**Town Of Medway**

**Charter Review Committee**

**Medway Middle School, 45 Holliston St**

**Presentation Room**

**MINUTES OF MEETING**

**August 27, 2018**

**Present:** Chairman Jeffrey Segarra, Vice-Chairman John Scott Smith; Clerk Matthew McCabe; Committee Members Jeffrey O’Neill and John Robinson. Also attending were Selectmen Dennis Crowley, John Foresto, Richard D'Innocenzo, Glenn Trindade and Maryjane White, along with Town Administrator Michael Boynton, Parks Commissioner Debi Rossi, and Attorney Lauren F. Goldberg from KP Law.

**Absent:** None.

Chairman Segarra called the meeting to order at 7:02 PM.

**Approval of Minutes:**

Approval of minutes was postponed until the following meeting.

**Discussion Items:**

1. Discussion of proposed baseline charter changes.

The first item discussed was the shift to a gender-neutral title for the Board of Selectmen. Selectman Foresto stated it was time to change the name, especially given that the current board was mixed gender. Selectman White noted that other towns are changing the name, but it was not vital and she was fine with either changing or leaving the name. Selectman Crowley argued that the change was motivated by political correctness, and he hadn’t heard anyone in the town oppose the current name of the Board of Selectmen. Selectman Trindade agreed it shouldn’t be changed, and noted that people will still call it the Board of Selectmen. Selectman Crowley asked the members of the committee their opinions. All five members of the Charter Review Committee noted their support for changing to a gender-neutral name. Selectman Crowley asked if other towns weren’t changing would the committee want to change the name, and Chairman Segarra answered yes. Selectman Crowley asked about the cost of this name change, and Town Administrator Boynton stated it would be minimal. Selectman Trindade asked how many other cities and towns have made the change. Attorney Goldberg answered that she was not sure, but it is a trend. She noted that some towns have bylaws that change the name of the Board of Selectmen without officially changing the name in the charter. Selectman White noted that when Medway was incorporated, women didn’t have the right to vote so the name Selectmen made sense. Selectman Crowley asked if the committee had seen any other gender-neutral names besides Select Board. Attorney Goldberg offered Board of Select and Executive Committee. Mr. O’Neill suggested Executive Board and Selectman Crowley was supportive. Attorney Goldberg noted that the charter will specify that this board has all the powers of a traditional Board of Selectmen, meaning the town can name the board whatever it wants.

The next item discussed was the proposal to change the name of the Town Administrator to Town Manager. Selectman Foresto stated it was the right move, and the term manager has a connotation with managing the budget. Selectman Trindade noted the trend has been to name the office town manager. Selectman Crowley asked it town managers make more than town administrator, and Attorney Goldberg answered no, but the job is more attractive with the manager title.

The third item discussed was the proposal to change the name of the Department of Public Services to the Department of Public Works. Selectman Foresto noted the town received few applications when the posted the job of manager of DPS. Selectman White noted the town gets calls from people thinking DPS provides services. Mr. Robinson noted that DPS is often used in larger communities.

1. Discussion of making the Town Clerk and appointed position.

Selectman White stated that she could see the pros and cons of the change. She noted that she had no experience when first elected, and the job has changed a lot since she first took over 28 years ago. She noted that an elected Town Clerk is not accountable to town personnel rules, but is accountable to the voters. She concluded by stated that leaving the position as elected is the best approach.

Selectman Foresto asked if there is a professional track to become a town clerk, and Chairman Segarra asked if there were classes. Selectman White answered that most clerks are certified, but certification happens after you become clerk, and she noted that the Town Clerks association offers training. Mr. Robinson asked that the certification involves, and if the state provides any training. Selectman White answered that there is a test to become certified, and the state does offer training on its systems. Mr. Robinson noted that there might not be many qualified clerks who could apply to an appointed position. Selectman White observed that the town would probably pay an appointed clerk more. Mr. O’Neill noted that the Town Clerk has access to sensitive financial documents, and wondered if an election was the best way to choose this person. Selectman White argued that voters would vote for the best credentialed candidate. Mr. O’Neill stated that if an appointed clerk was underperforming, they could be replaced. Selectman White noted that being elected, she felt more responsibility to the town and its residents. Attorney Goldberg noted the importance of thinking less about the current people in office and more about what the town requires. She added that there are many ways to transition an elected office to an appointed one.

