



# **NORTON CHARTER COMMISSION**

## **Final Report**

October 22, 2020

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## INTRODUCTION

The Norton Charter Commission unanimously recommends the following new Town Charter to the voters of Norton for consideration at the April 2021 election.

In April of 2019, Norton voters overwhelmingly approved the formation of a Charter Commission by a 4-to-1 margin and elected nine representatives of the Town to serve. The Charter Commission process is governed by Massachusetts General Laws chapter 43B. It is important to note that this process is the **only local process available to change the form of government**, other than a special act of the Legislature. The Commission's mandate was to review and consider changes to the Norton Town Charter for the benefit of the entire community.

The proposed Town Charter is the product of 39 open meetings (representing over 90 hours of information gathering, discussion and deliberation), two public hearings, and the input of members of the community, Town officials and employees. In fact, the great majority of the Commission's time has been spent listening to ensure that recommendations address specific needs and concerns of the community.

The culmination of this process is a unanimous recommendation that Norton adopt a Town Council form of government.

The final step in this process lies in your hands. In April 2021, you will be asked a simple Yes or No question in the form provided for by law: "Shall this town approve the charter revision recommended by the charter commission summarized below?"

## CORE CONCERNS

The changes the Commission recommends address the core concerns of Town residents. During Commission interviews, and through public survey and hearings, members heard loud and clear some of the things that the Town is getting right and should continue. For example, residents told the Commission:

- Town employees are dedicated, accessible, and provide positive experiences for residents, despite a limited budget.
- Norton has great citizen volunteers who are dedicated to their work and the Town should continue to encourage their participation (and recruit new volunteers).
- Many residents appreciate the amount of communication being distributed through Norton Alerts, social media and the Norton Media Center.

But residents also told the Commission that the Town can significantly improve in other areas. The concerns that were raised reflect common themes, which became the guide in developing a path forward for Norton.

The three most consistent areas of concern the Commission heard include:

### **1. Communication, Accountability and Transparency**

- Persons were concerned that Town departments don't share enough or timely information to residents, frustrating their preparation for annual and special Town meetings.
- Residents reported that the budget process is routinely rushed with last minute meetings and changes. This effectively eliminates appropriate checks and balances and makes it impossible for the average voter (that is, members of the legislative branch of Town government) to make informed decisions.
- Many suggested that there is mistrust and friction between residents and some government departments and boards, and also between some government boards and departments. Lack of publicly-available policies and procedures causes misunderstandings and contributes to this friction, hindering efficient action.

### **2. Government**

- The majority of respondents want to see a change from Town Meeting form of government.
- It was reported that residents feel that Town Meeting is not accessible to everyone due to work, family or other scheduling conflicts, lack of transportation, or other burdens. There is further concern that this reduces effective citizen participation.
- Concerns were raised that the Town Meeting format delays responses to the needs of residents and businesses and that this delay negatively impacts economic growth and can be costly to the Town.

