

**Town of Concord
Town Governance Study Committee**

Minutes of Meeting July 1, 2014

Committee Members Present: Sally Schnitzer, Chair; Elizabeth Akehurst-Moore, Pam Hill, Ned Perry, Tom Piper, John Stevens, Tom Swaim, Herb Wilkins and Carol Wilson

Committee Members Absent: Peggy Briggs and Paul Horwitz

Others Present: Carmin Reiss, Selectmen Liaison; Tony Logalbo, Finance Director; Anita Tekle, Town Clerk; Pat Nelson, Finance Committee Liaison; League of Women Voters Member Ardis Bordman; David Allen and Robert Grom

Ms Schnitzer called the meeting to order at 8:15 am in the First Floor Conference Room at 141 Keyes Road.

Announcements

None

Correspondence

Distributed with packet (included in documents listing at the end of these minutes).

Review of Minutes

On a **MOTION** made by Mr. Piper and seconded by Mr. Swaim, the minutes of June 10, 2014 were unanimously **APPROVED** with the following amendments:

- Page 4, paragraph “d”, last sentence: Delete the words following the phrase “basic government,” and replace them with the following: “...and we need to be mindful that gifts to the government can enable undue influence.”
- Page 4, vote towards the bottom: Delete the phrase “privatization of public spaces and functions and” so that the vote now reads:

That the Board of Selectmen consider developing a policy regarding public-private collaboration.

- Page 5, bottom: Delete the sentence beginning with “He felt these were useful exercises...” and substitute the following: “Mr. Piper felt that the exercise was helpful in assessing the adequacy of the governance system. For example, the accountability processes seem quite complete when the committee’s recommendations are considered in combination with the processes and practices already in place.”

Possible Additions and Amendments to Committee’s Recommendations

Clarify vote on gender-neutral language

Ms Wilson asked the group to review Chart 2, Recommendation #7 on gender-neutral language. When the Committee had first voted on this recommendation, three options were given and members were allowed to vote on all three. She felt the vote was misleading, and some would have voted differently if they had to choose and cast only one vote. After a brief discussion, it was agreed that the three options would be separated out, with members choosing between A & B, and then voting on C.

On a **MOTION** made by Ms Wilson, seconded by Mr. Wilkins, the following **VOTE** was taken:

Address gender-neutral language in the charter and other town documents – two possibilities were considered:

- a. Include a simple gender-neutral statement in the charter such as the following: In the charter, words in the masculine gender shall be interpreted to include the feminine gender.
- b. Re-write the charter to include his or her, or gender-neutral language throughout.

Three members voted in favor of Option A above, and five members voted in favor of Option B, with one abstention.

A **VOTE** was then taken on the following, which **FAILED TO PASS** (four in favor and five opposed):

To recommend that the Board of Selectmen consider changing its name to Select Board.

From the Outstanding Issues Chart: Green Cards, Diversity in Government, and Associate Members on Planning Board

Ms Schnitzer reminded the committee that after the public hearings in June, we have been working to address items that came up at the hearing and other “outstanding issues” identified on the chart in the packet. A few remain.

Diversity in Government The group discussed the suggestions made at the public forum, public hearing and in correspondence about increasing the diversity of those involved in governance, about exploring ways to energize and engage younger people to become involved in town government, and to explore ways to make Concord more visible for our immigrant community. It was noted that obtaining diversity on boards and committees sometimes requires going outside the green card system. While the green card system is actively used, it is not the only source of obtaining volunteers to serve on committees. It was agreed to include in the Report a statement that efforts should be made to increase diversity in government.

Another outstanding issue was whether associate members should be considered for the Planning Board. This was brought up in correspondence received, with the suggestion that due to the long learning curve, having associate members would provide more training opportunities for members. Mr. Wilkins noted that service on the Planning Board is a five-year term, which is already lengthy.

Consensus was reached that improvements should be made to the orientation of new members, rather than adding additional non-voting members.

Australian Ballot. Ms Schnitzer had done some additional research on the issue of Australian ballot, a summary of which was distributed with the packets. Included in this summary was information about New Hampshire and Vermont, as well as some Massachusetts communities that have some form of post-town meeting vote following selected town meeting votes. Some communities used this provision for bonded amounts over a certain level, while two communities provided for a “waiting period” following town meeting, during which time signatures can be gathered to bring the issue to the ballot. Ms. Schnitzer pointed out that her research was not exhaustive, but that it was of interest that these towns had received legislative approval for some limited ballot after town meeting.

Mr. Perry proposed that, as an alternative to the “super petition” article, which had received a 6-5 vote at the June 10 meeting, the Board of Selectmen consider special legislation to set up a system like that of the two towns with a post town meeting waiting period.

Mr. Perry moved that the Special legislation suspend the operation of ANY vote taken at town meeting for ten days after the dissolution of town meeting (except a vote to adjourn or a vote to authorize the borrowing of money in anticipation of the current year’s tax revenue). Within that ten-day timeframe, a petition signed by more than 10% of the town’s registered voters shall trigger a question on the next regularly scheduled town-wide vote, with a majority vote needed to pass. This would be a referendum available to endorse or override an affirmative or negative action of Town Meeting.

