



TOWN OF LUNENBURG Charter Review Committee

Thursday, April 5, 2018 – 7:00 PM
MINUTES

Meeting Posted: Yes

Place: Ritter Memorial Building, 960 Massachusetts Avenue

Time: 7:00PM

Present: Jaime Toale (Selectmen), Katey Adams (School Committee Representative), Mark Erickson (Finance Committee), Michael-Ray Jeffreys (Planning Board), Michael Mackin (School Committee Representative), Terri Burchfield (Finance Committee), Nancy Gray (Community Representative), Bob Ebersole (Selectman), Steve Archambault (Community Representative)

MINUTES APPROVAL

14 March = Minutes accepted by All members; All aye.

PUBLIC HEARING ON DRAFT CHARTER

A. Charter Committee Report

The existing Charter requires a committee to meet every 10 years to review and make recommendations to amend the Charter. Members were assigned to committees and groups and in most cases there were no changes recommended. The committee employed surveys and held open meetings since August, 2017. Major changes include (1) changing the name of the Board of Selectman to Select Board, (2) manner of selection of the Town Clerk from elected to appointed, (3) providing that persons appointed to town committees be resident registered to vote in town, (4) providing for a second Town Meeting in the fall, (5) providing that conduct of town meeting to be governed by "Town Meeting Time," (6) clarify and confirm the appointment powers of the Select Board and Town Manager, (7) clarifying the duties of the town manager relating to the personnel management, (8) providing more specifics in the process for removal and suspension of the town manager, (9) make certain other grammatical and phrasing changes that do not alter the meaning or intent of existing provisions.

B. Minority Report

The task of the committee was to review the Charter and it's entirely possible to review the document and leave it unchanged. The language changes will run the government more like a business than like a government. The default should be to not make changes; the Town Manager is given more control and citizens may lose their voice.

C. Comments by remaining committee members

T. Burchfield – agreed to put everything in the charter knowing that some things may be voted down and that we could come back in the fall with adjustments. Did not believe that representative town meeting should be pursued without aggressively pursuing participation in Annual Town Meeting. Believes that adding an additional town meeting in the fall would make it better for residents to plan to attend with the goal of increasing participation. When first moved to Lunenburg found the format of Town Meeting to be fascinated and was alarmed by the amount of people that leave the meeting mid-day. Supported the Town Clerk change because it's a full-time job without a support mechanism within the organization of town government. Didn't have strong feelings about Board of Selectman or Select Board.

M. Jeffreys - believes the committee took a conservative approach to drafting changes. Supported changes for the Planning Board, adding in a second annual town meeting, creation of facility manager, and changing name of Board of Selectman to Select Board to be more inclusive to women. Did not support changing the town clerk position from elected to appointed, but we hoped the committee could reach consensus on a passable draft.

D. Read written comments on draft Charter into record

Library Trustees – request to change paragraph to to read, "The town manager shall, with the input of the library director, be responsible for hiring and removal of all library employees except the library director."

Carl Luck – requiring candidates for elected positions for which no candidate is printed on the ballot, to get at least the amount of votes equal to the amount of signatures required to have been on the ballot.

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**LUNENBURG TOWN
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Board of Sewer Commissioner – move language higher; delete “It is the intention of this provision that the commissioners shall act only through the adoption of broad policy guidelines.”

Town Clerk – Does not support the position of Town clerk being appointed.

Sewer – “administration of the commission” is too vague

Parks Commission – Concerned with added wording. No definition of “day to day operations” and “broad policy guidelines.” All powers given under M.G.L. should be given to the Parks Commission.

Town Counsel – “day to day” is subject to reasonable interpretation and believes that this wording is ambiguous and should be clarified unless ambiguity is desired. The Homerule amendment does not proscribe an up or down vote on the entirety of the charter; there are no public hearing requirements; there are no requirements to distribute information prior to Town Meeting. The charter changes are then submitted to the State for approval and can be changed. Thus, at Town Meeting, amendments can be made to the proposed Charter and requires a simple majority to pass.

E. Public Comments

Richard Mailloux – Chair of Library Board – what was suggested was adopted almost in its entirety. Did not believe that the existing Charter reflects what is done. The Library is not like the other departments – more similar to the Library. The Library Director is not hired by the Town Manager and is hired by the elected board of Trustees. Could not find any other Library in which the Town Manager hired Library Trustees (i.e. Athol, Groton, Littleton, Westford, Wyoming, Iowa). Requests for the charter to reinstate the language recommended by the Board of Trustees.

Carl Luck – Believes that when the proposal (to create minimum voting thresholds for open elected positions without a candidate printed on the ballot) was presented, the wording was very different than what was proposed. Would like to see a change more reflective of state law. Stated that “broad policy guidelines” is too vague and “day to day” cannot be taken out of context and cannot be separately defined. Supports the addition of a second town meeting. Does not support the change to Select Board...it’s “much ado about nothing.” Would like to see language of “Road Commissioner” defined. Believes that this public hearing should have happened in February and that the commission needs more time to continue its work.

