

Charter Review Committee Meeting Minutes

05/14/2020

In attendance: Diane Jurmain (DJ); Doug Riley (DR); Nancy Sitta (NS); Chris Soffayer (CSO), Chair.

Not In Attendance: Doreen Hayes (DH); Craig Schultze (CSc)

Invited Guests: Loring Barnes (LB), Select Board; Peter Jurmain (PJ), Select Board

Zoom Video Meeting called to order at 7:20 pm by Committee Chair, Chris Soffayer

I. Housekeeping

- a. With regards to tonight's meeting, there was no response from either DH or CSc – Chair to find out if there was an email issue. NS didn't receive confirmation of meeting date either but was alerted by DJ.
- b. **Nancy Sitta has volunteered to step down as Vice Chair and has been unanimously appointed to Secretary, leaving Vice Chair open to fill at the next meeting.**
- c. **The minutes from 3/20/2020 meeting were unanimously approved and accepted as written. DG abstained as he was not a member of the Board at that time.**
- d. The Committee Members will be reminded the day before the next meeting. Please notify CSO, Chair, if you are unable to attend.

II. Millis Home Rule Charter Review

As part of our research, the following elected members from the Town of Millis were invited to attend our meeting: Loring Barnes (LB), Select Board and Peter Jurmain (PJ), Select Board.

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. Loring Barnes (LB), Select Board

Ms. Barnes submitted her topics previously for discussion in a written email, which was then forwarded to all committee members. This email can be found at the end of the minutes, labeled **Addendum Select Board Barnes May 9, 2020**, pages 4-5.

1. Topic: 3 v 5 Select Board Members: LB stated that she felt if there were a 5 Member Select Board, more registered voters would run for the position. Gains more flexibility with the Board; it's on trend with other towns, similar size. She feels that citizens aren't getting maximum value with 3 as the results of votes are already known and voted on at Select Board Meetings. There's little discussion at meetings and the residents should hear discussion to form their opinions. Additional details see LB Addendum page 4, 1.
2. Topic: End time (hour) to Town Meeting. LB suggested that in the future, the Select Board should be moved away from the stage. Alternate the day and the time of the Spring and Fall Town Meetings suggesting a Saturday afternoon and a Monday night. This may get more participation in Town Meetings. Also, use a color coding system like the Supreme Court has to manage the time people are speaking with Green, Yellow and Red lights. Additional details see LB Addendum page 4, 2.
3. Topic: Appointing a Deputy Town Moderator, in addition to the Town Moderator. LB has no strong feeling either way to this proposal but feels it could be beneficial to have a back-up, should someone be sick. She doesn't see a down side to this proposal. LB has been voicing her opinion over her last three years in office that there should be a two week gap between elections and Town Meeting. Newly elected need time to orientate themselves to the issues and the budget. Additional details see LB Addendum page 4, 3.
4. Topic: Term of Town Moderator, whether it be 1 or a 3 year Term. LB replied, no strong feeling on this, although she believes a 3-year term would give more continuity in the position. Additional details see LB Addendum page 4, 5.

5. Topic: Adding stronger guidelines to remove an Appointed Committee Member, should there be an issue. LB stated that the current By-Laws and Charter are completely ineffective with removing an appointed person. She agrees that this must be addressed, to include "standards of decorum". "Be nice to your fellow Volunteer". Additional details see LB Addendum page 4, 6.
6. Topic: If Town Clerk should be appointed or elected. LB firmly stated "be appointed". The current situation, where there is a Part Time Town Clerk, and 1.5 part time employees in that department is a "handicap to the citizens". LB feels that the most important person in our Town should be the first person you meet in Town Hall, and that is the Town Clerk. LB said there are rare times when there is no staff available to open the Town Clerk's Office (due to outside meetings, training, and sickness). She feels that there should be no times when the Town Clerk's Office is closed as the people of Millis and beyond depend upon this office being open during regular business hours.

LB feels currently, there is no line of reporting. Right now, Town Clerk determines own hours. There needs to be accountability to our tax payers.

Job description for Town Clerk needs to be updated. Also, "Though Shall Not Be Switzerland.". No political signs, no campaigning at Town Hall or on the grounds.

Additional details see LB Addendum page 4, 4.
7. Topic: To the issue of residents appointed to more than one committee: LB feels if that person is overcommitted, it is not fair that there isn't any restrictions to being on so many committees. Additional details see LB Addendum page 4, 7.
8. Topic: Should a paid Town Employee be on a Town Board? LB says, currently, the DPW Director is on a Town Board which LB feels is a conflict of interest. LB continued that it likely depends on the Board for which the Town Employee serves on. Additional details see LB Addendum page 5, I.
9. Topic: Remote Participation to Meetings. LB asks "Is a meeting location necessary today?" LB says, more people would run for elected positions if remote meetings were possible. LB points out that while she was convalescing with her ankle injury last year, she asked the then current Board Members if she could participate remotely, and she her request was denied by Neville and Jim x. She researched this further and found out that she could participate remotely, and could use Docu-Sign to formalize documents. LB states "Electronic Technology is here! Let's use it!" Additional details see LB Addendum page 4, A and F.
10. Topic: The Guidelines of the Charter Committee – When to meet and review. LB offered her opinion on when the Charter Committee should meet to review the charter. LB suggests every five years and not ten, as is stated in the Charter. LB says technology is moving fast. Additional details see LB Addendum page 5, K and 5, O.
11. **Topic:** The Fields Discussion. LB says, no we don't have a Charter School. But lets "Put building blocks in place. Additional details see LB Addendum page 5, M.
12. Topic: Revolving Funds. Additional details see LB Addendum page 5, N.