There was no second.

At 8:50 am Mr. Allen arrived and began to record the meeting.

Ms Schnitzer explained that since support for the “super petition article” proposal was somewhat lukewarm at the last meeting, she had felt that further research was warranted. She thought that a proposal similar to something already in practice in the state might be easier to pursue. Mr. Wilkins noted that this is a complicated subject to be considered carefully, and the Committee should not try to spell out the details. Ms Hill suggested that this item be placed on the agenda for consideration at the next meeting. Mr. Piper felt that if the Committee intends to make this proposal, that the details should be worked out; otherwise, he felt it would be a proposal that will not be implemented.

Mr. Perry remarked that the Committee is on record as supporting the “super petition article,” and he is proposing this as an alternative where the article goes to Town Meeting first, prior to going to the ballot. Mr. Wilkins remarked that the issue is too complicated. He asked that the group revisit Chart 3, Item #13 (“Super Petition Article”) and suggested deleting the second sentence. After some discussion, consensus was reached to delete the second sentence so that the proposal would now read:

BOS discuss the possibility of a Special Act to create a new, binding ballot vote procedure as an alternative to the current non-binding petition procedure and the current citizen petition article at Town Meeting. Specific language outlining the procedures and criteria for implementation for the Special Act would need to be developed for Town Meeting consideration.

Remaining Priority Assignments on Chart 3 The group voted on priority assignments for the remaining unprioritized items on Chart 3, as follows:

Item	High	Medium	Low
#3—Budget Bylaw	9		
#7—Periodic review of Long Range Plan	6	3	
#13—Binding ballot vote procedure alternative	2	2	5
#23—“Explaining Town Government” interactive electronic document	2	7	
#36—Policy on public-private collaboration	7	2	

Mr. Swaim thanked Ms Schnitzer and Ms Tekle for compiling the information about the Australian ballot, which was informative.

Relationship between Town Manager & Board of Selectmen—shift in balance of power over time

Ms Wilson asked whether the Committee’s recommendation would be included in the chart. It was noted that the Committee is recommending that the duties and responsibilities of the BOS and Town Manager be updated if and when the charter is amended, which will clarify the respective roles over time. So there would be no need to add a separate item to the recommendations.

Consideration of Approval of Draft Letters to Moderator and School Committee

The Committee reviewed the draft letter to the Moderator, which discussed issues related to town meeting. Several changes were suggested. Ms Schnitzer agreed to re-draft the letter and bring it back to the Committee for approval at the July 15 meeting.

Some minor changes were made to the draft letter to the School Committee Chairs. On a **MO-TION** made by Ms Wilson and seconded by Ms Akehurst-Moore, it was **UNANIMOUSLY VOTED** to approve the draft letter to the School Committee Chairs, as amended. This letter may be sent.

Upcoming Meetings

Ms Tekle will update the three charts to reflect the votes of July 1 and distribute them. They will be considered for approval at the July 15 meeting. The draft final report will be available for distribution prior to the July 15 meeting, and the review of the report will start at the July 15 meeting, with final approval anticipated for the July 29 meeting.

Ms Hill asked whether the group was planning to meet with our elected State Representative and State Senator. After a brief discussion, it was agreed that the nature of the Committee’s recommendations is mostly administrative, and a meeting with our elected officials would not be needed at this time.

Citizen Comments

Mr. Grom supported the removal of specific gender references whenever possible. He noted that there are very few public attendees at committee meetings that he has recently attended (Selectmen, School Committee, Finance Committee and TGSC). He suggested that more meetings be recorded and made available for electronic retrieval.

Mr. Allen asked who would provide the detail to the Committee's recommendations if this is not done by the TGSC itself. He felt that the value of the recommendations is in the details. Ms Bordman noted that it is more than just a few citizens who are concerned about issues with the School Department. Transparency and expense issues continue. She noted that the League of Women Voters has asked the Finance Committee to televise its meetings.

On a **MOTION** made by Ms Wilson and seconded by Mr. Swaim, it was **VOTED** to adjourn the meeting at 9:47 am.

Respectfully submitted,

Edward N. Perry
Clerk

Documents consulted or reviewed at meeting:

- Correspondence to Chris Whelan from the Concord Business Partnership (dated 6.11.14)
- Chart 1—TGSC Recommendations for No Change (revised 6.26.14)
- Chart 2—TGSC Consider Recommending Charter Change (revised 6.26.14)
- Chart 3—Non-Charter Changes & Implementation (revised 6.27.14)
- Status Update on Outstanding Items for TGSC (updated 6.27.14)
- Information on the Australian Ballot compiled by S. Schnitzer & A. Tekle (6.27.14)
- Draft letter to Town Moderator prepared by S. Schnitzer (6.27.14)
- Draft letter to School Committee Chairs prepared by S. Schnitzer (6.27.14)
- Proposal from Mr. Perry on alternative to "Super Petition Article"