

Harvard Charter Commission
Meeting Minutes
January 26, 2017
Town Hall

Members present: Paul Cohen (Chair), Sharon McCarthy, George McKenna, Stephanie Opalka, Ron Ostberg, Charles Redinger, Cindy Russo, Peter Warren. Member absent: Rick Maiore.

Paul called the meeting to order at 7:05 p.m.

Public Comments: Gail Coolidge, chairwoman of the Trustees of the Public Library, said that the trustees believe they should continue to be elected, not appointed. She asked if members of the commission had read the letter she sent from of the trustees. Several acknowledged that they had.

After discussion, the commission approved the January 5 meeting minutes as amended.

Paul reviewed his sense of the outcome of the public hearings and opinions he has heard:

- There is no sense of a need for changes in the duties of the Town Administrator or Moderator.
- People like that the financial operations are independent and that the Capital Planning and Investment Committee is a separate committee.
- There is not agreement on which positions should be elected and which appointed.
- A lack of a coordinated vision by the executive officers and questions about who is coordinating activities that cross committees led to the formation of the commission.

Elections vs. Appointments

Commissioners discussed how to determine whether elections or appointments would work better in Harvard and for which boards. Paul said that no towns of Harvard's size have charters to use as examples, although they deal with the same issues of communication, master plans that no one follows, and cross-committee responsibilities.

- Commissioners could talk to other towns to see what they do, although Harvard has been creative in the past finding solutions. For example: the joint town/school Finance Director and making the Town Clerk position appointed rather than elected.
- Suggestions were made to bring in consultants to help because:
 - They have seen many examples of other towns and could identify pitfalls missed by the commission.
 - Commission members do not have the expertise to make significant reengineering decision. Not all members agreed with this opinion.
- Ron mentioned some matrices from other towns that showed criteria used for elected vs. appointed positions. These were briefly discussed. Ron's information is attached in the Appendix.

Communication Methods

The commission discussed ways to engage residents, educate them about the Charter, and get their feedback, including:

- Report at Town Meeting April 1.
- Have a table at Town Meeting with a handout of a two- to four-page document that explains the issues.
- Provide lunch at Town Meeting and talk to people.
- Distribute a document two weeks before Town Meeting.
- Submit an article to the *Harvard Press*.
- Use NextDoor Harvard as a way to communicate and receive feedback.
- Hold meetings on alternative times, e.g., weekends in the hopes that more people would attend.

Members agreed that Town Meeting might be too busy already to allow much time for discussion, but that it would be important to have material to hand out.

Communication Content

Commissioners discussed whether alternatives should be presented, and if so, how? Cindy suggested that the commissioners should try to reach a consensus and take that to the public. Ron said that alternatives are a good way to engage people. If a finished product is presented, people don't feel that they have been involved. George said that when people are confused, they vote "no." Cindy added that they could present the information as 1) what we do now, 2) what the large changes are, and 3) what the small changes are. Ron said they could characterize the existing condition and what the commission has heard that the Charter can remedy.

There may be other areas of the charter in addition to the appoint-vs.-elect issue that still need to be agreed on.

Draft Charter

Ron suggested including explanatory text at the beginning of the charter that lays the groundwork. Cindy suggested a report of the Charter Committee that would be a framework – specific and concise. The commission discussed Ron's handout for the meeting that included suggestions for:

1. Presentation Material
2. Need and Use of Alternatives
3. Bylaws and Preambles
4. Responsibilities of Select Board (Section 3-2)

A copy of the handout is attached to the minutes. Discussion will continue at the next meetings.

Section 4: Town Administrator

The section is too long and needs to be cut down.

Section 5-5: Building Inspector/Facilities Manager

George said he had talked to Tim Bragan, town administrator, who liked it. Paul said he sees no conflict between the description and municipal laws and regulations. Ron said he thinks it is a full time position that requires expertise. The section may need more information on how the person operates, for example, with procurements.

The description as written excludes school buildings. George questioned why those building should be excluded. That is still an open issue. The person in the position would oversee building maintenance, George said. Charles questioned if the qualification language was strong enough. There was general consensus that what George prepared was good, and moving in the right direction.

Next Steps

- At the next meeting, review the charter with the exception of Section 3.
- Paul will send an email to all boards about meeting to discuss the charter.
- Ron will prepare an outline for a report of the commission.
- Cindy and Sharon will write an article for Consider This in the *Harvard Press*.
- Stephanie and Peter will redo the organization chart to show “as is” and “will be.”

