

Town Charter Committee October 22, 2024



Committee met in HYBRID session at 7:00 p.m. at Abbot Hall, 188 Washington Street

The Chair called the meeting of October 22, 2024 to order. The following Board members were present constituting a quorum:

Amy Drinker, Chair	Seamus Hourihan	Jim Zisson
Rossana Ferrante, Vice Chair	Sean Casey	Caleb Miller
Ron Grenier	Bill Conly	Tom Massaro
Thatcher W. Kezer III, Town Administrator, staff support		

The Chair welcomed all to the first Charter Committee Public Forum and named the members of the Committee as well as Mel Kleckner and Karen Canfield, from The Collins Center for Public Management, who provide assistance to the Charter Committee with formulation and process on creating Marblehead's Town Charter, and Moses Grader, Select Board Liaison to the Committee. The Chair announced that the meeting is utilizing a webinar platform and anyone wishing to speak at public comment should raise their hand to be acknowledged by the Chair.

The Chair read a prepared statement stating *"the Charter Committee brings a variety of perspectives and experience to the table, but we share a common thread. We care about our town and carrying out our charter mission."* The Chair read the Charter Committee Mission.

The Chair continued with a PowerPoint presentation stating that a Town Charter would serve as the town's fundamental governing document that provides a framework for decision making and defines the roles of officials and committees and empowers a town to manage its own affairs. Developing a charter provides the opportunity to analyze what works and what may need to be improved in Town government function. A charter does not resolve financial challenges and is not intended to micromanage daily operations, and it is not meant to disrupt the balance of power between executive and legislative branches of government but instead clearly define them. The PowerPoint presentation can be viewed on the website at <https://www.marblehead.org/town-charter-committee/files/powerpoint-presentation-10222024>.

At the conclusion of the presentation the Chair opened the meeting for questions and public comment. See attached.

The Chair concluded the meeting stating this is the first of many public forums that the Committee will hold and when draft documents are ready, they will be made available to the public for review through the Committee's page on the town website www.marblehead.org. The Chair encouraged people to reach out to the committee via email with any questions, concerns, comments they may have and to attend the Charter Committee Meetings generally held on the 2nd Thursday and 4th Tuesday of the month.

Motion made and seconded to adjourn at 7:58 p.m. All in favor.

Kyle A. Wiley, Administrative Clerk

List of documents used: PowerPoint presentation

**MARBLEHEAD TOWN CHARTER COMMITTEE PUBLIC FORUM
OCTOBER 22, 2024**

SUMMARY: Q & A/PUBLIC COMMENT compiled by Ron Grenier

Note: This document is a summary of the questions asked and statements made by the public in attendance at the conclusion of the TCC public forum presentation. There were no questions or comments from those attending online.

Parentheses are used for explanation/information.

In-person attendees: 25 persons

Online attendees: 35 persons

Questions

Q1: Out of Massachusetts' 351 communities (municipalities), the speaker asked how many towns have started a charter process and how many have or have not completed the process. In particular, how many of the towns working with the Collins Center have completed the charter process?

A1: TCC chairperson Drinker explained that according to the Collins Center, of the 291 towns in Massachusetts, approximately 75 have charters. Some of those charters have been in place since the 1920s and 1930s while others adopted charters in the 2000s. In general, smaller towns often don't have charters.

Follow Up: The speaker suggested the TCC consider obtaining updated information on the status of towns undertaking/completing a charter process for consideration at town meeting.

The speaker also asked if there will be an opportunity for the Town to disengage from the charter process if, after a couple of years or a trial period, residents are dissatisfied with the charter. The speaker cited as an example his concern about changing from Open Town Meeting to Representative Town Meeting—could there be a trial period to see how the change was working?

TCC chairperson Drinker said the TCC appreciates the town's connection with Open Town Meeting. She explained that a charter doesn't work on an interim basis or trial period. Town Meeting provides the check and balance for residents to approve or not approve the TCC's recommended charter. If there is not a majority vote of the Select Board to approve what has been recommended to them by the TCC, that would bring an end to the charter process. If the charter is approved at Town Meeting, and then approved by the state legislature, there is a final opportunity for Marblehead voters to accept or reject the charter as part of a townwide vote.

Town Administrator Kezer added that the town currently falls under a "statutory charter," operating under Massachusetts General Laws and Marblehead bylaws, some dating back to 1780. A charter would create one single document in which Marblehead's current ways of

governing would be documented, not necessarily including any changes proposed by the TCC for the charter.

Q2: The speaker emphasized three points: (1) widening citizen access to public meetings and making hybrid meetings the standard for all town committees and boards; (2) increasing participation in Open Town Meeting by holding it on Saturdays and perhaps online to make attendance more amenable for residents and families with limited transportation and child care; and (3) “eliminating silos” among town entities to improve on planning, especially regarding what to do with town properties.

A2: The TCC thanked the speaker but did not comment.

