

TOWN OF BRIDGEWATER

Charter Review Committee

Dennis C. Gallagher, Chair

Carlton Hunt
Stephanie Ryan
Erick Lynch
Aisha Losche
Eric Desrochers



Patti Paccia, Secretary
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Academy Building - 66 Central Square
Bridgewater, MA 02324

Bridgewater Charter Review Committee

Minutes for the Charter Review Meeting that Convened on Wednesday, December 3, 2014

Meeting called to order as formal session by Dennis C. Gallagher (Chairman of the Committee) in accordance with rules governing meetings and quorum filled. Meeting starts at 7:08 PM.

Members in Attendance: *Dennis C. Gallagher, Carlton Hunt, Aisha Losche, Erick Lynch and Stephanie Ryan*

Members Not in Attendance: *Eric Desrochers*

Announcements: *The Committee is introduced to its new secretary, Patti Paccia.*

Approval of Agenda: *The Committee accepts the agenda of the current meeting.*

Approval of Meeting Minutes: *The Committee considers minutes from August 20, 2014, September 3, 2014, September 17, 2014, October 1, 2014 and October 8, 2014.*

A motion is made by Mr. Hunt to accept the formal minutes of August 20, seconded by Mr. Lynch. With a vote of 5 yea, 0 nay, the minutes are approved.

A motion is made by Mr. Hunt to accept the formal minutes of September 3, seconded by Mr. Lynch. With a vote of 5 yea, 0 nay, the minutes are approved.

A motion is made by Mr. Hunt to accept the formal minutes of September 17, seconded by Ms. Ryan. With a vote of 5 yea, 0 nay, the minutes are approved.

A motion is made by Ms. Ryan to accept the formal minutes of October 1, seconded by Mr. Lynch. With a vote of 5 yea, 0 nay, the minutes are approved.

A motion is made by Mr. Hunt to accept the informal minutes of October 8, seconded by Mr. Lynch. With a vote of 5 yea, 0 nay, the minutes are approved.

Ms. Paccia will PDF all agendas and minutes for above dates and forward to Town Council Administrative Assistant for posting to website. Chair Gallagher will contact former CRC Secretary, Mr. Spagone, for any final signed minutes in his possession for Ms. Paccia to have posted.

Committee Meeting Schedule: *The Chair and Committee discuss their upcoming schedule of meetings: December 10, 2014, December 17, 2014 and January 7, 2015. Potential topics of conversation for those meetings are considered:*

- *Consider make-up of Town Council (9 members vs. 7); compensation for Town Council and what that might look like*
- *What other Town Councils include in their recall provisions*
- *Does town government need a Finance Committee or not; what other towns have for Finance Committees*
- *Should the Q&A sent to Town Council President be sent to all members of Town Council*
- *Should the Town Clerk be elected or appointed*
- *Explore possibility of merging certain districts*
- *Review Town Charter Issue Tracking Table; discuss provisional votes and areas of suggested changes; create a list of outstanding items; vote to make recommendations to Town Council*
- *Create a track change document of the Charter clearly indicating Committee's recommendations*
- *Discuss what the Charter Review Recommendations Report should look like*

Public Comments: *There are no public comments for the current meeting.*

Additional Items

Old Business

With full quorum now present, the Committee revisits the provisional motions voted in minutes of October 8, 2014.

A motion is made by Mr. Hunt to revoke the provisional motion to delete Sections 10-7 through 10-9, seconded by Ms. Losche. *With a vote of 5 yeah, 0 nay, the formal vote is approved.*

A motion is made by Mr. Lynch to revoke the provisional motion to move Sections 10-1 through 10-6 into Article IX, Section 9-4 as the following sub-Sections: 9-4b(1) through 9-4b(6), with existing 9-4b changed to 9-4c, seconded by Mr. Hunt. *The committee engages in further discussion concerning informal provision to revise Section 9-7. A second motion is made by Mr. Hunt to amend the language of the provisional vote that section 9-7 should not be changed, Mr. Lynch seconded. With a vote of 5 yeah, 0 nay, the formal vote is approved with this revision.*

Follow Up Discussion on TGSC Meeting with Charter Review Committee

The Chair and Committee discussed their meeting with the TGSC and the areas where they were not able to provide answers. TGSC suggested the Committee do more research in the following areas: compensation for the Town Council and what that might look like; what other Town Councils include in their recall provisions; and what other towns have for Finance Committees.

