated from the Committee. This notifies the Select Board of 1) a Vacancy in the Committee and may lead to new appointment; 2) important information for any future appointments of this person.
3. When asked about time limits to Town Meetings, MG said he has experienced with other Towns. MG suggested that when the end time has been reached, the Town Moderator puts it to a majority vote whether to finish the articles past the end time, or to continue on another night.

C. Lisa Jane Hardin, Town Clerk is recognized

1. LJH is asking MG about removing a person from a Committee, and whether the Committee has the final vote (final approval), or can the Select Board overrule the Committee's vote? MG said that it would be the final approval of the Committee, as this provision allows the Committee to "Self- Police" its own efforts. MG suggested that the provision must be very clear on how a committee member can be removed and for what reasons. For example, if a committee member misses 6 meetings in a row (over a 6 month time frame). MG says this provision can be in the Charter, or the By-Laws, and to seek Town Council's recommendation of the appropriate location.

The Chair called for a 5 minute recess. Approved unanimously.

At 8:09 pm, the Chair called the meeting to order. Approved unanimously.

D. Jim McCaffrey, Select Board, Town of Millis. Note: JM has served as a long term Town Moderator in the Town of Millis

1. When asked if the Town Moderator should be a 1 or 3 Year Term, JM said there is value in a 3 Year Term, providing stability to the position. A person who is willing to commit to a 3 year term shows a personal commitment to the job; he/she is willing to do the homework to continuously improve in the job. History shows in the Town of Millis, there have been long term commitments of Town Moderator (10 years and more) position.
2. When asked about an end time to Town Meetings, JM feels that including the provision in the Charter might be too restrictive, that he feels it should be included in the By-Laws. JM brought up that this topic was discussed in the *Town Meeting Committee meetings previously (2019-2020). JM provided history of past Town Meetings: around 1988, Town Meetings did end early - If not completed in the first night, a 2nd night was scheduled, although this hasn't happened in over 20 years.
3. When asked about removing a sitting committee member who, for example, wasn't attending meetings, JM said the current By-Laws has this covered. It gives the Committee the right to remove an individual over a period of time. He feels that it should not be included in the Charter, as it is too restrictive.
4. JM declared that there is no mention of the Finance Director, who is appointed by the Select Board. He suggested the Committee take a look at Charters from other Towns. He is wondering if the 'fiscal management' can be codified. He will forward the Job Description of the Finance Director to the Committee for reference.
5. The Select Board, The Finance Chair and the School Committee meet over the course of the year. JM He would like to suggest a permanent policy going forward, formalized, so that it continues past the current elected administration. To include the names of the Committees, and when they should meeting. If this is accomplished, then it becomes the fabric of how the Town Administrator manages the groups. Include in either Charter or By-Laws.
6. 3 VS a 5 Select Board
JM says this conversation is going on in many Towns. He cited the Town of Belmont several times on how they managed their suggested provision change. (In the end, the voters voted it down).

JM approaches the dilemma this way: What's the Purpose? What's the Goals? These questions were posed in 1988 (during a Charter Review Committee Meeting); and the Select Board are attempting to address these two questions today, as he feels it needs to be done.

- a. JM feels that increasing the Board to 5 will not lessen the work load.
- b. 3 Members currently create a long meeting and 5 will create an even longer meeting.
- c. With regards to the current Open Meeting Law, JM feels that if Board is increased to 5, then 2 Members can converse together – this is a big negative. “You do not want 2 people meeting behind closed doors – people need to converse at the public table”. He feels it is not a benefit to citizens.
- d. JM feels that 5 people vs. 3 will engage the community more.
- e. JM feels that enough people will run to fill the slots.

7. Start of Term for Elected Select Board

JM feels that the newly elected Select Board Member should not be sworn in immediately after voting. It puts the newly elected in a tough position as they will need to defend the Budget proposed by the 3 currently serving Select Board. He is suggesting that the newly elected have a ‘grace period’ of either one or two weeks post-election before being sworn in.

8. Additional Thoughts provided by JM

JM see’s more contested elections; more diversity in candidates; most are older, although he was the Town Moderator while he worked and commuted into Boston, had growing children, etc. JM says “the Board Members make the commitment to the job”. Final thought from JM: Seek additional resources, such as Select Board Members from other Towns.

9. JH said this could be a legal question: There is a complication with any suggested changes to the Charter-it must be submitted to the Select Board by an Elected Charter Review Board. Currently our Committee is appointed. The last Charter Review Committee (1988-1989) was appointed by the Town Moderator. Therefore, JH is suggesting that we amend the way the Charter is amended.

A motion was made by Craig Schultz to adjourn the meeting. Meeting adjourned at 8:50 pm and was seconded by Nancy Sitta. The motion passed unanimously.

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- Next meeting dates:
 - Monday, March 23rd 7:15pm
 - Invitees include Town Moderator Erin Underhill, Town Clerk Lisa Jane Hardin, Finance Committee Chair Jodie Garzon, and Select Board Loring Barnes. In addition, report to be submitted by MG.

Monday, April 6, 7:15 pm

Monday, April 27, 7:15 pm

- Clerk to request minutes from the Town Meeting Committee with respect to their conversation and conclusion to time limit for Town Meetings.