Next meeting – Paul will query members about their availability in February.

Paul adjourned the meeting at 9 p.m.

Laura Andrews, Recorder

APPENDIX

Harvard Charter Commission

Reference Documents 27 Jan 17

1. Report Relative to the Organization and Operations of the Town of Sherborn, MA

Prepared by Edward J. Collins, Jr. Center for Public Management, University of MA

http://scholarworks.umb.edu/cpm_pubs/8/

This document is an interesting 'read.' The chart below is relevant to our deliberations.

Criteria supporting a position or board being ***ELECTED***	Criteria supporting a position or board being ***APPOINTED***
1. It has significant policy-making responsibility.	1. It has minimal policy-making responsibility.
2. It has few ministerial responsibilities and tasks whose performance is guided almost entirely by statute.	2. It has many ministerial responsibilities and tasks whose performance is guided almost entirely by statute.
3. Someone with little training or expertise in its area of work could quickly and easily become effective in the work.	3. Someone with little training or expertise in its area of work would have significant difficulty in performing the work effectively, potentially creating significant risks for the community.
4. Its role and tasks are easily and widely understood by the public.	4. Its role and tasks are complicated and NOT easily and widely understood by the public.
5. The nature of the position or board's role makes it relatively simple for the public to evaluate the performance of its non-policy-making duties (for example, efficient use of resources, etc.).	5. The nature of the position or board's role makes it relatively difficult for the public to evaluate the performance of its non-policy-making duties (for example, efficient use of resources, etc.).
6. The position or board is helpful as a check or balance against another center of power in the community.	6. The position or board is not needed as a check or balance against another center of power in the community.
7. It is not critical to the effective and efficient functioning of the government for this position or board to cooperate regularly with other officials.	7. It is critical to the effective and efficient functioning of the government for this position or board to cooperate regularly with other officials.
8. In the particular community in question, election for the position historically produces a very competitive race between highly-qualified candidates.	8. In the particular community in question, election for the position historically produces little or no competition and few or no highly-qualified candidates.

2. Massachusetts Municipal Managers Association Form of Government Committee

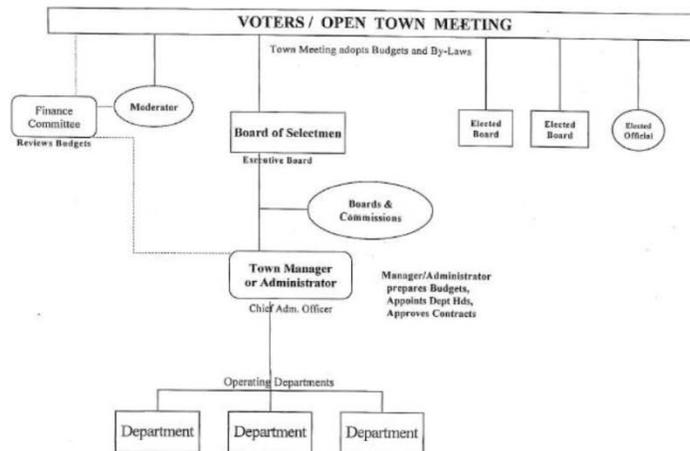
A Study on the Structural Changes in the Local Government in the Commonwealth of Massachusetts - Clark University Master's of Public Administration Capstone Project
May 7, 2010

https://www.mma.org/sites/default/files/resources/mmma_form_of_govt_report_0.pdf

While the document is ponderous, these diagrams and matrix are directly relevant to the task of communicating our proposals and rationale.

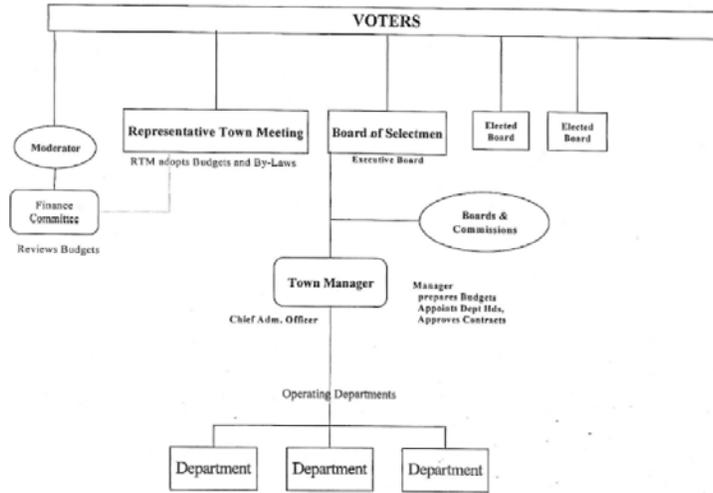
Appendix E: Open Town Meeting- Board of Selectmen- Town Manager or Administrator Organizational Structure