### **3. Effective Planning/Goal Setting**

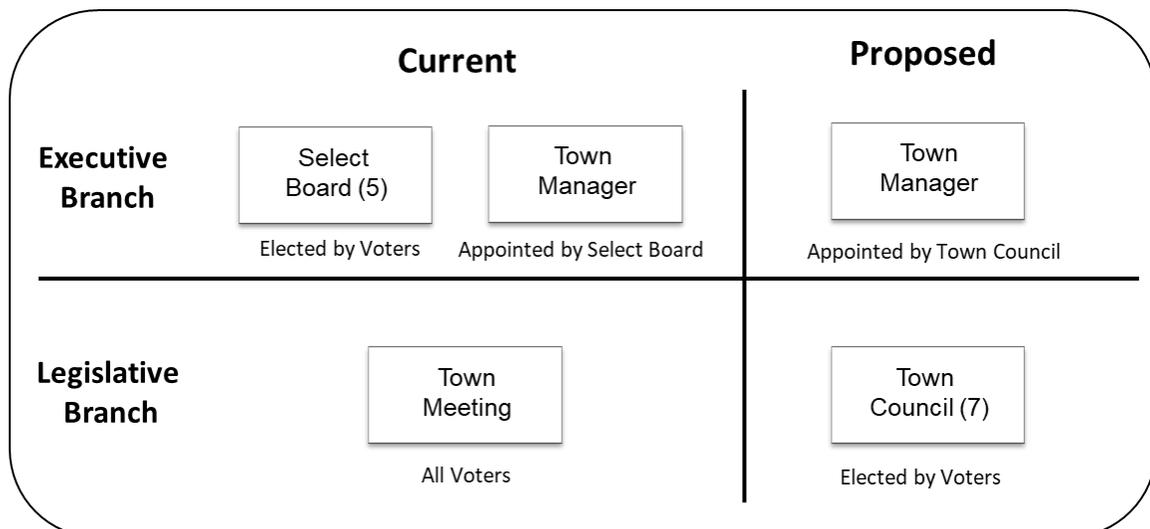
- The lack of strategic planning was an overarching theme and encompassed several different areas, including, for example, budget planning and development, comprehensive and forward-looking zoning, land development, and infrastructure improvements.
- Respondents suggested that there is a need for stronger leadership to coordinate the longer-range goals and comprehensive Town planning.
- Persons stressed that there should be more collaboration and communication among departments and volunteer boards in setting and achieving priority goals.
- Comments were made that the Town should more efficiently use personnel and equipment across departments.

In addition to hindering efficient government services, there was concern that this combination of issues may contribute to voter apathy, leading to low voter turnout and less interest in serving on volunteer boards and commissions. Commission members believe the new Charter will energize voters to become more involved and increase overall citizen participation.

## HIGHLIGHTS OF CHARTER COMMISSION RECOMMENDATIONS

Based on the information the Commission gathered, the members unanimously recommend a new Town Charter that will:

- **Change the form of government from Town Meeting to a Town Council.**
  - The change to a Town Council form of government allows for more efficient and timely responses to Town needs by providing regular opportunities for the Legislative body to meet and vote on issues.
  - Norton voters will elect seven at-large Town Councilors to serve as the Town’s legislative branch of government. The manner of electing Councilors was the subject of much discussion and deliberation. Ultimately, the Commission decided that at-large representation provided the most accountability for the Council by allowing each voter to have a say in choosing every Councilor who will represent them. Additionally, the Commission feels it will maximize the quality of candidates and choices available to residents.
  - Town Councilors will serve for staggered terms of three years.
  - This change eliminates the position of Town Moderator.
  - The current Finance Committee will be replaced with a standing committee of the Town Council, to be known as the Finance or Ways & Means committee.
  - The Town Council will appoint a Town Manager and a Town Accountant and will confirm the Town Manager’s hiring of certain Department Heads and appointments to multiple member bodies (volunteer boards).
  
- **Retain a strong Town Manager, appointed by the Town Council, to run the day-to-day operations of the Town.**
  - The new Town Charter consolidates the current executive branch power of the Select Board/Town Manager into the Town Manager position. This position will provide for the strong leadership for long-range planning and efficient collaboration among Town departments and communication with Norton residents.
  - The Town Manager will appoint all Department Heads—some with confirmation of the Town Council. Before appointing Department Heads that support volunteer boards, the Town Manager will consult with those boards.
  - The Town Manager will also make all appointments to volunteer boards, subject to confirmation by the Town Council.



- **Provide a framework to create a new Department of Public Works.**
  - The new department would consolidate existing Town departments (including water, sewer, and highway, among others), making public works services more effective and efficient.
  - The Town Council would have the policy and rate-setting authority of the Board of Public Works. Responsibility for the day-to-day operation would lie with a Director appointed by the Town Manager.
  - This change eliminates a separately-elected Water and Sewer Commission
  
- **Lay out a budget process that emphasizes clear communication and collaboration across Town government.**
  - The budget process will start earlier in the fiscal year, and will include required collaboration among the Town Manager, Town Council, and School Committee.
  - The budget proposal will include a narrative description of important budget features to make sure residents can understand the goals, priorities, and financial position of the Town.
  - Before voting on the final budget, Town Council will hold a public hearing – a minimum of 14 days prior to which the final proposed budget and budget message will be made available to review.
  
