



TOWN OF NORTON CHARTER COMMISSION

Norton Media Center

Monday, February 10, 2020
7:00 P.M.

Town Clerk Date/ Time Stamp

RECEIVED
NORTON TOWN CLERK
2020 JUN -4 P 12:03

~MINUTES~

1. Call to Order: Roll Call, Ask / Announce Recording, Pledge of Allegiance

The February 10, 2020 meeting of the Charter Commission was called to order at 7:00 PM, by Ms. Laura Parker, Chair.

Members Present: Mr. Dave Heaney, Ms. Denise Luciano, Ms. Sandy Ollerhead, Mr. Kevin Schleicher, Mr. Keith Silver, Ms. Kerry Snyder, and Mr. David Wrenn.

Participating Remotely: Ms. Janey Goodwin

2. Public Comment – Open forum

No members of the public wished to speak.

3. Acceptance of prior meeting minutes

A motion was made by Ms. Snyder to accept the minutes of January 27, 2020. Second by Mr. Schleicher. Vote: Mr. Heaney - abstain; Ms. Ollerhead - yes; Mr. Wrenn - yes; Mr. Silver - yes; Ms. Snyder - yes; Ms. Luciano - yes; Mr. Schleicher - yes; Ms. Goodwin - yes; Ms. Parker - yes. MOTION CARRIES.

4. Discussion of administrative items:

a. Upcoming changes of venue

All February meetings will be held at the Norton Media Center and meetings in March will be held at the Norton Public Library.

b. April 20th availability

The April 20th meeting will be changed to April 13th due to the school vacation.

c. May 18th rescheduling

The meeting on May 18th will instead be held on May 19th. Ms. Parker will work on finding a location for the meetings in April and May.

5. Discussion and potential vote(s) of Charter elements:

a. Remaining decisions pertaining to the Legislative Branch

• Elected by precinct, at large or combination of both

Motion was made by Mr. Heaney to have town council members elected entirely at large. Seconded by Mr. Schleicher. Vote: Mr. Heaney - yes; Ms. Ollerhead - yes; Mr. Wrenn - yes; Mr. Silver - no; Ms. Snyder - no; Ms. Luciano - no; Mr. Schleicher - yes; Ms. Goodwin - no; Ms. Parker - yes. MOTION CARRIES.

• Number of members

Motion was made by Mr. Schleicher to accept the town council membership body of seven. Seconded by Ms. Luciano. Vote: Mr. Heaney - no; Ms. Ollerhead - yes; Mr. Wrenn - yes; Mr. Silver - yes; Ms. Snyder - no; Ms. Luciano - yes; Mr. Schleicher - yes; Ms. Goodwin - yes; Ms. Parker - yes. MOTION CARRIES.

Ms. Goldberg explained that anytime there is an attempt to shift power assigned by state law, that needs to be indicated in the charter. The only part of that section of our charter that she felt was unusual was the line that gave the Board of Selectmen the ability to rescind any action taken by the town manager within 30 days. Some of the things that a town manager does are effective immediately and to undo them after a particular period of time would impact the rights of third parties and so wouldn't even be possible. Other than that, she didn't find anything unusual. She did state that the long specific list included under appointing authority wasn't necessary. One duty that was missing from that section of the charter was language pertaining to the authority of the town manager to enter into contracts. She suggested there could be a dollar amount below which the council doesn't need to approve contracts but can still get a report from the town manager. She also indicated that it is common to include in charters who signs warrants for payment.

Ms. Goldberg suggested looking at the appointing authority and deciding whether to make any subject to the approval of the council. Also, she advised looking at the duties of the Board of Selectmen and deciding whether those duties should go to town manager or town council.

Ms. Luciano suggested that the Police Chief, Fire Chief, Planner, Highway Superintendent, Treasurer and Water/Sewer Superintendent be approved by the town council. Mr. Schleicher would like the town council to be able to waive their ability to approve the appointments. The final decision and vote on the appointing authority of the town manager was tabled to the next meeting.

Ms. Goldberg advised that the town council often appoints the town accountant. She suggested adding language to say that if the council doesn't act within 14 days to disapprove of the appointment, then the person is automatically appointed. In some communities where there is a council form of government the council's only appointments are the town accountant and the council's clerk. Ms. Goldberg explained the different options for choosing who acts as the council's organizer, preparing agendas and getting things posted. That role could be served by the town manager, the town clerk, or the council's clerk. She suggested writing in the charter that if the position is funded then the town council can have its own clerk but if not, then the town clerk is responsible for those duties. She also suggested that the council should consult with the town manager before appointing a clerk since the town manager will be the person working with the clerk on a day to day basis.

