

Call to Order

Committee Chair Mr. Stumpf called the meeting to order at 5:01 p.m. in the Third Floor Select Board Conference Room in the Andover Town Offices building. The meeting was live cablecast and recorded.

Participants

Present were: Town Clerk & Chief Strategy Officer Austin Simko (ex-officio); Sheila Doherty (ex-officio); TGSC Committee members Gail Ralston, David Floreen, Paula Colby-Clements, Paul Cavicchi, Sandy Stapczynski, Andrew McBrien, Dara Obbard and Jon Stumpf; and Bernie Lynch and John Petrin of Community Paradigm Associates. Patrick Lawler, Director of Administrative Services, was present as a member of the audience. No members of the public were in attendance.

TGSC Committee member Richard Fox participated remotely by speaker phone. Mr. Stumpf drew the attention of all present to this.

1. Approval of Minutes of Previous Meeting

Minutes of TGSC Committee Meeting of January 30th 2020: The address of Mr. Fink, an attendee at the previous meeting, was incorrectly recorded as 26 Basement Drive, whereas his actual address is 26 Bateson Drive. Mr. Fox was recorded as absent with apologies, whereas he was present at the meeting. Ms. Ralston moved that the minutes be accepted as amended, Ms. Colby-Clements seconded. The committee voted by roll-call 10 in favor of approval, none against, with Ms. Stapczynski abstaining as she was not present at the meeting in question.

Mr. McBrien did not include a copy of the slides used by Mr. Flanagan and Mr. Lawlor in the draft minutes to save printing costs and consumables, but rather, included an explicit note in the draft that the attachment was excluded. He asked the committee to approve this practice, and the committee agreed.

2. Review 2/10/2020 Select Board Meeting

Mr. Stumpf reported that his presentation to the Select Board on 2/10/2020 was well received, that the Select Board had asked him to convey their thanks to the members of the TGSC, and that there had been significant discussion on two topics:

- The Select Board had sought clarity on the nature of the report that the TGSC will deliver, and specifically, whether the TGSC would be drafting changes to the Charter or Bylaws or Articles for Town Meeting. Some lack of clarity remained even after this discussion.
- The Select Board had sought reassurances that the TGSC intends to gather further input from residents, and to engage in dialog with residents and the Select Board to review recommendations. The Select Board were satisfied on this matter.

Mr. Stumpf read the following from the TGSC's Charter: "... the TGSC shall submit ... a summary of its findings and any recommended amendments to the charter, bylaws, and governing practices". He then asked each member of the TGSC in turn to state their views on what they believe to be the meaning of "recommendation", then vote in favor of, opposed to, or equally disposed in both directions to the report including draft language for changes to the Charter or Bylaws or for Articles. The views expressed by the members are summarized as follows:

- It is not known yet whether the TGSC will recommend whole sale changes to the Charter and Bylaws or small adjustments. Any discussion of the form of the final report is premature.
- The TGSC is chartered to report recommendations and it is for the Select Board to decide which should be taken forward as Articles. Therefore, it would be presumptuous for the report to include draft Articles.
- As a reminder, the remit of the TGSC does not include taking Articles to Town Meeting.
- If the TGSC recommends that a change to the Charter or a Bylaw is required, the most precise and unambiguous way to express the change may be in the form of possible language. By doing so, the TGSC can be assured that their intent is best communicated. Indeed, the report may be considered incomplete if it is expressed as conceptual generalities rather than specific language.
- The report should only include language necessary to communicate the substance of a point, to be referred to as "narrative" language. Language that would be required in a "production ready" Bylaw or Article to conform to legal conventions or Town Meeting procedure ("boiler plate") should not be included.
- Any language included in the report should be clearly marked so there is no doubt that it is a recommendation to be adopted at the discretion of the Select Board.
- If the language for a proposed change to the Charter or a Bylaw would require extensive time to draft, the TGSC should not delay publication of its final report to complete the drafting of this language.
- Any language that is included will require legal review. This should be carried out independently of the TGSC.