- **Establish procedures for new direct citizen participation in Town governance.**
  - The new Charter includes a process for a Citizen Petition (requesting a public hearing on a specific issue), an Initiative Petition (requesting the Town Council approve something specific), Referendum (reconsidering a matter the Town Council has approved), and Recall of elected officials.
  
- **Transition the Housing Authority from an elected position to appointed.**
  - Given the critical, non-political nature of the Housing Authority, and as is customary for Massachusetts towns with Town Council forms of government, the Commission decided to transition the Housing Authority to an appointed multiple member body. The Commission believes this change may elicit more interest from residents in being seated on the Authority.
  - All other elected boards, commissions, and committees will remain elected (aside from the Select Board and the Water and Sewer Commission, which will be eliminated).
  - All appointed boards, commissions and committees will remain appointed.
  - All members of elected and appointed committees will retain their existing terms and composition. After a lengthy discussion about the role of alternates on various committees, the Commission decided not to include this within the Charter itself. However, the Commission recommends that each multiple member body with the authority to appoint alternates consider its needs and then outline the role and responsibilities of those positions.
  
- **Provide for a smooth transition from the current form of government to the new one.**
  - A Transition Committee will provide guidance and direction during the transition to the new format and ensure government continues to operate effectively.

A detailed summary of the New Town Charter starts on page 8.

## CHARTER CHANGE PROCESS

In recommending the adoption of a new form of government, the Charter Commission wants to emphasize that it is unusual for a Town Charter to remain unchanged over decades. A Charter must be adapted to reflect the inevitable changes of its Town and respond to the needs of its residents. Norton voters elected a diverse group of residents to consider those changes and make appropriate and necessary recommendations based on the Town's current needs.

It is also expected that the new Town Charter, if approved, will need to be updated over time to address the evolving needs and matters of importance to Town residents. However, April 2021 is your chance to change the legislative form of Norton's government from Town Meeting to Town Council.

While Massachusetts towns are permitted to change their charters, the type of change dictates the process to accomplish that change. Significant changes, such as those relating to the "composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager," can be proposed by an elected charter commission, such as this one, or by the legislative body of the Town, such as Town Meeting or Town Council, and approval by the Massachusetts General Court, typically with "voter approval" required at an election. However, less significant changes to any other provisions of the Charter can be accomplished by a 2/3 vote of the legislative body, review by the Attorney General, and approval by the voters at an election.

## EFFECT OF THE NEW CHARTER ON PROPOSITION 2 ½

The Commission heard several concerns from residents about the new Charter's effect on the property tax override process ("Proposition 2 ½"). The Commission would like to make clear that the new Charter **does not and cannot change the Proposition 2 ½ process**. That process is governed by a separate Massachusetts statute—Massachusetts General Laws chapter 59, §21C. Under that law, the question of a tax override, debt exclusion or underoverride must always be presented on a ballot for approval by the voters, regardless of the form of government.

## FURTHER THOUGHTS

During the Charter review process, the public consistently and urgently raised important concerns that simply are not within the Commission's scope to address within the Charter or which members felt were better left to Town Council and other offices to address outside of the Charter. Nevertheless, members felt it was important to validate that they were heard and acknowledged. These concerns include but are not limited to the need for:

- A Human Resources department;
- An IT department;
- An on-staff Engineer;
- Improved overall communication regarding meetings, issues, projects and services; and
- Increased economic development (including a desire to make it easier to bring businesses to Norton).

While the Charter Commission cannot directly address these particular areas of concern within the New Town Charter, members do recommend the formation of a Transition Committee. This

Committee will include several members of the Charter Commission, among others, to ensure these concerns are considered moving forward.

Additionally, a valuable suggestion was made that the Town provide opportunities for young people to participate in Town government. As the Town Charter is simply a framework document, the Commission felt this was better addressed by the Town Council or Town Manager. We urge all officials and multiple member bodies to meaningfully explore ways to make our Town government more accessible to young people, in order to engage them in important Town decisions and planning.

