

**Town of Concord
Town Governance Study Committee**

Minutes of Meeting July 15, 2014

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

Committee Members Absent: Paul Horwitz, John Stevens and Tom Swaim

Others Present: Carmin Reiss, Selectmen Liaison; Tony Logalbo, Finance Director; Anita Tekle, Town Clerk; League of Women Voters Member Nancy Cronin; David Allen and Robert Grom

Ms Schnitzer called the meeting to order at 8:20 am in the First Floor Conference Room at 141 Keyes Road and noted that David Allen was recording the meeting.

Announcements

None

Correspondence

The July 9th letter sent to the Chairs of the Regional School Committee and Public School Committee was distributed in the packet. Ms Schnitzer noted that Mr. Allen had sent an email on July 14 with a link to his website, where he has placed some information about the TGSC's efforts. Both Ms Tekle and Ms Schnitzer were unable to open the link as provided. Ms Tekle has asked the Town's IT Department to review the link before it is distributed to Committee members.

Review of Minutes

On a **MOTION** made by Ms Wilson and seconded by Mr. Piper, the minutes of July 1, 2014 were unanimously **APPROVED** with the following amendment:

- Page 1, 1st bullet under "Review of Minutes," delete the current bullet and substitute the following: 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."

Draft Final Report

Ms Schnitzer announced that a draft final report had been prepared by the chair and Ms. Tekle for the consideration of the Committee, and would be distributed at the end of the meeting. Members were asked to review the draft, which will be discussed at the July 29 meeting.

Final Vote on Package of Recommendations

The group reviewed Charts 1, 2 and 3. On Chart 1, minor changes were made in the capitalization and some extraneous words were deleted. On Chart 2, the title was changed, along with minor changes in capitalization and presentation of the vote taken under Item #7. The group discussed Item #8, which was whether to include an ethics statement in the charter (previously voted 5 to 5). Mr. Piper emphasized the difference between compliance and an integrity statement, noting that many of the comments the Committee has heard over the past year related to ethics, integrity, and openness in government. Both Mr. Perry and Mr. Wilkins noted that the tie vote should not be interpreted as being opposed to ethics—the dissenters just did not support including an ethics statement in the charter.

Mr. Piper read an ethics statement (based on one adopted in the Town of Groton), which he suggested as an example. It was agreed to delete Item #8 from Chart 2 (since it had not received a majority vote). On a **MOTION** made by Mr. Piper and seconded by Ms Akehurst-Moore, the following was **UNANIMOUSLY VOTED**:

To recommend that the Selectmen consider adopting a statement on ethics.

It was unanimously agreed to include this as a new Item #2 in Chart 3, with seven members voting for assigning a high priority, and one voting for a medium priority. The group agreed to change the headings on Charts 2 and 3, and made several changes in capitalization and minor word changes.

Mr. Perry reported that he had received a request that the TGSC consider recommending that the Selectmen consider adopting a policy supporting and encouraging bequests to be left to the Town. After a brief discussion, the group agreed that the issue had not been previously discussed, and the Town has an existing gift policy and a long history of the Trustees of Town Donations managing bequests left to the Town.

On Item #12, it was agreed to change the wording to read as follows:

Recommend that the Selectmen consider using a statistically reliable survey to gain better data about voter satisfaction with and suggestions to improve town meeting.

On Item #13, several asked for a clarification of what is being recommended. It was noted that the language was intentionally vague as to whether a binding ballot vote would eliminate town meeting involvement and go straight to the ballot, or whether it would be held before or after town meeting. The vote on this had been 6 to 5. The question was raised whether this recommendation would gain more support from the TGSC if it were written to specify that there would be a discussion and vote at town meeting, followed by a ballot vote. Some members spoke against being more specific as to provisions, and in fact, recommended that the language be made less specific. Ms Schnitzer noted that Vermont and New Hampshire have statewide processes that provide for binding ballot votes, while Massachusetts does not provide for binding citizen-initiated ballot votes on a local level. The distinction was made between an Australian ballot system (where town meeting votes are subsequently approved/disapproved on a ballot) and a binding citizen ballot petition (which might or

might not be drafted to require it to first come to town meeting). Ms Hill suggested that there was merit in keeping the issue vague and more open for the Selectmen to work out the details.

The following substitute language was suggested and **UNANIMOUSLY VOTED** for Item #13:

Recommend that the Selectmen discuss the idea of a Special Act to allow for a local binding vote.