Ms. Goodwin left the meeting at 9:38 PM and returned at 9:50 PM.

- **Appointment of / Qualifications**

Ms. Parker would like to defer to Ms. Goldberg for guidance on what else needs to be voted on as it relates to appointment of and qualifications of the town manager.

Mr. Heaney brought up potentially raising the number of town council members that need to approve the appointment of the Town Manager from a simple majority to a two thirds majority. It was decided that Ms. Goldberg will write up the language that was voted at the last meeting so that everyone can see the full picture. This was flagged as something to be revisited at that time.

- c. **Finance Committee**

All were in agreement that a separate Finance Committee would not be included in the charter but rather there would be a subcommittee on finance.

- **Term Limits**

There will not be term limits.

- **Term Start Date**

Motion was made by Mr. Heaney to set the term start date of town councilors to be the July 1st after they have been elected. Seconded by Ms. Snyder. Vote: Mr. Heaney - yes; Ms. Ollerhead - yes; Mr. Wrenn - yes; Mr. Silver - yes; Ms. Snyder - yes; Ms. Luciano - yes; Mr. Schleicher - yes; Ms. Goodwin - yes; Ms. Parker - yes. MOTION CARRIES.

• **Filling vacancies**

Different options were discussed for filling vacancies on the Town Council. It was agreed that if the vacancy occurred within six months of the next election, the seat would be filled at the next regular election. For vacancies occurring more than six months from the next election, options included holding a special election, filling the vacancy by town council from the candidates in the prior election who received the highest number of votes without being seated, and filling by decision of town council by a majority or two-thirds majority. Ms. Goldberg noted that if the vacancy is filled, the person filling that vacancy has an advantage since they would be more well-known at the next election.

Motion was made by Ms. Snyder to fill vacancies within town council if more than six months from the next annual election, the town council may fill the seat from amongst the registered voters of the town in the manner of its discretion. Seconded by Ms. Luciano. Vote: Mr. Heaney - yes; Ms. Ollerhead - yes; Mr. Wrenn - yes; Mr. Silver - yes; Ms. Snyder - yes; Ms. Luciano - yes; Mr. Schleicher - yes; Ms. Goodwin - yes; Ms. Parker - yes. MOTION CARRIES.

b. **Remaining decisions pertaining to the Executive Branch**

• **Powers and Duties**

Ms. Goldberg went through an overview of the functions of the executive and legislative branches of government.

- Town Council is the equivalent of Town Meeting
- Executive formulates the budget and then brings it to a town council for action
- Council typically has a standing committee on finance which would work with the manager to come up with budget guidelines and broad outline of what the council would be likely to approve
- Standing committees can be subcommittees of the council only or can include members of the public
- Legislative body adopts orders and ordinances and the executive implements them
- Legislative can't force the executive to exercise their authority in a particular way. For example, if Town Meeting chooses to fund a budget, it doesn't mean the Town Manager has to spend the money. The same is true for a town council.
- Manager is supposed to be insulated from the political winds; job is to carry out the town's business under the policy and direction of the council
- Manager has to have the independent authority to push back on ideas that would threaten the municipality's wellbeing overall
- Town managers will be more likely to go to town where they have more independence and appointing authority
- Can have council approve appointments of certain department heads; unusual for council to approve appointment of all employees

Ms. Parker asked Ms. Goldberg whether all of the duties of the Town Manager listed in the current Norton charter needed to be included in the new charter.

It was also agreed that a second subcommittee for bylaws and rules would be required in the charter. The option of a subcommittee on education was discussed. It was decided that in lieu of a subcommittee, the charter would include a requirement for joint meetings twice a year between School Committee and Town Council as well as a requirement that the town manager and superintendent have a formal meeting twice a year.

Ms. Goldberg will have sections of the charter drafted for us to review by March 2nd so that it can be discussed at the March 9th meeting.

6. Next Meeting: February 24, 2020 in Norton Media Center

7. Action Items: Clerk to review

For the next meeting, everyone should look at the current duties of the town manager and Board of Selectmen and think about where those duties should lie.

8. Adjournment

Motion to adjourn made by Mr. Heaney at 10:31 PM. Seconded by Ms. Snyder. Vote: Unanimous.

Minutes respectfully submitted by: Doreen O'Leary

Minutes approved by the Board or Committee on: 2/24/20

Chairman Signature: Laura L. Parker