There are additional concerns LB has with our Charter and By-Laws. See LB Addendum below.

Peter Jurmain (PJ), Select Board

1. Topic of 3 v 5 Select Board. PJ feels it needs to be changed to 5. His concerns: 1) no two Select Board Members can discuss topics unless a meeting is called; 2) Three Select Board Members does not allow the Board to create any sub-committees, which would greatly reduce the work load; 3) Two Select Board Members absent does not preclude a Select Board Meeting; 4) Cannot have a Select Board retreat with the Town Administrator with just 3 Members of the Select Board. PJ says, currently the Board is

spending a lot of time on work for the Board; they sit on many different committees, plus their own Board. Meetings take place Monday – Friday, and they spend the weekend reviewing the materials for each of the meetings they will be attending. PJ is very supportive of moving to a 5 Member Select Board. He has spoken to residents who feel the same.

2. Topic: End Time for Town Meetings. PJ understands that Town Meeting starts late in the evening, and that people don't want to stay out so late. PJ feels that the Town Moderator should be able to continue discussion. In general, the Select Board tries to bring critical issues up in the beginning of the evening. The issue is, the issue can be brought back up at another time in the evening. PJ feels the Town Moderator should have authority to make final decision on the time limit, or, return the next evening.

3. Topic: Remote Meetings. PJ said the concept of the Town Meeting was to have as much of the community who wanted to participate, to attend and participate.

Doug Riley brought up this scenario: Standard Articles, which normally pass without any discussion or issues, would it be possible to split the warrants, so some are held remotely, and others are handled at a Town Meeting? PJ reply is that all we can do is ask our State Reps/Senator to change the restrictions for Remote Meetings.

4. Topic: Town Clerk, Appointed or Elected. PJ has heard from a number of people on this topic and he offers his opinion as follows: The Town Clerk is a key person in Town. It makes sense that this person reports directly to the Town Administrator. The Town is greatly impacted by the Town Clerk. It gives the Select Board some say in the employee and the job performance.

Doug Riley inquired: Would the Town Clerk be a Staff Position, a regular Town Employee, reporting to the Town Administrator, with a pension? PJ replied "yes", it would be a full-time employee of the Town and paid accordingly.' PJ says he doesn't know if that person would be part of the Union, or not. The Town Clerk should be in the office 100% of the time – it should not be a part-time position. The Select Board would most likely wish to get involved in the new job description.

5. Topic: Town Moderator for 1 or 3 year Term. PJ says it makes sense to have the position be for a 3-year term. There are many benefits to the community if it was a 3-year term.
6. Topic: Removing a Committee Member who isn't attending the meetings. PJ feels that if an individual doesn't attend the meetings, they are doing a disservice to the entire Board. People are appointed to a Committee because they are volunteering their time. PJ feels "they should resign if they cannot attend." PJ says "the Chair should recommend removal from the Board."
7. Topic: Residents serving on multiple boards. PJ states "There are a limited number of people who are willing to serve as a volunteer. These people are very useful. Look at it this way are you going to be useful if you are serving on so many boards?"
8. Topic: Remote Meeting. PJ states "use the time the pandemic has given us to look at remote meetings. It doesn't give us everything – as I feel person to person / face to face is always the better. I think we should be allowed to attend and vote at remote meetings.
9. Topic: Switching Election and Town Meetings dates. PJ says that this probably could be handled in the Town By-Laws, not in this committee. Probably will be on the warrant. For the newly elected should not be seating in their newly elected position at Town Meeting. They are too new to the job.
10. Topic: Use of electronic signatures for document authorizations. PJ says Millis is doing it now, because of the Covid-19 Pandemic, but I would not like it to continue in the future. If you commit to volunteering, you must be able to commit to the job.

At 8:41 pm, the Chair called the meeting to order. Approved unanimously.

