**Town Of Medway**

**Charter Review Committee**

**Medway Middle School, 45 Holliston St**

**Superintendent’s Conference Room**

**MINUTES OF MEETING**

**August 8, 2018**

**Present:** Chairman Jeffrey Segarra, Vice-Chairman John Scott Smith; Clerk Matthew McCabe; Committee Members Jeffrey O’Neill and John Robinson. Also attending were Selectman Glenn Trindade and Attorney Lauren F. Goldberg from KP Law.

**Absent:** None.

Chairman Segarra called the meeting to order at 7:04 PM.

**Approval of Minutes:**

1. November 1, 2017

A motion to approve the minutes was made by Vice-Chairman Smith, seconded by Mr. O’Neill, and approved unanimously with Mr. Robinson abstaining.

1. November 20, 2017

A motion to approve the minutes was made by Vice-Chairman Smith, seconded by Mr. McCabe, and approved unanimously

1. December 6, 2017

A motion to approve the minutes was made by Vice-Chairman Smith, seconded by Mr. O’Neill, and approved unanimously

**Discussion Items:**

1. Discussion with Attorney Goldberg

Chairman Segarra began the meeting by stating that he had met with Town Administrator Boynton and Selectman Trindade, and planned to attend to August 13, 2018 Board of Selectmen meeting to discuss the progress of the committee. He reiterated the plan to have separate articles for each substantive item under consideration by the committee, along with an article for language cleanup.

Attorney Goldberg discussed the two pathways for amending a charter. One method is to have the town meeting approve charter amendments by a simple majority, and then have the General Court pass the changes into law through a special act. The other option is for a 2/3 vote at town meeting followed by a town ballot measure. Attorney Goldberg said she would check with the Attorney General’s office because sometimes certain types of amendments require voter approval. The other issue she noted was whether the committee wanted to present the General Court with one act or separate acts. She noted that separate acts can still be bundled even if they are voted on separately.

Mr. Robinson asked Attorney Goldberg about any limitations on the kinds of amendments the committee can suggest given the committee is an appointed board. She answered that the committee can suggest any amendments, with the only limitations being on amendments impacting the board of selectmen or town meeting. Chairman Segarra asked what she would recommend. Attorney Goldberg answered that it depends on the kinds of amendments being proposed. She also noted you can combine a special act and a 2/3 vote in town meeting. Mr. Robinson noted that the charter was originally adopted as a special act. He then asked why we wouldn’t use a special act, and Attorney Goldberg noted it can take longer. Selectman Trindade asked whether the special act should start in the House or Senate. Attorney Goldberg answered that normally the town’s state representative would submit the act, although the town should reach out to both its senator and representative. She noted that when using a special act, the current charter special act is repealed and replaced by the new charter. While this pathway doesn’t require an amended charter with changes tracked, she recommended presenting a version with tracked changes to the town meeting.

Attorney Goldberg noted that in a special act, there cannot be capitalization of names and titles in the charter. Mr. Robinson argued that if they were going to be removed anyway, the committee should undo its proposal to capitalize certain words in the charter. Chairman Segarra asked if all committee members were fine with removing capitalization from the proposed amendments, and all indicated they were.

Selectman Trindade asked what other towns were doing regarding the name of the Board of Selectmen. Attorney Goldberg noted that there is a trend toward changing the name to Select Board, with 10 or 15 changing in the past year.

1. Review of Substantive Cleanup Changes

Chairman Segarra reviewed the more substantive changes currently being considered by the committee as part of the language cleanup.

The first substantive change is the name change of the Board of Selectmen to Select Board. Attorney Goldberg noted that pronouns should also be changed in the charter to make them gender neutral.

The second change is changing the phrasing from a ballot of the town meeting to a vote of the town meeting.

The third change is changing chairman to chair.

The fourth change is rearranging the location of the discussion of the election of town officers. Attorney Goldberg noted that the committee might want to change the name of Section 3 to “Elections and Elected Officers.”

Attorney Goldberg also noted that Section 3-12-2 does not a date when recall petitions have to come back, which is often 14 days. She was also confused by the wording of the phrase “blanks shall contain the name of the person to who issued,” and suggested the committee talk to the Town Clerk. Chairman Segarra asked if Attorney Goldberg could talk to the Town Clerk directly, and she said she could.

The fifth change is the name change for the Capital Improvement Committee.

The sixth change is the name change from Department of Public Services to Department of Public Works. Mr. Robinson noted he is not in favor of this change.

The seventh change is the name change from Town Administrator to Town Manager. Attorney Goldberg noted that there is a major trend to change to Town Managers, and this name change will make the position more attractive to future applicants.

The eighth change is the addition of named staff to include the assistant town administrator, the conservation agent, and the director of the council on aging. The assistant town manager role, Chairman Segarra noted, was added to ensure continuity in town leadership. The other two additions are to make it clear that the town administrator and not the board appoints these staff. Attorney Goldberg noted that other charters say any position not appointed by the Board of Selectmen are appointed by the town manager, or a list of positions appointed by the town manager should be posted in a public place. She noted that state law does set who has appointment authority, and adding provision makes it clear. She suggested the following language: “The town manager shall appoint any position not specifically addressed herein. A list of position appointed by the town manager shall be posted in the offices of the town clerk and the offices of the select board.”