OPEN TOWN MEETING / SELECTMEN / TOWN MANAGER or ADMINISTRATOR



**Appendix F: Representative Town Meeting Board of Selectmen – Town Manager or Administrator
Organizational Structure**

REPRESENTATIVE TOWN MEETING / SELECTMEN / TOWN MANAGER or ADMINISTRATOR



Appendix G: Randolph Government Change Proposals

	CURRENT	TOWN MANAGER/TOWN MEETING	TOWN MANAGER/COUNCIL
Legislative Body	Town Meeting	Town Meeting	Town Council
Size of Legislative Body	240	120	9
Attendance Policy	No (pending)	Yes	N/A
Ability to call Special or Emergency Meetings	State Law: 14 days to mail warrant, plus 30 days preparation	State Law: 14 days to mail warrant, plus 30 days preparation	48 hours (emergency meetings can be called immediately)
Regular Meeting Schedule	Annual/Fall	Annual/Fall	Weekly Meetings
Elected Bodies	Moderator Town Clerk Treasurer/Collector 3 Board of Assessors 3 Board of Health 5 Selectmen 5 School Committee 5 Planning Board 5 DPW 3 Stetson Hall Trustees 5 Housing Authority Town Meeting	Moderator 5 Selectmen 6 School Committee 3 Stetson Hall Trustees Town Meeting	9 Town Council (5 At Large/4 District) 6 School Committee 3 Stetson Hall Trustees

Interest (A) cannot serve on two elected boards at once	No	Yes	Yes
(B) No compensated position until one year from date of resignation from elected board	No	Yes	Yes
Appointment of Department Heads and Employees	Selectmen Treasurer/Collector Town Clerk DPW Board of Health Assessor Housing Authority	Town Manager Appoints all positions except: Town Counsel Town Accountant Registrar of Voters School Department Employees	Town Manager Appoints all positions except: Town Accountant Clerk of Council Registrar of Voters School Department Employees
Chief Administrative Officer	Chairman of the Board of Selectmen	Town Manager /Board Selectmen	Town Manager
Negotiation of Union and Non-Union Contracts	Board of Selectmen School Committee negotiates school contracts per M.G.L.	Town Manager School Committee negotiates school contracts per M.G.L.	Town Manager School Committee negotiates school contracts per M.G. L.
Personnel Administration	Board of Selectmen/Personnel Board	Town Manager/Personnel Board	Town Manager/Personnel Board
Submit Town Operating Budget	Board of Selectmen	Town Manager	Town Manager
Civil Defense and Emergency	Chairman of the Board of Selectmen	Town Manager	Town Manager
Town Manager and Executive Secretary Yearly Evaluation	No	Yes	Yes
Budget Process	Budgets submitted by individual departments to Finance Committee and Board of Selectmen	Superintendent of Schools and Town Manager develop Town budget based on Budget Policies of Board of Selectmen and School Committee	Town Council and School Committee shall meet no later than November 30th to develop budgetary goals and initiatives to be considered in the Town Manager's Budget
	Board of Selectmen and Finance Committee create separate Town budgets	Town Manager must file Budget by February 1st	Town Manager shall prepare and submit to Town Council no later than February 1st, a synopsis of proposed Budget for preliminary review and any requests for additional funding
	Finance Committee makes budget recommendations to Town Meeting. Selectmen often present competitive budget to Town Meeting (often the night of Town Meeting)	School Committee submits Budget to Town Manager 14 days prior to Town Manager's Budget Proposal	By the first Council meeting in April, Town Manager shall submit the Final proposed Fiscal Budget for the ensuing Fiscal Year
	Budget must be adopted by June 30th	Finance Committee reviews Budget	Town Council must hold public hearing and it must be published in the local newspaper

		Town Manager's Budget presented to Town Meeting with accompanying recommendations from the Finance Committee	Public Hearing held
		Budget must be adopted by June 30th	Town Council must adopt Budget within 60 days
			Town Council may decrease programs or amounts, but may not increase them
Financial/Capital Outlay Program Requirement	No	Yes	Yes
Recall Provision	Yes	Yes	Yes
Town By-laws	Only legislative body can change	Remain in effect; only legislative body can change	Remain in effect; only legislative body can change