New Business: *Mr. Hunt will follow up with Gerry Muller for a status on the Charter Definitions document. Mr. Hunt will forward to the Committee the Definitions document as it currently stands, as well as the actual recall provision language.*

Questions to the Town Council President

The Chair and Committee meet with Town Council President, Bill Wood, to convey the same questions previously asked of the TGSC and Town Manager. The Chair first gives Mr. Wood some background on the Committee's review process to date, and then he is asked his opinion on the following administrative items:

Q: Once the revisions are completed in a draft format, in your view should the Charter Review Committee host a public hearing on its own or would a presentation of recommendations to Town Council constitute a public hearing?

A: Where the meetings have been posted all along for the public to attend, I did not think a separate public hearing would be necessary. Create a brief (20 minute) overall presentation to present to Town Council, as well as for the public who may attend the presentation in person or view the broadcast of the meeting. That would provide another opportunity for the public to offer comments.

The Chair stated that once the Committee has taken a final vote on recommendation decisions, the Chair will post the recommendations to the town website and request time on the Town Council agenda for presenting. The Chair advised that once the final revisions go public, there may be concerns raised about the option of going back to a Board of Selectmen, but the Committee was in agreement from the start that there have been more efficiencies gained since going to the Town Council format so returning to Selectmen is not being considered.

Q: What kind of documentation is Town Council expecting to receive from the Committee?

A: An Executive Summary to describe the high level process used would be helpful to give some comfort to the public. List what areas were focused on for changes. For example: Section 6 - Finance Committee: FinCom is doing a great job, but we would like to see.... Take a broad stroke approach to each section of the Charter. Some sections conflict with each other, so there may be revisions to be made there as well. Section 4-2 has ambiguous language about contract approval and ratification, and now that we are further into the practice, that section could use some strengthening. You do not need to present the actual line change detail to Town Council, but the document will need to be posted for the public.

Q: What is your thought on taking Precincts 4 and 5 and combining the representation of the districts?

A: Would you want one person representing the interests of both the college and the prison? Although they aren't registered voters, they are affected by things going on in the town so they require representation. But I guess a joined district would do the same.

The Committee then proceeds to ask the Town Council President the following questions previously presented to TGSC, Town Manager and Town Clerk:

1. What are your views on the Town Manager being called a Chief Administrative Officer? Or Chief Executive Officer? What may be some of the pros and cons of the Manager being considered as one of these designations?

Titles are not important to me. However the title is currently stated in the Charter is fine with me.

2. What do you see the future role of the Finance Committee and the Town Council's Budget & Finance Committee being? Are there redundancies or duplication of effort which could be made more efficient/streamlined?

I do not see a redundancy. I think this is needed, and it should be an appointed group of subject matter experts who understand things like Proposition 2 ½ and municipal funding and CPA. A long term FinCom should be recommending a capital plan to Town Council and setting priorities. Town Council is a yea or nay vote, and Fin Come would provide an analysis phase. FinCom does the detailed analysis work of reviewing and auditing contracts and makes recommendations to Town Council. Town Council controls the budget without having to spend exorbitant amounts of time working out the details. With collective bargaining contracts, the Town Manager negotiates the contracts and then FinCom reviews and could make recommendations to Town Council. Town Council does not give direction to FinCom. Items are generated by the Town Manager and Finance for a 1st reading at Town Council. Then Town Council reviews minutes and votes. But some of the procedural process needs to be cleaned up. For example, Section 4 gives the Town Manager the ability to move \$25,000 and inform Town Council about it later. It doesn't address the approval process, so what happens if Town Council declines the decision? Everything ultimately comes before Town Council, but perhaps we should free up the Town Manager for some of the decisions. Other language says ALL changes need Town Council to approve and sign off. The intent is to make it easier for the Town Manager. Town Council is talking about a Finance Department. –The Committee explained to Town Council President that that Town Manager has agreed to take a stab at rewriting Section 6 to clarify.

3. On the concept of an Assistant Town Manager, do you see an existing need for one? If so, what would you see as being the responsibilities or duties of such a post, and in the event of the Town Manager's absence their ability to act as Manager?

The key to having an Administrative Code in place is so the Finance Manager becomes second in command. They will have a broad knowledge of the Town and its operations to keep things moving. I do not think this position should be written into the Charter, but we can write one in the Admin Code and just leave it as a role. That role could be defined as Finance Manager.

4. What is the current status of the Administrative Code development process?

I am putting this on the Town Council agenda and discussion is happening at each meeting until it's done. We WILL have an Admin Code. The Code of Ordinances is made up of Section 1 – Charter, Section 2 – Admin Code and Sections 3 on may consist of committees and others that effectively replace bylaws. In some cases we will cut and paste and will take a vote on the entire code vs. the individual pieces. In the Admin Code we have the opportunity to structure what we think the role of the Town Clerk office should be and how it interacts with the Town Manager and Town Council. Is there anything that this committee has been discussing that should be in the Admin Code? –The Committee requested that the Administrative Code cite chapters of MA general laws for Town Clerks.

