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TOWN OF CHELMSFORD
PATRICIA E. DZURIS
TOWN CLERK

Approved 6/6/17

DRAFT Minutes 05/23/2017 Charter Review Committee (CRC) Meeting

Location: Room 204, Town Hall

Present: S. Pichette, G. Thoren, D. McLachlan, D. Bruce, M. McCall, S. Chase,
D. Burke, V. Diggs

Meeting called to order: 7:01 PM

Notification of CTM live Broadcast and identification of Media: No Media present

Open Session/Public Input: Regina Jackson, 9 Essex Place, Chelmsford: R. Jackson is a Town employee <Veterans' Agent> who has served under Chelmsford's two town Managers <B. Lynch/P. Cohen>. R. Jackson does not support a recommended change to Sec. 4-7 to allow for a 3/5 vote to remove the Town Manager from office. During her tenure with the town, R. Jackson has worked closely with B. Lynch and P. Cohen and has not always agreed with their decisions/approaches but nonetheless developed a great respect for their professionalism and ability to make tough decisions that sometimes buck a current political trend. R. Jackson supports keeping a 4/5 termination majority vote as she feels that this promotes stability in the Town Manager's office and mitigates the prospect of current hot political issues unduly influencing the Town Manager's decision making process. She feels that the Manager must be a strong competent professional who can stand up to politics, and the current 4/5's vote to terminate requirement supports that. R. Jackson feels that a change to a 3/5 removal vote would contribute to political turmoil within the town. R. Jackson described the recent election cycles that have resulted in a high Board of Selectmen (BOS) turnover that in her opinion has resulted in a relatively inexperienced Board <members with less than 1 term tenure>, and she feels that the current charter requirement helps to ensure that new inexperienced members do not act on fleeting political agendas and considerations. D. McLachlan reminded R. Jackson that the Charter Review Committee (CRC) is still in the exploratory/discussion stages of its process, and no recommendation has been made to change anything. S. Chase asked R. Jackson if she wished to comment on the current requirement of a supermajority (4/5) vote to hire the Town Manager. R. Jackson supports keeping the supermajority requirement for both hiring and termination.

D. Bruce, potential Conflict of Interest: D. Bruce advised that the Town has just hired his wife Christina as an Administrative Assistant. Ms. Bruce will be working in the Town Manager's office and will report directly to the Town Manager. D. Bruce consulted with a State Ethics

Commission attorney who advised him to file the appropriate disclosure with his appointing authority (the BOS) which then will have the opportunity to provide him with guidance. D. Bruce has done that, and advises that regardless of any advice that he may receive from the BOS, he will not participate in any discussions nor take any Committee actions with regard to Charter Part IV, Town Manager. D. Burke asked when did Ms. Bruce apply for the position? Answer: about two weeks ago. D. Burke said that D. Bruce was appointed to CRC last June, and the hiring of his wife could not possibly have been anticipated. The Committee thanked D. Bruce for his proactive approach and action.

Approval of Minutes, May 9, 2017 Meeting: The Committee has not had sufficient time to review these minutes and decided to **postpone discussion/approval until the June 6, 2017 meeting.**

Continuation of Charter Review: Committee review/discussion of Part VIII, Transitional Provisions, deferred pending advice from Town Counsel: Discussion was postponed, as the Committee thought that we might save time by asking Town Counsel to identify those Sections that could be eliminated as they pertain only to the change from non-charter to charter government *<1989 initial implementation of the Charter>*. Counsel said they will not provide that advice in advance of the Committee having a full discussion and arriving at its own conclusions. Counsel wants the Committee to subject Part VIII to its full deliberative process, and when that is complete, send all recommendations for change to Counsel who will then review everything at once. The Committee engaged in general discussion concerning the meaning of each section within Part VIII. Certainly much of the language pertains only to specific transitional situations that arose because of the change from non-charter to charter government. G. Thoren, D. McLachlan, M. McCall, D. Bruce feel that although certain sections may be deleted in an effort to “clean up” the charter, there is a valid argument for keeping Part VIII intact for historical reference. D. Bruce noted that the Massachusetts State Constitution does not delete sections when they are superseded by changes; rather, the old language is left intact and the new provisions follow. S. Chase asked if there is any harm in leaving Part VIII as is? Committee consensus: No. G. Thoren *<served on the 2006 Charter Review Committee>* noted that the 2006 CRC discussed making changes to this Part and determined that it should remain as is. D. McLachlan agrees in principle, but suggested that Sec. 8-5, para. (a) and (b) could be eliminated as they refer to situations that are resolved and do not apply going forward. M. McCall suggested that Part VIII remain as is, and that we follow the protocol suggested by D. Bruce. **Consensus: Part VIII should remain as is, with updates via added paragraphs (c)-forward, as appropriate, along with explanatory footnotes.**

Review of Charter Sections where full discussion was delayed until receipt of Public Officials’ Input:

Charter Section 3-6, Board of Health: Discussion of this section was deferred, pending input from the Board of Health (BOH). S. Chase reached out to the BOH, and to date there has been no response. **Committee consensus is that this Section should remain as is.**

Charter Sections 2-4 and 3-1: Town clerk O. Maloney (5/9/2017 meeting) asked the Committee to consider revising Charter language to require a minimum of 5 “write-in” votes to qualify a write-in Town Meeting Representative Candidate for election. Currently a person can be elected to office with one write-in vote. O. Maloney said that the 5-minimum vote requirement is consistent with state ballot requirements and she feels that a 5-vote minimum would contribute to a smoother election and the credibility of the election process. General discussion concerning whether or not a 5-vote minimum requirement would apply universally or only to Town Meeting Representative positions: Sections 3-1 and 2-4 cover both situations, and it is presently unclear what the State ballot requirements are. The Committee asked M. McCall to research this issue and S. Chase will reach out to the Town Clerk for better definition. **Discussion tabled until further information is available.**

Sections 6-1 through 6-3, Budget Policy and Process:

Section 6-1, Annual Budget Policy: At the May 9, 2017 meeting, several Selectmen expressed their opinion that Section 6-1 does not reflect the current practice. 6-1 suggests that the BOS and School Committee should take a more engaged and proactive approach concerning the development of a balanced budget. S. Pichette feels that this section is not currently complied with and had originally raised this issue during the Committee’s initial review of this section. Committee members had at that time decided to defer discussion until we could hear directly from BOS and School Committee members/administration. M. McCall stressed that 6-1 articulates Policy, and the way in which current budget process is carried out may not completely reflect the Policy intent. P. Cohen, J. Sousa, and J. Lang (5/9/2017 Public Input) indicated that the “TriBoard” meetings that occur during the budget process reflect at least the spirit of Sec. 6-1, and they feel that the current process works well, given the many internal and external timing constraints. The Committee agrees that 6-1 is at least suggestive of a more proactive and collaborative approach; however, based on the 5/9/2017 BOS input, it appears that BOS members feel that they do not have the ability to participate to the degree implied by this section. G. Thoren and D. McLachlan pointed out that, if in fact the intent of Sec. 6-1 is not being carried out, there is no “enforcement” mechanism, that is, nowhere to go to compel the BOS and School Committee to engage. Sec. 6-1 places engagement responsibility on the BOS/School Committee and essentially relegates the FINCOM to advisory status. Committee members feel generally that the BOS from a Policy standpoint has opportunity within the current language to manage a more collaborative process. V. Diggs suggested that the relative inexperience of the current Board may contribute to uncertainty as to what they are able to do in this area, and generally with regard to their ability to exercise control over any process through Policy directives. S. Chase <former BOS member> said that despite the Charter’s clarity in defining Policy vs. Operational responsibility, BOS vs. Town Manager, the BOS through its Policy-making authority actually can exercise a measure of control over certain processes. In this case, there is nothing that prohibits a higher degree of BOS/School Committee/FINCOM meeting activity to “confer prior to and during the budget process...in order to develop a coordinated and balanced budget.... <current Sec. 6-1 language>.” If BOS members feel there is insufficient discussion with regard to the budget, they can decide to engage more fully via the BOS Chairman’s authority to schedule meetings and set Agendas, as is suggested by the current

language. The Committee consensus is that Sec. 6-1 language should remain as is to allow for this flexibility, with one change: add “as necessary” after the word, “confer” in the first sentence.

Section 6-2, Budget Process: During the May 9, 2017 Public Input session, the Committee heard concerns that the proposed budget is presented too late in the cycle for the public and Town Meeting Representatives to fully digest, and that situation may contribute to confusion and prolonged discussion at Town Meeting. The Committee discussed the timing issues and impacts, with some feeling that the current process is too short. M. McCall said that any change to the timing of the process would require a By-Law change, and suggested that Town Meeting representatives and other interested parties currently have ample opportunities to inform themselves concerning budget content and progression. Budget documents are generally available in an essentially 95% complete format by the end of January regardless of when they may be presented to the FINCOM, and people have the ability to access information through attending/watching FINCOM budget hearings (FINCOM meetings are televised) and accessing information directly from the Town Manager’s office on line or by specific request. M. McCall referred to Charter Section 2-12 (c), which requires Town Meeting Representatives to “...keep abreast of town business and review materials...” concerning ongoing budget development activities, and further “...<to> attend selected meetings of multiple-member bodies, attend hearings held by the Finance Committee and actively prepare for each session of the town meeting...” Town Meeting Members have a duty to self-start and engage in this regard. Committee Consensus is that Sec. 6-2 should remain, with no changes to the timing requirement as to budget submission to FINCOM, currently defined in the current by-law as 90 days before Town Meeting.

Next meeting is scheduled for June 6, 2017.

Motion to Adjourn, by S. Pichette, Second, D. Bruce, Vote to adjourn, 8-0.

S. Chase, 5/24/2017.