Q3: The speaker cited phrases on the slide presentation which he referenced as “can lead to centralized government.” He subsequently asked if the TCC had reached a consensus on recommending moving away from Open Town Meeting format to a Representative Town Meeting as his biggest concern. The speaker also asked about the process for circulating charter drafts to the public for comment.

A3: TCC chairperson Drinker explained that the TCC has not yet taken an in-depth look at or finished due diligence on this topic, nor has there been any decision on Open Town Meeting vs. Representative Town Meeting. TCC chairperson Drinker responded in the affirmative when the speaker asked about whether there was going to be any future discussion of this topic and reemphasized there was no decision to move away from Open Town Meeting to Representative Town Meeting. With regards to the public’s access to drafts, TCC chairperson Drinker explained that the public will be able to access draft language online and also comment at future public forums or TCC meetings.

TCC member Zisson provided further context citing demographic information from the Collins Center which indicated about 85% of towns in the population range of 15,000 to 25,000 (Marblehead’s size) practice an Open Town Meeting. Moreover, in approximately the last 40 years, only one town has changed from an Open to a Representative Town Meeting. TCC member Zisson further explained that the topic of Representative Town Meeting came up in the context of looking into whether the town meeting could be hybrid; the TCC learned that under state law that is currently prohibited.

TCC member Hourihan stated that approximately 5% of eligible voters currently attend Marblehead Town Meeting and provided his opinion that this problem could be addressed by streamlining the warrant. For example, he pointed to one possible option of simplifying the warrant to focus on budgetary approvals and remove duplicative or strictly administrative articles to reduce the time/days it takes to get through the Town Meeting warrant. The speaker suggested that another mechanism might be making more use of ballot measures as a way of increasing public participation.

TCC member Casey commented that the drafting of language for charter sections has just gotten underway. The TCC is following a high-level approach. TCC member Casey used the example of the Town Meeting bylaw, as one well developed with considerable detail. Changing Town Meeting to a Saturday would be considered appropriate as a bylaw change and not something the TCC would “get in the weeds” about with charter language.

Follow Up: The speaker also inquired about the interrelationship of town bylaws to the charter.

TCC member Casey explained that provisions in a town charter would supersede town bylaws. The charter would prevail if a bylaw is inconsistent with what is written in the charter. TCC member Casey added that what the TCC is currently drafting is “not going to step on anyone’s toes” to a large degree.

The speaker asked for clarification about the relationship of state law to the charter. TCC member Casey explained that the Attorney General’s office conducts a legal review for any inconsistencies with state law prior as part of the charter review by the legislature. In addition, the TCC is mindful of not writing language that is the purview of state law. He used several examples to make his point.

TCC chairperson Drinker also explained that the TCC would share with the public the draft charter sections at certain intervals, following the committee’s language review process. At this juncture the TCC did not have completed sections which are ready to share with the public.

Q4: The speaker asked for clarification on a slide that referenced a reduction in the number of elected or appointed boards.

A4: TCC member Casey explained that in June 2024 the Collins Center provided the TCC with various materials as a “starter kit” for TCC members to become aware of trends other municipalities are facing. He added that Marblehead has 12 elected boards and by last count 53 appointed boards. The “trends” slide was not intended to provide any definitive direction or a position by the TCC, but rather indicate trends communities across Massachusetts are facing.

Q5: The speaker asked if it was possible for the charter to contain value statements around the wider use of technology in town processes and proceedings. The speaker added that this would increase transparency and invite participation in town affairs. The speaker also asked about having one place where opportunities to serve on committees is posted as well as providing descriptive information about how each committee operates.

A5: TCC member Miller explained this topic has been discussed by the TCC and with the town moderator. TCC member Miller indicated that in several sections of charter draft language there are statements that “emphasize exactly the kind of values we’re talking about.” TCC member Miller also pointed out in some instances state law places restrictions or limitations on things such as hybrid town meeting, but the TCC is mindful that state laws could change. TCC member

Miller reinforced the commitment to values for increasing access and participation in Open Town Meeting, for example, providing it is not in conflict with state law.

Q6: The speaker asked for clarification about references made to the Collins Center in remarks and in the slide presentation.

A6: Town Administrator Kezer explained the Collins Center is affiliated with the University of Massachusetts/Boston, partially funded by the state, and serves as a publicly established consultant firm/think tank for municipalities. Their staff includes a number of experienced associates and retired public service professionals with expertise in municipal and government management and administration.

Several TCC members provided additional comments mentioning that the Collins Center is providing a framework for how to proceed with formulating a charter as well as relevant information, but also affirmed the TCC is managing the charter process on its own. Town Administrator Kezer also explained the town's contract with the Collins Center for consulting services is funded through the town's American Rescue Plan Act (ARPA) funds.

Public Comment

P1: The speaker made remarks about the power-point/narrative presentation. He suggested making the language and descriptors less complicated, simpler, and straight forward for persons who are not as familiar with or have not studied the charter process as closely as the TCC.

A1: Chairperson Drinker noted that the power point presentation and narrative will be posted on the Town Charter Committee website.

There were no other in-person or any online questions or public comment.