The eighth change is the name change for the Building Commissioner.

The tenth change is the amendment of the charter review period from 7 years to 10 years. Mr. Robinson also raised the issue of the bylaw review. Attorney Goldberg noted that the charter could be amended to stagger the charter and bylaw review, but Mr. Robinson noted there’s something to be said for doing them at the same time. Mr. O’Neill asked when the last time the bylaw review occurred. Selectmen Trindade noted that the Planning bylaws have been reviewed recently but not the other bylaws. Attorney Goldberg noted that the charter could be amended to trigger a bylaw review right after the charter review was complete.

1. Discussion of Other Changes

Mr. Robinson noted an incorrect citation in Section 7-1-2. Attorney Goldberg asked about the language requiring town meeting items to go through the Finance Committee, and Selectmen Trindade noted that it hasn’t been a problem.

Mr. Robinson pointed to Section 9-1-3, and how it was unclear that the management information systems director is appointed in conjunction with the school superintendent. Attorney Goldberg noted that sharing appointing authority gives less power to the town. Mr. Segarra noted that the position is currently a joint appointment. Mr. Trindade asked who this person reports to. Attorney Goldberg suggesting moving the entire paragraph in Section 9 that sets out who is appointed by the Board of Selectmen and move it to the Board of Selectmen section. She noted that there is already a section (5-2-2) which discusses Town Administrator appointing authority. Chairman Segarra then noted that would could strike the remainder of Section 9.

1. Review of Substantive Changes to Boards

Attorney Goldberg asked about what happens to current people in elected position if those board are changed to appointed. She noted that the charter would be amended to say the town clerk could serve under resignation or sooner removal, or the clerk could serve out the remainder of their elected term and eligible for reappointment, or their term shall end on the appointment of a successor. She noted that there might be a mix of elected and appointed as boards are converted. Attorney Goldberg noted that the amended charter could make all members appointed and serve out the remainder of their terms to avoid this mix. She argued that the committee should treat similar boards similarly. Chairman Segarra noted that the committee could make all 3-member boards 5-member boards.

Chairman Segarra then walked through his “change form” that he had completed regarding possible changes to the Parks and Recreation Commission. He described the current composition of the Parks Commission, the stakeholders who would be interested in any amendments, and the current challenges faces the commission. He also discussed three possible changes: (1) expanding the commission to five members, (2) changing the board to appointed, and (3) redefining the director of Parks and Recreation role to give that person more authority.

Attorney Goldberg noted that there is a difference between operations (like scheduling) and policy. She noted that the Town of Tyngsborough did some good research and had good talking points regarding this issue. Mr. Robinson noted that when the charter was first written the committee didn’t want to take on too much, and kept Parks elected.

Selectman Trindade noted that Water and Sewer commission only sets rates, and other towns are getting rid of their commissions. Attorney Goldberg argued that looking at which boards had contested elections was helpful, and noted that sometimes people will serve in an appointed role but not want to run for election. Chairman Segarra noted that he would prefer to make changes to all the boards that need changes at once. Selectman Trindade asked if the Finance Committee would have an issue with changing Parks to appointed. Mr. O’Neill said no, but was unsure what the Parks Commission opinion was.

Attorney Goldberg noted that a lot of town use language that boards are meant to be policymaking organizations and should not interact with staff. Mr. Robinson noted that this was the intent of the original charter. Chairman Segarra noted that the committee needed to involve the public and the members of the current boards. Attorney Goldberg agreed that opportunities for public hearings are important. Chairman Segarra noted the committee currently has September 17 set aside for public comment, but could dedicate two more meetings to public comment.

Mr. McCabe discussed his “change form” regarding the Board of Health. He noted that the board has broad authority, and mostly deals with septic and food establishment permitting. He noted that expanding the board, or changing the board to appointed, were options being considered. Mr. McCabe stated that, given the technical nature of the matters before the board, it might make sense to have appointed members. He stated that he had emailed the current chair of the Board of Health but received no response.

Mr. Trindade stated that he looked at previous Board of Health meetings, and found mostly items related to Title 5 and sanitary permits, with only 1 meeting regarding public health. He argued the board could be doing more in the public health area. Attorney Goldberg noted that in other towns, some boards focus on bigger issues like tobacco and infectious diseases. Chairman Segarra stated he wonders about the response of the board in a public health crisis, and Attorney Goldberg noted that the board does have a lot of authority in this area. Mr. McCabe noted that many of the towns in the area have elected boards, although Attorney Goldberg noted that most boards she deals with are appointed. Selectman Trindade noted in in towns with elected boards, only 20-25% have a health professional on the board, while in towns with appointed boards about 90% do. He also noted that the current chair of the Board of Health would not want to make the board appointed.

Mr. McCabe asked if boards could be a mix of elected and appointed, and Attorney Goldberg answered yes.

Mr. Robinson had a question about the minutes from the prior meeting which discussed a planned meeting with the Finance Committee regarding the charter amendments. He noted that this committee doesn’t need Finance Committee approval. Mr. O’Neill noted that this was just to get feedback from the Finance Committee.

**Adjournment:**

***A motion to adjourn the meeting made by Mr. O’Neill, seconded by Vice-Chairman Smith and approved unanimously.***

The Board adjourned at 8:42 PM.

Respectfully submitted,

Matthew McCabe

Clerk