

Harvard Charter Commission
Meeting Minutes
June 15, 2017
Upper Town Hall

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

Paul Cohen called the meeting to order at 7 p.m. The commission approved the May 6, May 11, and May 23 minutes. The minutes from May 25, June 1, and June 15 will be reviewed at the June 29 meeting.

Board of Selectmen members Stu Sklar and Ken Swanton gave more feedback to the commission to be considered for the next draft of the charter.

The Charter in General

Ken said that he thinks the BOS needs to better understand what problems the commission has identified and what changes the charter would make to solve those problems. Ken asked the commission to provide a two-page document at an upcoming BOS meeting to address that. The July 11 meeting was agreed upon. The commissioners will provide the summary requested and the latest charter draft ahead of the meeting.

Ken also said that he needs to get a better feel for the pros and cons of a charter to know whether he would support it. He does support 95 percent of the changes that are being proposed, but is not sure that a town of 6,000 needs a charter. He expressed concern that a charter would “pour cement” around the town’s operations. Several commissioners said that it would only take a Town Meeting vote to change something in the charter. George told him that the commissioner had found that many groups are operating outside the bylaws, and the charter might help ensure structure, conformity, and compliance.

Stu asked if a mayoral system would be a better option for a strong executive, explaining how difficult it is for the selectmen to persuade other boards’ members to act in concert with the BOS to meet its goals. Ron said that the commission felt at the beginning that having a mayor would be too far from what Harvard does now.

Budget Process

Ken asked what the expectations were for the BOS relating to Article 6-2 (Submission of Budget and Budget Message.) He said that the current language says the BOS will “submit” a proposed budget to the Finance Committee, which sounds as if the BOS is a funnel for the information. Discussion about the budget process followed. Commissioners explained that the goal was to have the executive leaders (BOS), who set the vision and goals for the town, also ensure that the budget is in line with those goals. Ken asked that the language in the charter be changed to add more detail about the action the BOS would be taking.

Stu said that he thinks the BOS should also weigh in on the Capital Planning and Investment Fund, Article 3-5(c), which reads now as if only recommendations of the Capital Planning and

Investment Committee would be considered. The language will be changed. Ken suggested that the commissioners be clear that the strategic plan is long term, not just one year.

Ken also suggested that the committee highlight in yellow what changed, since 90 percent is staying the same and only 10 percent is changing. Cindy and Sharon said that the guidance document that will be with the charter would explain the changes.

Recall Process

Stu expressed concern about the recall petition requirements in 3-2 (f) Recall Provision for Elected Officer. Ken said that the two percent of registered voter required to start a recall petition, seemed likely to discourage volunteers from running for election. Ron said that the number should be high enough not to be used for political reasons. Sharon agreed to look at other towns' requirements and the commission will discuss this further.

Appointed vs. Elected

Stu said that appointing so many other boards seem undemocratic and strikes him as wrong. The commissioners replied that:

- The object trying to get a vision for the town achieved accountability at the highest level to execute the vision.
- Now some elected boards' decisions conflict with or ignore Master Plan goals.
- Where there are overlapping jurisdictions among boards, there is more likelihood of success in policy with appointees.

Stu said that even now with some appointed boards it is difficult to get things done. Charles asked if there were a mechanism that could be added to the document that would help solve the problem. Rick said that over time, people will change the way they think about the goals, and Ron added that leadership would need to be exercised. But, he added, they don't want to lose the whole charter because of elected vs. appointed positions.

Discussion followed about which currently elected boards are OK with being appointed. Peter pointed out that the boards that were vocal about it, the library trustees and trustees of the Warner Free Lecture Series, remained as elected boards. The Board of Health voted two to one that appointments would work and the Planning Board chairwoman said it was not an issue for that board. Ken suggested that more information be included that shows how this would work for each affected board.

Sharon pointed out that many of the committees would still have statutory authority. Stephanie said that the research she did showed that Harvard has many more elected boards than most towns, so this change would not be unusual.

Discussion followed that a more focused executive would be needed to deal with changes that could be coming, such as Devens and developing the commercial district.

Communication

Sharon asked what more outreach the commission could do and received the following ideas:

- All-boards meeting to explain the problems and solutions

- Three-page handout to give residents
 - At the October Flea Market
 - At a lemonade stand at the transfer station
- Cable program that covers a sit-down meeting of questions and answers

After Ken and Stu left, the commissioners discussed a document Stephanie provided that showed the first and last pages of Acton's 1991 charter presentation to the legislature. They agreed that it was a good template to use for Harvard.

The commissioners divided up the draft charter so each is responsible to review and edit one or more articles, as follows:

Introduction – Ron

Article 1 - Stephanie

Article 2 - Sharon

Article 3 - Cindy

Article 4 - Peter

Article 5 - George

Article 6 - Rick and George

Article 7 - Stephanie

Article 8 - Charles

Organization Chart - Peter and Stephanie

The goal for the next meeting, June 29, is to have a near-final draft charter. Each commissioner will edit all sections of the current draft and send those edits to every other commissioner by 6/22. The person who volunteered for each article will combine the others' comments into that article and send the article to Laura by 6/27 to update the full draft charter and resend it by 6/28.

Sharon said that the League of Women's Voters was still willing to hold a session with a consultant whose expertise is charters and charter transactions. After discussion, the matter was left that there would not be time between state-mandated deadlines to make any changes. A legal expert would look at the legal questions.

Ron asked if the question of elected vs. appointed was still an open issue. The consensus, after discussion, was that it is no longer open, but that the commissions will need to explain their reasoning.

The next meetings are scheduled as follows:

for July 11 at 7 p.m. in the Town Hall meeting room for a joint session with the BOS; July 11 in the Volunteer Government room following the BOS meeting; and July 27 at 7 p.m. at the Town Hall meeting room.

Paul adjourned the meeting at 9:08 p.m.

Laura Andrews, Recorder