5. What may be some of the pros and cons of the Town of Bridgewater having an elected vs. appointed Town Clerk and vice versa?

I am in favor of an appointed Town Clerk. This position's role is as a keeper of vital records, not a policy making position. This position follows process, makes sure the Town follows process and executes the details. I would rather see an appointment of someone with a strong municipal background. This position does not need to be a resident of the town in order to effectively execute the job. We do not have enough time to appoint a new Town Clerk, so we will need to have an election for now, and then we can take recommendation from the Charter Review Committee about an appointed position in the future. I am thinking about putting this on the next Town Council agenda to determine if we need someone to just fill the "title" or recruit for someone with specific training etc. There really aren't any specific qualifications for the position. Once the Committee comes to make recommendations, Town Council will decide what to accept or not. Then Town Council will ask someone at the state level to sponsor a measure to make the change. The State House can do it by themselves, but usually they prefer to send it back to the town for a vote.

6. On the subject of changing the dates when municipal elections occur, what period of time in the year would be better suited to address Town needs and School District interaction?

You can't move elections to November because of the School Committee and Raynham's involvement—we would need to get them on board with that kind of change. Now that we have a Town Council, we go through 3 months of budget discussions, and by the end of April we are close to approving. With an election in April there may be 3 new people who have not been involved in entire budget process but are now responsible for voting/approving the budget. –The Committee made a further suggestion that if election dates cannot be moved, perhaps the Charter could be revised to state that anyone elected in April would not be seated until July 1.

7. What is the view of municipal employees running for elected posts?

There are several conflict of interest laws out there to make people aware of the issues involved, so I have no problem with this.

8. What are some of your views on the filling of employee vacancies? Who should make the appointments in such vacancies (i.e. Manager, Council, Human Resources)?

It depends on where the position is. The Town Manager hires and fires. If you look at this as a business, they [request Town Council President define 'they'] can ask to have a position opened, be involved in the recruiting and interviewing, but ultimately hiring goes back to the Town Manager. Town Council is responsible for the budget to hire and fire and for strategic direction, but should not be involved in the details.

9. Who authorizes the setting of departmental fees, fines or charges? Does the Town Manager have such oversight to make such changes?

According to the Town Manager, the Town Clerk does not set fees, the Town Manager does, and Town Council approves.

10. How should the Town address its need for legal services and how should the Town utilize such legal representation? How does the Town Counsel (Town Attorney) salary/contract affect their ability to work for the Town? Should the Counsel answer directly to the Town Council, and if so, what are some of the pros and cons?

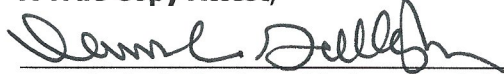
Town Council has been batting around a number of different concepts. There is nothing saying we need to have a town attorney. We could outsource completely, we could create a law department or we could hire an attorney. The charter doesn't reference anything about an attorney. The Town Manager primarily needs legal services so the Town Manager should be able to decide how those services are procured. It becomes a budget question. We aren't necessarily big enough for a law department, but we could call it that and just have an attorney who has the ability to hire if needed. The benefit of Town Council having an attorney is that members don't need to be an attorney. Town Council can bring up an idea and the attorney can create the actual language of the ordinance. Right now Town Council has to actually create the language. The attorney represents the Town, not Town Council, but the Town Manager procures the bills so it makes sense for reporting structure to be there. The only issue would be if the Town Manager and Town Council get into a conflict. Maybe the Charter should have language added to give Town Council the ability to procure legal services if needed. –The Committee asked the Town Council President if he felt any other parties should be asked to participate in this process. He suggested that other Town Council members be invited to participate. The Committee will consider providing the written Q&A currently being used to give them a chance to opine. This will be further discussed at the next meeting.

With formal discussion concluded, a request is made to adjourn: *By unanimous consensus of the Committee, the meeting is hereby adjourned. The next meeting will be December 10, 2014.*

Meeting is hereby adjourned by unanimous consensus of the members in attendance in accordance with rules governing meetings. Meeting adjourns at 9:29 PM.

I hereby affix my hand to this document that the minutes of this meeting are true and accurate to the best of my ability, note-taking, and penmanship as so ordered by the Chair of the Committee this third Day of December, Two Thousand and Fourteen.

A True Copy Attest,



Dennis C. Gallagher, Chairman of the Committee



Patti Paccia, Secretary of the Committee