Addendum Select Board Barnes May 9, 2020

From: Chief Chris Soffayer <csoffayer@millisma.gov>

Date: Friday, May 8, 2020 at 12:55 PM

To: Loring Barnes <lbarnes@millisma.gov>

Subject: Charter Review

Hi,

Some of the issues we are focusing on as the Charter Review are;

1. 3 vs. 5 Member board – Absolutely yes. Note that the name will likely be changed to Select Board and would need to be reflected. Myriad of reasons. Many hands make like work. Would avail the town of more volunteers to run/be appointed, and provide more flexibility for a quorum being triggered. I was told not to attend a Marijuana Committee meeting, only to find that both of my colleagues were in attendance. This needs to be defined as to what is a quorum and how to avoid it/post.
2. Thoughts on setting an end time for all town meetings – Agree to this. Plus the Supreme Court green, yellow, red light system to time speakers.
3. Appointing a deputy town moderator – Hadn't thought about it but is reasonable succession/training idea.
4. Town Clerk appointed vs. elected – Appointed. No accountability to the TA for operating the office during Town Hall hours.
5. Town moderator term 1yr vs. 3yr – Indifferent but seems reasonable to go for 3 yrs. for continuity. You'd need an appointment backfill provision for a resignation.
6. Removal of people from boards that don't show up for meetings – Yes! The current tool to do so is highly ineffective. Also need a respectful conduct exit provision. This may be updating the TA/Select Board manual. There needs to be a conduct standards provision. I have been on the receiving end of inappropriate comments while in service to the Select Board and as a resident before the Planning Board.
7. Ability for residents to serve on multiple boards – Absolutely.
8. Additional issues you may have:
 - A. Remote meeting participation (I came to find out through Town Counsel that I was unlawfully prevented from active Select Board deliberations and voting while laid up with my broken ankle). In light of the pandemic, government communications of every kind are being reinvented, but our Charter/Bylaws must keep pace. We need to update all of our official community engagement/participation policies which are being dynamically added to government procedures. These include guidance by new CDC rules. Drive-thru voting, electronic voting (live polling and advance), videoconferenced meeting attendance, access and official participation/voting.
 - B. Social media if needs to be added in any way. This could be a Personnel Plan item but it should be looked at. The Select Board just implemented a new Social Media and Website Communications policy. Raising this to make sure it isn't obliterated as soon as the election occurs, since social media is here to stay.
 - C. Switching the sequence of the Town Meeting with the Election (spring) so that you have experienced leaders (Moderator, Select Board, FinCom, School Committee) on hand to explain/defend key budget or organizational decisions over which they had a hand in development. This also ensures that you have a Moderator who is experienced to run the meeting. The Select Board has supported this as a Bylaw change for the Town Meeting.
 - D. Budget Review. Town department budgets for the ensuing fiscal years should be developed and available for public discussion by end of the prior calendar year.
<https://www.cityofmethuen.net/sites/methuenma/files/uploads/charter81619.pdf>
 - E. Emergency measures to make decisions on the fly for the betterment of the town. Taking a page from COVID. Someone needs to own an "its OK, go" process.
 - F. Use of electronic signatures for document authorizations. This is going on right now... we should be able to allow electronic signatures (DocuSign, Adobe Reader) to improve fluidity of approvals. This may be a Bylaw item. I am giving you everything I can think of.
 - G. Delegation of Powers: When the TA is on vacation, there probably should be a formal hierarchy or stated pool of directors to stand in, with some scoped job span of control so they can't go crazy implementing new policies.
 - H. School/Municipal Cooperation: <https://www.cityofmethuen.net/sites/methuenma/files/uploads/charter81619.pdf>
 - I. Ability for Paid Dept. Head to be Elected to a Board. (Jim McKay as an example).

- J. Prohibition on Partisan Political Activity as a Town Clerk or Town Clerk's office staffer. This strikes me as a conflict of interest, and members of our legislative delegation have expressed this.
- K. Charter Review Schedule/Sequence: Institutionalize that every "9th" year the Charter Review Committee is instituted and reports, which changes to be put before Town Meeting in the Spring Town Meeting in the "O" year. This means there is no interpretation about "when did this last occur, and when does it have to be done again." That should prevent an earlier review cycle, but just that no matter what, in the 9th year, the Charter Review is automatically implemented. It could be even run by an elected community member that occurs in the Fall election prior. All of this said, with the speed of technology changes should this Committee be established every five years (noting Committee vs Commission are different) <https://www.mytownneo.com/news/20191216/hudson-city-council-reviews-charter-review-commission-applicants>
- L. Master Planning Committee: Establishment of a permanent group to institutionalize/anchor long-term planning decisions in concert with the Econ Dev Committee: <https://www.town.medfield.net/DocumentCenter/View/2301/Master-Planning-Committee-Charter-PDF>
- M. Charter School: Use of town facilities such as fields. No, we don't have a charter school, but if we did, we would want to set the expectation of how they would self-fund use of DPW, utilities, public safety, etc. <https://masscharterschools.org/> and <https://masscharterschools.org/media/news/cabral-bill-begins-state-house-discussion-charter-school-funding/>
- N. Revolving Funds: Probably worth interviewing Michael Banks about this as relates to the Recreation Dept. But looking to the future, how can departments (Library, Police) have more ability to retain and reinvest revenue to produce services for taxpayers at no additional cost. <https://malegislature.gov/laws/generallaws/parti/titlevii/chapter44/section53e1~2>
- O. Charter Review Changes: <http://www.northamptonma.gov/1138/Charter-Change-Process>
- P. 40B Requirements: As may be relevant to the Charter, does Millis need any updates that requires more consistent approval of 40B within any residential development as supersedes zoning? <http://www.sherbornca.org/wp-content/uploads/2016/01/381melcher-NE-law-review-of-40B-2003.pdf>