On a **MOTION** made by Mr. Perry and seconded by Mr. Wilkins, the following was **UNANIMOUSLY VOTED**:

to adopt Charts 1, 2 and 3, as revised as the package of recommendations by the Committee.

Further Consideration and Approval of Draft Letter to Moderator

The Committee reviewed the revised draft letter to the Moderator, making several minor edits. The last paragraph was changed to reflect the Committee's amended recommendation on a binding ballot petition. It was also agreed to add a closing paragraph. On a **MOTION** made by Ms Briggs and seconded by Mr. Piper, it was **UNANIMOUSLY VOTED** to send the letter as revised.

Thoughts from the Committee on Wrapping Up Its Work

Ms Hill inquired about the process of delivering the final report to the Selectmen. Ms Reiss indicated that she would like to have an opportunity for the full TGSC to have a discussion with the Selectmen about its findings and recommendations, after the Selectmen have an opportunity to read the report. Because of the many views represented on the TGSC, she felt such an opportunity would be welcomed by the Selectmen, perhaps later in the fall. Ms Reiss agreed to discuss the process with the Selectmen and get back to the Chair.

Mr. Perry mentioned that the Town of Westford has a gathering at Kimball's once a year, which provides an opportunity for residents and public officials to talk about town issues. He suggested that something like this might be considered for Concord, following delivery of the final report to the Selectmen.

Ms Schnitzer asked for member thoughts on wrapping up the Committee's work, and asked if there were any outstanding issues. Several members thanked Ms Schnitzer and Ms Tekle for their considerable effort on behalf of the Committee. Mr. Perry noted that he has requested permission to participate remotely at the July 29 meeting. He felt that working with the TGSC has been terrific, and he applauded those in the audience who have attended and participated.

Ms Wilson noted that when she met with the Concord Business Partnership (CBP), two concerns were raised. One has been addressed in the recommendations made for additional training of board and committee members, and for appointing authorities to consider ways to broaden the search for committee members. The second concern relates to the Town's responsiveness to business concerns, and the CBP intends to open a dialog with the town manager about the appointment of an ombudsman, and to find ways to streamline the permit application process.

Mr. Wilkins enjoyed being part of the Committee. Mr. Piper felt that serving on the Committee was an interesting opportunity. Ms Hill liked Mr. Perry's idea of a "town fair" and felt that having it on public space would be important. Ms Akehurst-Moore noted that this Committee was her first venture into municipal government, and she feels that she has been spoiled by having the bar set so high.

Citizen Comments

Ms Cronin suggested that a column be added to Chart 3 indicating the plurality of the Committee's vote, as has been done on Charts 1 and 2. She also asked for a clarification of the footnote that appears on Chart 3 but not Charts 1 and 2.

Mr. Grom felt that a citizen survey would be important, and hoped that it would be structured to provide for the maximum number of returns. He suggested that it be available in both electronic and paper format. Mr. Logalbo noted that if the Committee wishes to have a statistically reliable survey, then it cannot be dependent on random responses. In the past, the survey has been done by a professional survey firm that uses a statistically reliable and demographically diverse sample. Mr. Grom suggested that perhaps two different surveys be considered.

Mr. Allen expressed concern that the link to his web site had not yet been distributed to members. Both Ms Schnitzer and Ms Tekle explained that it was being reviewed by the IT Department since a virus warning had appeared, and it would be distributed once it had been cleared. He offered to sit down with any member who wished to view it. He noted that the contents are for the Committee members' consumption at this point, but will be made more public in the near future.

Ms Cronin thanked the Committee members personally and on behalf of the League of Women Voters for their thorough work, and offered particular thanks to Ms Schnitzer and Ms Tekle.

On a **MOTION** made by Mr. Piper and seconded by Ms Akehurst-Moore, it was **VOTED** to adjourn the meeting at 9:59 am.

Respectfully submitted,

Edward N. Perry
Clerk

Documents consulted or reviewed at meeting:

- Letter sent by Chair to School Committee Chairs (dated 7.9.14)
- Chart 1—TGSC Recommendations for No Change (revised 6.26.14)
- Chart 2—TGSC Consider Recommending Charter Change (revised 7.9.14)
- Chart 3—Non-Charter Changes & Implementation (revised 7.9.14)
- Draft letter to Town Moderator (revised 7.1.14)
- Draft Final Report—Process proposed by Chair (dated 7.15.14)
- Draft Final Report with Table of Contents (dated 7.14.14)