Finally, the Norton Town Charter should be a dynamic and “living” document. This new Charter is a starting point. Norton residents should regularly assess the needs of the Town, including its staff, volunteer boards, committees and commissions, residents and businesses, and recommend changes to the Charter, when needed.

## **NEXT STEPS**

You, Norton voters, must now decide whether to adopt the proposed Town Charter by voting in April 2021. The Charter Commission was elected to identify and design a path forward for the Town of Norton, to modernize Town government, and make it work for more Norton residents. To address the concerns identified during this monumental process, the Commission proposes significant changes to the way Norton does business and provides services, while preserving and expanding opportunities for citizen participation.

For more information about the Charter Commission, our statutory mandate and the Charter review process, please visit us at <https://www.nortonma.org/Charter-commission>.

## THANK YOU

We, members of the Norton Charter Commission, have been honored to serve the Town of Norton for the last 18 months. We want to take this opportunity to again thank all the Town officials, volunteers and residents who participated in the Charter review process. We appreciate the time you took to attend our meetings and provide crucial feedback about Norton Town government, your experience providing or receiving Town services, and your concerns about and hopes for our community. We also want to thank Michael Dutton, Town Manager of Bridgewater and William Keegan, Jr., Town Manager of Foxborough, for sharing their experiences and providing an important outside perspective.

We are especially grateful to Town Attorney Lauren Goldberg for her invaluable guidance through this process. Thank you also to Shane Bricault and the rest of the staff at Norton Media Center for expertly managing the technology that kept us running and protected public participation during challenging times.

And finally, thank you to the residents of Norton for their continued support.



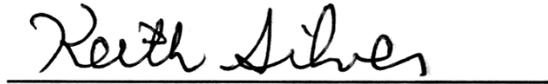
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## Town Charter – Executive Summary

### Article I. Incorporation and Authority

This article is an overview of the source and extent of the Town's powers and responsibilities:

- Town Council will exercise legislative powers of the Town government.
- Town Manager will exercise executive powers of the Town government.
- The article defines key terms used in the Charter.

### Article II. Legislative Branch

This article identifies the authority and responsibilities of the Town Council:

- Voters will elect seven at-large Town Council members to replace Town Meeting in the exercise of the Town's legislative powers (that is, lawmaking powers).
- Town Council members will serve for staggered terms of three years.
- The Town Council will organize itself with the election of a Council President and Vice President each year.
  - The Council President will
    - Serve as the head of the Town for ceremonial purposes;
    - Preside over the Council;
    - Appoint members and officers of council committees (for example, Finance or Ways & Means committee, by-law committee);
    - Present an annual state of the Town message (jointly with the Town Manager);
    - Call for an annual public hearing for the Council to receive public input on policy priorities;
    - Schedule at least two meetings each year with the School Committee; and
    - Perform any other duties identified in the Bylaws or approved by Town Council.
  - Council Vice President will:
    - Act as president during the absence or disability of the Council President; and
    - Assist the Council President as needed.
- Town Council will serve as the Board of Public Works. The Board will exercise the statutory powers granted to road commissioners, highway surveyors, superintendent of streets, water commissioners, sewer commissioners, cemetery commissioners, tree wardens, moth superintendent and forestry departments.
  - These are policy-making and rate-setting powers. The day-to-day operations of the Department will be the responsibility of a Director, under the supervision of the Town Manager.
- Town Council will appoint the Town Manager and the Town Accountant.
- Town Council will confirm certain Department Heads and all members of multiple member bodies (volunteer boards) appointed by the Town Manager.
- Town Council will serve as the local licensing authority (or may appoint a separate licensing board).
- Town Councilors may not hold any other Town office or position (except a member of an elected Charter Commission or in an unofficial capacity) while on the Council. Generally,

no former Councilor may hold a compensated position within Town government for one year after leaving the Council.

### Article III. Elections, Recall and Elected Officials

This article identifies elected officials and election procedures.