Selectman Crowley asked about the trend in this area, and if anyone had converted to elected. Attorney Goldberg the trend is toward appointed, but there are still many elected clerks. Selectman White added that Blackstone had converted from appointed to elected. Selectman Crowley noted there are a group of assistant clerks who could be appointed. Mr. Robinson noted that the town could require the town clerk become certified. He noted the more appointed position there are, the more power resides with the Board of Selectmen. Selectman White noted that is takes three years to become certified, and appointing someone does not ensure competency. Mr. O’Neill asked what the town is required to pay the Town Clerk. Town Administrator Boynton answered the pay is appropriated.

Attorney Goldberg noted that when elected, the pool of candidates is limited to Medway, but this person is more invested in the town. She added that the town might be able to subject an elected clerk to the administrative supervision of the town administrator. Ms. Rossi asked if there is a term limit when appointed, and Chairman Segarra answered no. Vice-Chairman Smith asked Selectman White about the worst-case scenario. She answered that there could be problems with submitting bylaws, maintaining voter lists, and following state election laws. Mr. McCabe asked if the town could tie an elected clerk’s salary to conditions. Attorney Goldberg answered that the charter could say an elected official must follow personnel rules, but enforcement is hard.

Selectman Trindade stated he believed the office should be appointed. He noted there used to be an elected treasurer and accountant but that was changed. Selectman Crowley agreed the role should be appointed. He noted that only a fraction of voters show up at election day, and the race could become a popularity contest. Selectman White noted she could go either way, but believed the people should have a say and wouldn’t want the town to lose another elected position. Selectman Foresto stated he could see both sides, but because the role is becoming more professional it should be appointed. Selectman D'Innocenzo agreed. Chairman Segarra noted the committee would like a job description for the Town Clerk.

1. Discussion of changes to Parks and Recreation Commission.

Chairman Segarra noted that other towns were split on whether the Parks and Recreation Commission was appointed or elected. He noted that many other towns had larger commissions, and it did seem that the duties of the commission were becoming more complex. Chairman Segarra noted the options for the commission: moving to 5 appointed members, or keeping the board elected and still expanding to 5 members.

Ms. Rossi noted that the current commission would like the expand to 5 members, and the members support an elected commission.

Selectman D'Innocenzo agreed that the board should have 5 members, and asked if there could be a hybrid board. Attorney Goldberg answered yes. Chairman Segarra noted that a hybrid commission can get complicated. Selectman D’Innocenzo stated he was fine with an elected commission. Attorney Goldberg added that the charter could be changed to allow the Parks and Recreation director to attend meetings and have a voice, but not a vote.

Selectman Foresto agreed that the commission was busy and 5 members made sense. He also agreed with the idea of a hybrid commission, with at least 3 members elected. Selectman White stated that she agreed the board should expand, but it should remain elected. She noted that appointments can be as political as elections. Selectman Crowley stated that the commission should stay elected, although he as open to a hybrid commission. He argued that it was important to give the new Parks and Recreation director a chance. He noted that with a 3-member commission, a few groups can influence the outcome. He asked if it was possible to place conditions on who is allowed to serve, including having two members without any child in a sports league. Attorney Goldberg answered that the charter can’t condition a position if it is elected, but can if it is appointed.

