

Call to Order

Committee Chair Mr. Stumpf called the meeting to order at 7:00 p.m. in the Third Floor Conference Room. The meeting was live cablecast.

Participants

Present were: Town Manager Andrew Flanagan; Town Counsel Tom Urbelis; Town Clerk & Chief Strategy Officer Austin Simko (ex-officio); Sheila Doherty (ex-officio); TGSC Committee members Sandy Stapczynski, Gail Ralston, Richard Fox, David Floreen, Paula Colby-Clements, Paul Cavicchi, Andrew McBrien, Dara Obbard, and Jon Stumpf; and Bernie Lynch and John Petrin of Community Paradigm Associates. There were no remote participants.

Opening Comments

Mr. Stumpf thanked Mr. Urbelis, Mr. Lynch and Mr. Petrin for attending the meeting

1. Approval of Minutes of Meeting of 9/25/19

Ms. Doherty moved that the minutes of the previous meeting be approved as written, Ms. Ralston seconded. The committee voted unanimously to approve the minutes.

2. Town Emails

Mr. Stumpf reminded the committee that town email addresses should be used for all committee business.

Ms. Colby-Clements has technical problems with her town email account. Mr. Simko will work with town IT to resolve the issue.

3. Briefing by Town Counsel

As is customary with any newly formed committee, Mr. Urbelis briefed the members on the law pertaining to Open Meetings and Conflict of Interest, and took questions from members. Key points raised are recorded below.

3.1 Open Meeting Law

All quorate meetings of the TGSC and of any of its sub-committees are subject to Open Meeting law. An agenda must be posted at least 48 hours in advance of the meeting. Time over weekends may not be considered to be part of the 48 hours. Minutes must be posted by the third subsequent meeting.

Every document received or created by the committee is a public record. This includes all emails. All deliberation by the quorum must be public, including emails sent to the quorum. Purely logistical emails, such as emails to schedule a meeting, are not considered deliberation. A document to be discussed at a meeting may be circulated, but members may not comment on the document before the meeting. Emails sent by one member to one member are not considered to

be sent to the quorum. However, if such an email were to be forwarded to another member, the email trail would constitute a forum.

Liaison meetings between members of the TGSC and members of other committees are not covered by requirements for open meetings provided that the meeting is purely to gather information and there is no deliberation.

Preparing an agenda is not a quorum.

3.2 Conflict of Interest Law

Members of the TGSC cannot participate in any discussion of any matter from which they, their family, a business with which they are associated, a trust of which they are a trustee, or similar, might gain financially. Mr. Urbelis' advice is that members should literally step out of a meeting if such a matter arises.

Members of the committee may not take bribes.

Mr. Stumpf stated for the record that all members of the TGSC have taken online training in Open Meeting law and Conflict of Interest law, and all have passed the associated examination.

Mr. Stumpf thanked Mr. Urbelis for his contribution.

4. Community Paradigm Associates

Mr. Flanagan explained that the Town has retained Community Paradigm Associates (CPA) as a resource to advise the TGSC, particularly on forms of government that the committee might consider. CPA bring extensive direct experience of all forms of government. Mr. Flanagan and the Select Board believe that it is critical that the TGSC can get answers quickly and easily from an objective source.

Mr. Lynch told the committee that CPA are looking forward to working with the TGSC. CPA have advised 55 communities and know people in many communities to make connections for us. CPA expect their main role to be to advise the TGSC on options for forms of government, and to provide guidance on possible approaches the TGSC might take in our study. CPA does not want to drive the process, and ask that the TGSC redirect them if the TGSC feel at any time that CPA are becoming invasive

Ms. Stapczynski noted that she has worked with CPA in the past and endorses the quality of their work.

5. Proposed Milestones

The TGSC agreed unanimously that we accept the four phases as laid out in the Agenda as an overall conceptual structure. In a broad discussion, the following clarifications were raised.

The TGSC will deliver recommendations. These recommendations will be considered by the Select Board, which will decide which to pursue as Articles for Town Meeting. During Phase 4, the TGSC will advise the Select Board and advocate for the recommendations that the TGSC has delivered. The TGSC should be expected to take a position on any Articles raised by the Select

Board (much like the School Committee expresses an opinion on any Article relating to the school system).

Members of the TGSC are free to raise private Articles if the Select Board decide that a recommendation is insufficiently important to pursue or if the Select Board take a contrary position on a recommendation. In practice, the TGSC will meet quarterly with the Select Board so that any differences are surfaced and resolved early.

Ms. Doherty reiterated her point from the previous meeting that the timescales as currently proposed might mean that the TGSC deliver our recommendations too late for Articles to be included in the Warrant for the May 2021 Town Meeting. A Special Town Meeting in Fall 2021 might be required. After discussion, it was agreed that a Special Town Meeting might be more appropriate in any case, so voters may focus on Articles arising from this study as the main issue before the meeting. It was noted that the timescales as laid out in the schedule are not yet fixed,

6. Clarification of Phase 1

The discussion quickly broadened beyond the specifics of planning Phase 1 as committee members used the opportunity to gather background information from CPA and to consider broad issues around the philosophy that the TGSC should adopt. The following themes ran throughout the discussions:

Mr. Lynch and Mr. Petrin told the committee that communities engage in studies of their government for many reasons. These include response to disquiet amongst their citizens; attempts to address specific issues; verification and/or course correction after a significant change in form of government; lack of clarity of the roles and/or authority of individual or branches of the government; concerns of corruption; and the view that the current form of government in a community is inappropriate given the community's size. On the last point, Mr. Lynch gave examples to show that each of the three forms of government permitted in Massachusetts are used in communities of all sizes. Ms. Stapczynski cautioned that many factors contribute to whether a form of government is appropriate for a given community, and that there can be some very subtle but important differences in what might appear to be the same form of government in two communities. Comparisons are indicative at best.

Members of the TGSC will each liaise with certain boards and committees to expedite information gathering. Uniform sets of key questions and standardized survey instruments should be developed so that all engagements are consistent.

While the committee should gauge the level to which the community have a desire and an appetite for change, the committee should not be constrained by this and should be willing to recommend changes that go beyond the gauged appetite if needed.

The committee should not start to consider forms of government until Phase 2. It would be premature to present options and alternatives to the community at this time. Rather, the information-gathering phase should focus on identifying problems that the community believes need to be solved.

The committee should adopt a framework based on two fundamental questions whenever any aspect of the Town's government is considered: "Is it efficient?" and "Is it representative?" Any detailed questions should be designed to provide the data to answer these questions.

Mr. Stumpf noted that this discussion was highly valuable, but asked that the committee returns to it in the next meeting. In the interim, the committee should focus on immediate next steps. It was

agreed unanimously that two sub-committees should be formed, one to consider outreach to the public, and one to consider information-gathering from Town committees, boards and officers. Each sub-committee will develop recommendations to be reported and discussed at the next full meeting of the TGSC. The sub-committees shall comprise:

Public outreach: Ms. Stapczynski, Ms. Ralston

Town boards: Mr. Floreen, Mr. Fox and Mr. Simko

CPA will support these committees by providing some examples of questions that have been used in other communities' studies.

Audience Participation

There were audience members, but no audience feedback.

Next Meeting

The next meeting will be held on October 22, 2019 at 5.00pm.

Adjournment

Meeting adjourned at 6:35 pm

Respectfully submitted,

Andrew McBrien, Clerk

Attachments:

Updated Town Governance Study Committee Schedule of Milestones