

Harvard Charter Commission
Meeting Minutes
March 7, 2017
Hildreth House

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

Paul called the meeting to order at 7:05 p.m. and the commission approved the 2/23 minutes.

Draft Charter

Article 6: Finance and Fiscal Procedures

The commission reviewed Paul's revision to Article 6. See Addendum 1. The revision aligned the Article to the results of the commission's February 23 vote to change budget responsibility from the Finance Committee to the Board of Selectmen (BOS). George suggested that the changes be run by the Finance Committee. After several modifications and corrections, which will be included in the next draft charter, the commission moved on to discussion of Article 3.

Article 3: Elected and Appointed Officers

Section 3-1: General – Sharon and Ron said that the commission needs to have criteria to explain why some offices are elected and some appointed. Cindy said that another way of looking at the issue is that the commission thinks it is better for everyone to be appointed, but that there are exceptions. For example, the School Committee is elected by statute; the Moderator needs to be independent of the BOS; the library trustees operate in a separate world. Peter questioned why the Planning Board would not be elected. Ron said that the commission made the statement already that the BOS is in charge of the vision and the budget. The Planning Board is an arm to implement what the BOS plans. They need resources to succeed, which the BOS can support them with. Cindy said that if the Planning Board and the BOS have a joint vision, that is a community vision, there is a better chance that projects will get done.

George said that he is not totally sold on segregating the library trustees from the others. He sees them as another service department. Paul asked if they are similar to the Council on Aging in providing services. Ron said he sees the separation between the library and the town officials as a freedom of speech issue. The library should be able to provide information completely remote from any political considerations. He sees this as a principle, not a current problem.

Stephanie asked how budgeting and facilities management would work for the town vision if the library were separate. Paul said that there is no reason why the charter couldn't specify that the town manage all the town buildings. This led to more discussion on the roles of custodians, facilities management, and protection of town assets.

There was a brief discussion about including in the charter a permanent building committee. There will be further discussion on this topic.

The members agreed that they were reaffirming the straw vote taken February 23 that the Select Board, School Committee, Town Moderator, and Trustees of the Library would be elected. All other positions would be appointed.

Section 3-2: Select Board – Commissioners discussed Cindy’s revision of this section, which includes the change of budget responsibility from FinCom to the BOS. See Addendum 2.

Overlapping vs. Coterminous Terms

A large part of the discussion was about whether to recommend changing the selectmen’s terms from overlapping, as is currently done, to coterminous, in which all selectmen are up for election at the same time. George and Peter were concerned that continuity and consistency would be lost if all selectmen were replaced at once. If that happened, the learning curve would be steeper for new members. Paul said that normally in cities and towns that have coterminous terms, only one or two members are replaced at each election.

Sharon said she thought more people would run if there were more openings, like with the election for the Charter Commission: the nine people with the most votes were elected. Rick said he thinks the main reason people don’t run is because it is too much work. He said the BOS spends time with minor things and major things do not get done. Tightening up the direction of what the Select Board does might increase the number of people who want to be involved.

Ron asked if the town had reached the point where only retired people can run, and what lowers the bar enough so more people can run.

Term Length and Limits

Paul suggested two-year terms, with all selectmen running at the same time. With a two-year stable block of time, he said he thought they could get work done. Cindy said the town might have voters selecting people who work well together so might end up with a more productive board. Ron said that people would run on a platform and people could vote the platform.

On Cindy’s motion and Ron’s second, the commission voted 6-2 that the charter read: The Select Board shall be composed of five members elected simultaneously for coterminous two-year terms, with no board member serving more than four consecutive two-year terms, and, in the event of a vacancy on the board, the next highest vote getter will move up to fill the vacancy.

Further discussion elicited the following:

- Paul said the question should be asked whether the same rules should apply to the School Committee and the library trustees. In larger communities there are elections only every other year.
- Sharon said that this makes sense for the Select Board since they are the executives responsible for policy formation and accountable to the town.
- The beauty of November election – off cycle from state and federal elections – is that the newly elected Select Board would go through the budget cycle, present the budget at Town Meeting in April, and execute it the next year. Ballot questions would be handled at special elections.

- The Moderator would also be elected in November, for a two-year term.
- People might be more excited about government if elections were every two years rather than every year. That political dynamic could be more vital and healthier.
- Two-year terms would give the board a chance to accomplish its goals.

Rick said that the commission is breaking all the rules of tradition, and that maybe it is time to break the rules. He said that the commission needs to believe that what it is proposing is better for the town, and then present it to the town.

Discussion followed about whether the town should have a Town Manager, rather than a Town Administrator to keep the BOS from getting involved in mundane issues. Paul pointed out that the difference between the two is how much authority individual towns give the people in those roles. It is not what you call it; it is what you give the position. A weak Town Manager would still leave the BOS making daily mundane decisions. He suggested that the charter read that the Select Board not be involved in the daily administration of the town government.

Cindy moved that the elected officials be elected for two-year terms on the first Tuesday in November in odd-numbered years. Rick seconded the motion and the commission voted 8-0 in favor. This will be incorporated into the previous vote.

The commission reviewed Ron's proposals from his January 20 document titled Harvard Commission - Four thoughts for discussion under Part 4 (b), which listed the powers and duties of the Select Board. See Addendum 3. Many of the ideas had since been included in the draft charter. The commission added human resource, budget, and communication duties, and revised some charter language.

Cindy made a motion, which Rick seconded, to approve the changes as directed, with Cindy drafting the final language. The commission voted 8-0 to approve the motion. The changes will be included in the next draft charter.

Communication

The commission reviewed the "Consider This" piece prepared by Cindy, Sharon, and Stephanie for publication in the *Harvard Press*. See Addendum 4. After discussion, the commission agreed to add a section stating that there will be public hearings and more communication that explains what is being recommended. The commission requested that the piece be published in the 3/10 newspaper because of all the draft changes agreed to in tonight's meeting that would be reported in that edition of the *Press*.

Thursday, April 6, was set for the next public hearing.

Ron said that there might be scope for a consultant to give people a sense of the impact of the decisions the commission has made. He asked if the League of Women's Voters had decided to have a consultant as a guest speaker who could do that. Sharon said no decision has been made yet. She does think a consultant with experience in setting up town charters would reassure the public that the commission got outside help. Rick and Paul said it might be useful to have a legal expert who knows what the Legislature will accept. Cindy said that the most important thing is to educate residents on what the commission is doing.

Next Steps

- Stephanie and Cindy – revise “Consider This” and send to the *Press* tonight.
- Laura – update draft charter and send to Julie Doucet to put on the website by March 17.
- Not assigned – Circle back to the town boards to explain what decisions the commission has made and get feedback.
- Not assigned – Find a lawyer who has worked with charters and knows what the Legislature has approved.

Next meeting: Thursday, March 16, 7 p.m., to prepare for Annual Town Meeting and the public hearing.

Paul adjourned the meeting at 9:15 p.m.

Laura Andrews, Recorder

Addendum 1: Revision of Article 6.

Addendum 2: Revision of Article 3.2

Addendum 3: Article Part 4: Select Board Powers and Duties

Addendum 4: Consider This Draft