David W. Rodgers – Does not support a name change for the Board of Selectman. Section 2-3 under “committees” is language allowed by the Freedom of Information Act. Believes that it should be easier for the public to be able to convey their thoughts to the public through two scheduled meetings, not harder. Believes that voter petitions are the purest form of democracy — such as with Wallis Park, which was not supported by three boards. Suggested that in Section 3-1 – voter elections should be any mark that indicates the vote of selection. Section 3-2 Board of Selectman – should be the chief policy makers — questions whether this allows the Board of Selectman to trump the elected boards with policy making duties. Section 3-2 — Selectman’s appointed positions – the Town Clerk should be elected and not appointed. Reference to the Director of Facilities – should get more study and needs more information. Section 3-4 — Board of Assessors / the Town Manager should not be involved in the Assessors. Thinks the role of the Town Manager has been expanded upon and that “there are 8 people who run this town.” Thinks that elected officials should not have their actions preempted by town employees. Section 3-5 Cemetery commission — read the duties of the cemetery commission. Board of Sewer Commission – “you’re elected to do something, but you can’t do it.” Section 4-2 – residency requirement on appointed positions. “Thinks we’re getting further and further removed from the people we’re supposed to be working for, which is the taxpayer.”

Matthew Woodward – Doesn’t support change from Board of Selectman to Select Board; supports two town meetings; would like to keep the Town Clerk elected.

Bill Tyler – Does not believe that there has been enough time to review the proposed changes. M.G.L. clearly states the roles of the Sewer Commission. Believes that the additional language added to the section takes away from the addition of the word “sole” that was added to the duties of the commission.

Dave Passios – Does not support the verbiage added to the end of the sections for boards. Read added verbiage into record. Believes that the checks and balances are being systematically removed. The outreach was to ask for suggested changes but were not approached with suggested changes made by the board.

Paula Bertram – Does not support changing the name of Board of Selectman to Select Board; believes that the Town Clerk should remain elected; supports the addition of a second town meeting; does not support the additional language for personnel and the additional language added to most boards and commissions.

Tom Alonzo – Thanked the board for their work. Believes that the speed of the board’s work seems to be governed by the schedule of Town Meeting. Supports changing the Town Clerk’s job to being appointed and not elected given that it’s the only elected official that has a salary. Against adding a second annual town meeting in the Charter and does not believe there is evidence that a schedule will increase participation. The appointment of the Town Accountant is changing from the Board of Selectman to the Town Manager and believes that the presumable idea of the current structure is to an independent view and not the view of the person who hired them. The added paragraph for boards of committees goes from “murky to cloudy” and that it’s difficult to define.

Tim Murphy – Supports adding in two Town Meeting and supports a time set for it to close. Isn't sure that we're ready to vote on this.

Phyllis Luck – Sees no reason to change the name of BOS to Select Board; Town accountant should be appointed by BOS; the additional language does not clarify, as intended. Does not believe this is ready.

Anna Lockwood – inserted language becomes an organizational issue. The elected boards should define the roles of the employees that support them. Believes that language evolves and that there's no harm in changing the name of the Board of Selectman to Select Board.

Carl Luck – believes that there's more at work than just clarifying duties and responsibilities...thinks the added language confuses duties.

Tom Alonzo – believes that if the entire Charter can be amended at Town Meeting, then it will be a lengthy process.

Joe Anderson – If BOS is changed to Select Board, will that require a change everywhere the name is mentioned. Supports that there should be a minimum threshold for elected boards. Would like to keep the elected town clerk elected. Would like clarification on what "day-to-day" means.

Dave Passios – Strongly support keeping Town Clerk's position elected.

Seth Mayer – Don't support changing the name of Board of Selectman. If it works, it can stay the same.

Anna Lockwood – How well can we run the town. "Powers corrupts people, both ways." Believes there should be a barrier — doesn't believe that elected officials should go unchecked. Believes employees have a vested interest in doing a good job.

F. Close Public Comment Period

Ended at 8:47PM

DISCUSSION

M. Jeffreys – did not support aiming for Town Meeting and still doesn't

M. Erickson – would like to reflect on comments; weather got in the way of the timeline

M. Mackin – concurs that more time is needed to get it right

K. Adams – believes the final draft should be ready before Town Meeting

B. Ebersole – does not believe that this can be published tomorrow to meet Town Meeting; would like more feedback on major items; believes we should allow for messy government; delineate Town Manager duties

T. Burchfield – would like to wait to work on the charter and not aim for Town Meeting in May; would like to clarify that Special Town Meetings should occur

J. Toale – supports doing more work even if it means that we miss Town Meeting. Thinks that the wording "broad policy guidelines" should be workshopped through committees. Binary issues should have articulation with both the pros and cons presented.

S. Archambault – accountant; check & balances

VOTE

S. Archambault – motion to not approve changes to Charter, Second by N. Gray; All Aye

MEETING SCHEDULE & FURTHER PUBLIC OUTREACH

Members will be contacted by the chair to coordinate a schedule for future meetings

ADJOURNMENT

S. Archambault – motion to adjourn, Second by M. Mackin; All aye at 9:05PM