Selectman Trindade inquired about the role of the Parks and Recreation Commission. Chairman Segarra answered that generally the mission of these commission is to manage parks, ensure equal access, and promote physical activity. Selectman Trindade noted that this should be a policy commission, even though the current commission has gotten involved in day-to-day management. He added that they should not be involved in the park revolving fund. Selectman Trindade expressed interest in expanding the commission to 5 or more than 5 members. He added that the hybrid idea has some merit.

Chairman Segarra asked if the charter could ensure that the Parks and Recreation director reports to the town administrator. Attorney Goldberg answered yes, and added that the policy versus operations question is a common one. Mr. Robinson noted that the intent of the original charter was to have all staff report to the town administrator with the boards setting policy. He asked it the new director was reporting to the town administrator, and Ms. Rossi answered yes. Selectman Trindade noted that prior to 4 years ago there was less interest in the commission, so it makes sense to clarify their role. Selectman Crowley stated the committee should consider a 7-member board of 3 elected and 4 appointed members. Ms. Rossi noted that the current board does try to represent all groups in the town, and does not want to be involved in day-to-day operations. Vice-Chairman Smith noted that the Parks and Recreation section of the bylaws is brief, and some of these issues could be addressed in the bylaws.

1. Discussion of changes to the Water and Sewer Commission.

Chairman Segarra began by noting that in many towns, the public works department takes care of the responsibilities of Medway’s Water and Sewer Commission. He added that other towns require facilities and engineering experience for their commission members.

Selectman Trindade argued for getting rid of the commission. He noted that the main duty of the board is to set rates, which are determined by consultant studies. Selectman Crowley said he leaned toward getting rid of the commission, but worried about the impression that the Board of Selectmen was consolidating too much power which could jeopardize the other charter amendments. Chairman Segarra noted that the committee plans to have separate article for each proposed charter amendment. Selectman Crowley then added he was in favor of abolishing the commission. Mr. O’Neill asked if state statute governed water and sewer commissions. Attorney Goldberg answered yes, and noted that the charter could transfer the powers of this commission to another body but should specify where. She added that some towns have an appointed advisory committee to advise on rate setting and water/sewer extension.

Selectman White agreed that the commission should be abolished, but asked who would set rates and issue abatements. Attorney Goldberg answered that the Board of Selectmen would have these duties, and this could be addressed in the charter. Selectman Foresto agreed the commission should be abolished, and noted that water/sewer is a public safety and capital issue, both of which fall under the Board of Selectmen. Selectman Crowley noted it was hard to get good people to run for the commission, and liked the advisory committee idea.

The Charter Review Committee members were asked their opinion. Chairman Segarra and Clerk McCabe stated they would abolish the commission. Mr. Robinson said he would need to think about it, and was not sure he wanted to give more power to the Board of Selectmen. Mr. O’Neill agreed that the current commission doesn’t seem to be active, but also worried about consolidating power with the Board of Selectmen. Vice-Chairman Smith favored abolishing the commission, and noted the final decision will be up to the town.

1. Discussion of changes to the Board of Health.

Chairman Segarra stated that the Board of Health is elected is most towns, and most towns have a health agent. He offered the example of mosquito control has a duty of the board that needed to be handled professionally.

Selectman Trindade stated that he preferred an appointed board. He noted that his research suggests an appointed board is more likely to have members with public health backgrounds. He added that looking at the minutes of the current board shows that the 95% of board business is septic permitting. He noted that the current board doesn’t do much with public health initiatives. He suggested a board expansion or a hybrid board could make sense.

Selectman Crowley agreed with Selectman Trindade, but noted that the current board is well functioning. He stated he would support a 5-member board with 2-3 appointed members. Selectman White said she doesn’t like to lose elected positions, and isn’t sure the town needed a change. Selectman Trindade added that there are often people who don’t want to run for position but would serve if appointed. Selectman Foresto argued for a 5-member board with 3 elected and 2 appointed, and Selectman D’Innocenzo agreed.

**Adjournment:**

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

The Board adjourned at 8:57 PM.

Respectfully submitted,

Matthew McCabe

Clerk