**Town Of Medway**

**Charter Review Committee**

**Medway Middle School, 45 Holliston St**

**Presentation Room (1307)**

**MINUTES OF MEETING**

**December 6, 2017**

**Present:** Chairman Jeffrey Segarra, Vice-Chairman John Scott Smith; Clerk Matthew McCabe; and Committee Members John Robinson and Jeffrey O’Neill.

Chairman Segarra called the meeting to order at 7:03 PM.

**Discussion Items:**

1. Interview with Michael Boynton, Town Administrator

The committee asked Mr. Boynton about the status of the director of Community and Economic Development. Mr. Boynton noted that the director reports to multiple committees, and is appointed and reports to the town administrator. He also noted that Industrial Development Committee referred to in the charter is now referred to the Economic Development Committee.

The committee then turned to a discussion of the Parks and Recreation Commission. The committee inquired about the accounting practices of the commission. Mr. Boynton noted that there is a staff person that works for the commission, technically under the Public Services. Mr. Robinson noted that the current charter is meant to consolidate all staff under the town administrator. Mr. Boynton noted that the commission has oversight of the parks (such as plowing), and handles (through the work of the staff person) scheduling of the fields. He also noted that the town counsel has confirmed that the charter gives the commission this authority. Mr. Robinson asked to see the memos from the town counsel because the original intent was for the Parks Commission to set fees, policy, etc., but not hire staff or manage day-to-day operations.

Mr. Boynton noted that the question before the Charter Review Committee was whether the Parks Commission should have direct responsibility to the public by keeping them as elected positions. He stated that if the commission was to remain elected, their role should be clarified. Mr. Robinson said that he wanted to see more details about any disputes with the Park Commission. Mr. Boynton stated that the biggest dispute is about the use of the fields. He also noted that because the commission is only three members, one member can swing policy.

The town administrator also stated that while the Parks Commission has oversight, the Board of Selectmen has contracting authority over the parks. Mr. O’Neill asked who handles the contract when the fields are rented. Mr. Boynton answered that these are rentals and not quite the same as contracts. Chairman Segarra asked who is responsible if something happens on the field, and the town administrator answered that the town is responsible. Mr. Robinson asked if there were any revenue issues, and Mr. Boynton answered that there are no overall revenue issues, but there had been an issue with a shortfall due to teams that hadn’t played on the field and thus not yet paid the town. The town administrator has noted that larger question about long-term budgeting and whether fees collected at the parks passed the Emerson College test (which states that fees should be collected for future expenses at the parks).

Mr. Robinson asked if appointing the Parks Commissioners would solve these problems. Mr. Boynton noted that it would give the Board of Selectmen sole authority. He pointed to the Conservation Commission and Zoning Board as examples of appointed commissions that could be emulated. Chairman Segarra asked who could help the Charter Review Committee determine an appropriate structure, and the town administrator said Jeffrey Nutting could help.

The committee asked the town administrator about elected positions in the town: the Town Clark, Board of Health, and the Water and Sewer Commission. Mr. Boynton noted that the Board of Health is very powerful, and its three-member size means one member can change policy. He stated that when he worked on Walpole the board was appointed, and the town sought out public health professionals. Mr. Robinson stated that when the charter was first written there was a desire not to change too many of the boards. He also noted that the charter contains a provision that allows board structures to change and asked why it hasn’t yet been used.

Chairman Segarra asked the town administrator about the town clerk. Mr. Boynton noted that it’s a very powerful position, and there hasn’t been a consensus in the state about whether clerks should be appointed or elected. Mr. O’Neil stated that the Finance Committee had suggested making it an appointed position to avoid future problems with unqualified officeholders. Mr. Robinson asked whether there is any issue with the current clerk who is also a selectman. The town administrator stated that there is currently no issue, but there have been issues in other towns with people holding multiple offices. Mr. Robinson stated that the committee should talk to Town Counsel Barbara St. Andre about this issue and how to prevent it.

Chairman Segarra asked about the Water and Sewer Commission. The town administrator answered that the current board is working well, although Medway is behind other communities in water treatment. He noted do have the authority to set rates, and Franklin had given that power to the Town Council. Chairman Segarra noted that this authority meant the accountability of an elected board made sense, and the administrator stated he was not advocating changing the commission.

Chairman Segarra asked about the town administrator’s proposal to have a town-wide facilities manager. He asked whether the elected nature of the School Committee and Board of Library trustees would prohibit those facilities from falling under this proposed manager. Mr. Boynton stated that he talked to the town counsel and, unless the 1993 education reform law prohibited it, this proposal should be allowed. Mr. Robinson noted that the original charter drafters wanted this position but were told by the town counsel at the time that it wasn’t allowed. Mr. Boynton stated that he worked with a facilities manager in Walpole, and Franklin has moved to a centralized system. Mr. Robinson asked if a charter change was needed or if an agreement between the stakeholders could suffice. Mr. Boynton noted that if it was done through an agreement, changes in the boards could impact the agreement. Mr. O’Neill asked if the central facilities manager would mean everything in under the town administrator. Mr. Boynton answered yes, and stated there was agreement to fix immediate issues, and the need to collaborate on larger projects. He stated that this role needs to be an independent group outside of the Department of Public Services to avoid too many levels.

Chariman Segarra asked if the rationale for adding an Assistant Town Administrator position was about continuity. Mr. Boynton answered yes, and while the charter should not list every position is should show the structure of the town. Mr. Robinson stated his opinion that not every position needs to be in the charter.

The committee asked about the proposal to change the name from Department of Public Services to Department of Public Works. The town administrator noted that the proposed change would cost two to three thousand dollars. Mr. Robinson noted that the goal of the current name is to make it clear that these staff should be serving the community. Mr. Boynton noted that the vast majority of communities use Department of Public Works.

The town administrator stated that the charter is working well overall, but this is the chance to make it better. Mr. O’Neill asked if monthly financial reporting was burden, and Mr. Boynton said he already gets monthly reports, so it is not. Mr. Robinson asked it someone could take a look at inconsistencies between the charter and what’s happening. Mr. Robinson asked about the proposal to do away with the three-year term for the town administrator. Mr. Boynton answered that the goal was to make the town administrator a non-political appointment. He noted that there are some positions that have to be appointed under statute, and recommended aligning the appointed position with that is required by statute. Mr. Boynton stated that he believes that because you need four selectmen to remove an administrator and only three to appoint, two members could hold up the process and render the term meaningless. Mr. Robinson agreed that this should be looked at. Mr. Robinson asked if the current charter, which stipulated the Board of Selectmen shouldn’t be running day-to-day operations of the town is being followed. The town administrator stated that this is not a problem, but has been in other towns. He noted that elected boards that are too small can cause problems. Mr. Robinson asked about proposed investment committee, and stated he is not in favor. Mr. Boynton stated that the Board of Selectmen suggested it, and that they wanted more oversight over OPEB trust fund. He stated that he is more comfortable with the treasurer-collector managing investments.

1. Committee Meeting Calendar

Meeting set for December 20, 2017 at 7:00 PM.

Agenda: Meet with Town Clerk Maryjane White and Water and Sewer Commissioners, discuss any follow-up materials from the town administrator, and vote on minutes.

**Adjournment:**

***A motion to adjourn the meeting made by Mr. O’Neill, seconded by Mr. McCabe and approved unanimously.***

The Board adjourned at 8:46 PM.

Respectfully submitted,

Matthew McCabe

Clerk