- Voters will continue to elect a Board of Assessors, Planning Board, School Committee, and other regional authorities or districts that may be established. (Details about these boards may be found in Sections 3-7 through 3-10.)
- No person shall hold more than one elected Town office (except a position on an elected Charter Commission)
- Any elected official who has been in office for at least six months may be recalled by the voters. (The procedures for doing so may be found in Section 3-6.)

### Article IV. Town Manager

This article outlines the authority and responsibility of the Town Manager.

- The Town Council will appoint the Town Manager by a vote of the majority of the full Town Council.
- The Town Manager is the chief executive officer of the Town, and responsible for carrying out the day-to-day operations of the Town.
- The Town Manager is responsible for:
  - Appointing Department Heads and multiple member bodies (for example, volunteer boards, committees and commissions such as the Zoning Board of Appeals, Conservation Commission, etc.);
  - Appointing the Town Clerk, Town Attorney and other officers and employees (other than those in the School Department);
  - Overseeing Town personnel (including hiring, removing, personnel policies and setting compensation levels);
  - Making an annual report of the financial and administration activities of the Town;
  - Preparing an annual budget and long-range plans for financial and capital needs of the Town; and
  - Negotiating contracts and paying bills.

### Article V. Administrative Organization

Departments and agencies may be created or eliminated through Bylaws approved by the Town Council or by administrative changes made by the Town Manager and approved by the Town Council. In either case, at least one public hearing will be held on any proposed change.

### Article VI. Financial Management

This article describes the budget process and capital improvements program of the Town.

- The budget process includes the following:
  - Town Manager will gather budget requests from Town Department Heads by December 31<sup>st</sup>;
  - Council President will hold a joint meeting of the Town Council, School Committee and Town Manager by mid-January;
  - The Town Manager will submit a proposed budget by mid-February;

- The Town Manager will include a budget message which explains the budget in narrative form understandable by the general public; and
- The final budget and budget message will be submitted to the Town Council in April. The Town Council will then hold a hearing and will adopt the budget with or without amendments. Amendments may only reduce expenditures, not increase them.
- Supplemental and Emergency spending may be taken up at any time during the year.
- The Town Manager will prepare a capital improvements program.
  - The Town Manager may appoint a capital improvements committee to assist with the program; and
  - The program will include any expenditure to be funded by permanent borrowing; purchase of property; and construction or renovation of buildings, water and sewer facilities, streets or bridges, and purchase of equipment or vehicles, the cost of which exceed an amount set by the Town Council.
- The Town Manager will prepare a 5-year financial forecast of Town revenue.

#### Article VII. Citizen Participation Mechanism

This article describes the process for Citizen Petitions, Initiative Petition, and Referendum, and identifies those matters exempt from these procedures.

- Citizen or Free Petition (Section 7-1) allows registered voters to petition the Town Council or School Committee to hold a public hearing on a specific issue.
- Initiative Petition (Section 7-3) allows registered voters to request the Town Council pass a specific measure. If the Council does not, the measure may be placed on the ballot for a vote by Town residents through a supplemental petition process.
- Referendum (Section 7-4) allows registered voters to stop the implementation of a measure passed by the Town Council and direct the Council to reconsider it. If the Town Council does not rescind the measure, it may be placed on the ballot for a vote by Town residents.

#### Article VIII. General Provisions

This article outlines the general responsibilities of volunteer boards, the procedures for reviewing this Charter from time to time, and how to interpret the Charter in connection with the Bylaws and state laws.

#### Article IX. Transitional Provisions

This Article outlines the transition from our current form of government if the proposed new Town Charter is approved by Norton voters. The transition includes:

- Creation of a Transition Committee to immediately identify and prioritize issues that need to be addressed to ensure a smooth transition;
- Continuation of existing Bylaws (so long as they are not inconsistent with the new Charter provisions);
- Continuation of existing government until Town Council is elected in July 2021;
- Continued employment of Town personnel; and
- Transition of Town Manager position to that of Acting Town Manager until the Town Council is elected and formally appoints a Town Manager.

# Town of Norton Proposed Organization