The votes on whether the report including draft language for changes to the Charter or Bylaws or for Articles were recorded as:

- In favor: 5
- Opposed: 1
- Equally disposed in both directions: 5

Mr. Stumpf therefore summarized the conclusion as:

- The report should include "narrative" language.
- Narrative language should be included where it serves as a vehicle to clarity
- The Select Board has absolute discretion as to which recommendations should be taken forward to Town Meeting.

3. Presentation on Massachusetts Forms of Government

Mr. Lynch presented an overview of the forms of municipal government permitted in Massachusetts. His presentation is summarized by the slides attached as Appendix 1. Mr. Lynch presented a wealth of information, in great depth. The committee agreed that this detail was highly valuable and that Mr. Lynch should complete his presentation with similar detail, even though this meant that this topic would over-run the allotted time.

Mr. Petrin was scheduled to follow with a presentation of the recent trends and statistical breakdown, but time did not permit this and this was deferred to the next meeting.

4. Discuss What Additional Data Are Needed For Form of Government Study

Time did not permit discussion of this topic and it was deferred to the next meeting.

Next Steps

The TGSC shall reconvene in the near future to hear Mr. Petrin's presentation, to ask questions arising from Mr. Lynch's and Mr. Petrin's presentations, and discuss both in detail.

Audience Participation

There were no members of the public present.

Next Meeting

The next meeting will be held in early March, deliberately soon after the current meeting as it is effectively a continuation. Mr. Simko will circulate a Doodle poll to set the date.

Adjournment

Meeting adjourned at 6.48 p.m.

Respectfully submitted,

Andrew McBrien, Clerk

Attachments

Appendix 1: Massachusetts Forms of Government - Presentation by Mr. Lynch to Town Government Study Committee.

Appendix 1: Massachusetts Forms of Government

Massachusetts Forms of Government

Presentation to Town Government
Study Committee

July 22, 2019



COMMUNITY PARADIGM ASSOCIATES, LLC

Presentation Overview

- Forms of Government in Massachusetts
 - Historical Perspective
 - Four Current Forms
- Review of Trends and Current Status
- Discussion

Historical Perspective

- Plymouth
 - Town Meeting
 - Moderator
 - Town Clerk
 - Board of Selectmen and executive authority
- Boston-the first City (1822)-Special Act
- Expansion of Municipal Government and the Long Ballot
 - Planning Function early 1900's
- Brookline-the first Representative Town Meeting (1915)
- Model City Charters (1915-)
- Norwood-the first professional management (1915)
 - Special Act Charters
- Home Rule Act
 - Local Control of Structure and Processes

The Four Basic Forms

- Open Town Meeting with Board of Selectmen and some Professional Management
- Representative Town Meeting with Board of Selectmen and some Professional Management
- Elected Council with Professional Management
- Elected Council with Elected Mayor

Open Town Meeting

- Uniquely New England
- “Perfect exercise of self-government” Jefferson
- Praised for its “sense of community” and tradition
- Role of Finance Committee
- Questions about its effectiveness in current-day
- Considerations
 - Complexities of government
 - Changing methods of citizen participation
 - Long debates often on the more minor issues
 - Limited to 1-3 times per year (Division of Annual Meeting)
 - Packing for Issues
 - Limited participation as a % of voters
 - New Hampshire S2

Representative Town Meeting

- Elected representatives by precinct
 - Achieves geographical representation
- Informed and responsible
 - Carry-over of information and of decision results
- Finance Committee
- Considerations
 - Effect on tradition
 - Lessened impact of interest groups
 - Appropriate size
 - General Attendance is higher
 - Competition for seats
 - Pool of Candidates
 - Impact on Citizen participation
 - Standing committees
 - Deliberative Body not Representative Assembly?

Council-Manager

- Most common form of government in US
- Retains Professional Executive
- Establishes clear line of executive and legislative functions
- Enforces unity of direction
- More timely action on issues
- Considerations/Variations
 - Citizen awareness of representative(s)
 - Council size
 - District and/or at large seats
 - Election of Council President
 - Any role for Select Board?
 - Any role for Town Meeting?

Council-Mayor

- Becoming a city
- 2nd most common form of government in US
- Creates Political Executive
- Establishes clear line of executive and legislative functions
- Risks unity of direction
- More timely action on issues
- Considerations/Variations
 - Citizen awareness of representative(s)
 - District and/or at large seats