

TOWN OF BOURNE Charter Review Committee



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Bourne Charter Review Committee Report to Town Meeting May, 2006

Executive Summary

The 2005 Charter Review Committee was appointed on September 13, 2005 and began work on September 21, 2005. After conducting two public hearings, numerous face-to-face interviews, a survey of the town, and receiving many letters, it is recommending changes to the Bourne Home Rule Charter.

The 2005 Charter Review Committee's recommendations for changes to the Bourne Charter are aimed at achieving two objectives. The first is to clarify and strengthen the role of the Board of Selectmen as the chief policy making body for the town. The second is to clarify the responsibility of the Town Administrator for the daily operations of the town. The committee believes the recommended changes will provide a good set of checks and balances for the Board of Selectmen and Town Administrator, allowing them to work together to accomplish common goals and objectives on behalf of the town. While a multitude of changes were considered from the numerous sources interviewed, time constraints prevent a more comprehensive set of changes at this time.

This committee does not have a minority report.

An appointed Charter Committee may recommend changes to any portion of the charter, except those mandated by state law. Only elected Charter Commissions may recommend certain changes, such as changing the makeup of the executive or legislative branches of government. For example, this Committee received the suggestion to investigate having a representative town meeting instead of the current open town meeting. Taking action on that suggestion is not permitted an appointed committee.

Detailed below are the specific changes recommended to the Charter for consideration at the May, 2006 Annual Town Meeting. Additional information is provided regarding the reasons for putting forth each change, in the hopes it will assist future Charter review committees. A section of this report is devoted to those changes recommended by citizens but not brought forth for consideration at this time, with the intent that future review Committees consider these suggestions in their deliberations.

Recommendations to May, 2006 Annual Town Meeting

The Charter Review Committee recommends the following changes to the Charter (changes are in bold for easy reading):

Article 3 – Executive Branch, Board of Selectmen

Change Section 3-3: Policy Role *from* "The Board of Selectmen shall serve as the goal setting and policy-making agency of the town and shall appoint a Town Administrator to carry out such policies. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments through the Town Administrator"

"The Board of Selectmen shall serve as the **chief** goal setting and policy-making agency of the town, **keeping in mind the requirements of the Local Comprehensive Plan (LCP)**, and shall appoint a Town Administrator to carry out such policies. **Policies and goals specific to each policy shall be filed with the Town Administrator no later than 45 days after the regular spring town election.** Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments **only** through the Town Administrator.

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy guidelines, which are to be implemented by the Town Administrator."

Explanation – The primary role of the Board of Selectmen is to set goals and policies for the Town, which are implemented through the Town Administrator. The Board of Selectmen is not intended to be involved in the daily administration of the town, either individually or as a group. The Local Comprehensive Plan provides a good starting point to establish goals and objectives which can be implemented during a fiscal year. Adopting the goals 45 days after the regular spring election allows new selectmen to become familiar with the workings of the Board and provide goals to the Town Administrator to be included in the next fiscal budget that is created.

Article 3 – Executive Branch, Board of Selectmen

Change Section 3-6: Prohibitions *from* "No member of the Board of Selectmen shall serve on any appointed town board established by this charter or by by-law for which the Board of Selectmen is the appointing authority, except by an affirmative vote of three (3) of the members of the Board of Selectmen."

to

"No member of the Board of Selectmen shall serve on any appointed town board established by this charter or by by-law, **Town Meeting or the Board of Selectmen** for which the Board of Selectmen is the appointing authority.

No member of the Board of Selectmen shall serve as any officer or member of other elected town boards enumerated under Article 6 of this charter or hold any other elective town office with the exception of Sewer Commissioner. This provision does not apply to Article 6-1 (b) 9.

No former member of the Board of Selectmen shall hold any compensated appointed office, position, or employment for which a salary or other emolument is payable from the town treasury until two (2) years following the date on which such former member's service on the Board of Selectmen was terminated."

Explanation – The Board of Selectmen set goals, objectives and policies and determine the budget to allow those items to be accomplished. Prohibiting a Selectman from serving on multiple committees eliminates a conflict of interest between the role of Selectman and the duties of a board or committee member. Prohibiting a Selectman from holding a compensated position until 2 years have passed since leaving the Board ensures that the position of Selectman cannot be used to advance an individual's personal financial interests.

Add new Section 3-8 Rules of Procedure

The Board of Selectmen shall adopt, make public, and abide by their own rules of procedure to govern the conduct of their meetings. An agenda shall be posted with each notice of public meeting. A period of public comment shall be scheduled prior to the beginning of agenda items. In addition, a public comment period must be provided for prior to any vote on a policy issue. The Board of Selectmen may deviate from their agenda only for sudden, generally unexpected occurrences or for circumstances demanding immediate action.

Explanation – This new provision provides the public more clarity in the conduct of the meetings of the Board of Selectmen. The rules of procedure under which the Board will operate shall be available to the public and the notice of meeting will also include the agenda. Public comment periods are provided. These changes are intended to provide greater transparency in the conduct of the Board's meetings.

Article 4 - Town Administrator

Change Section 4-1: Appointment: Qualification: Term *from* "The Board of Selectmen shall appoint, by an affirmative vote of four (4) members, a Town Administrator for an indefinite term and fix his/her compensation within the amount annually appropriated for this purpose. The office of the Town Administrator shall not be subject to the Personnel by-law. The Town Administrator shall be appointed solely on the basis of executive and administrative gualifications."

to

"The Board of Selectmen shall appoint a Town Administrator Search Committee of not less than five and not more than nine residents of the community to assist the Board of Selectmen in the recruitment and selection of the Town Administrator. In the event the Board of Selectmen does not select one of the candidates presented by the search committee within thirty (30) days, then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within sixty (60) days of its resuming of the search.

The Board of Selectmen, by an affirmative vote of four (4) members, shall appoint the Town Administrator for an indefinite term and fix his/her compensation within the amount annually appropriated for this purpose. The office of the Town Administrator shall not be subject to the Personnel by-law. The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications."

Explanation – A search committee is required to recruit a new Town Administrator. This provides both the Town and the job candidates an opportunity to get to know one another. A search committee is recommended by the Massachusetts Municipal Association and was endorsed by the town administrators the committee interviewed.

Article 4 – Town Administrator

Change Section 4-2: Relationship of the Town Administrator and the Board of Selectmen from "The Town Administrator shall be the primary officer responsible for the implementation of the policy directives of the Board of Selectmen. The daily administration of the affairs of the town shall be the responsibility of the Town Administrator."

"The Town Administrator shall be the primary officer responsible for the implementation of the **broad** policy directives of the Board of Selectmen **and for the attainment of yearly goals**. The daily administration of the affairs of the town shall be the responsibility of the Town Administrator **only**. **The Town Administrator may create advisory ad-hoc committees to assist in the execution of his or her duties**.

The Town Administrator shall be evaluated by the Board of Selectmen annually for the Town Administrator's ability to effectuate policy, to accomplish goals as established by the Board of Selectmen, to effectively administer town government, and to properly supervise all municipal employees except school employees."

Explanation – This allows for the completion of a process started when the Selectmen set their goals and objectives. The Town Administrator may create ad-hoc committees to assist in achieving the yearly goals. The Town Administrator is guaranteed a minimum of one formal review with the Selectmen each year.

Article 4 - Town Administrator

Change Section 4-4: Temporary Absence *from* "The Town Administrator may, by letter filed with the Town Clerk and Board of Selectmen designate as Acting Town Administrator, a qualified officer of the town to perform the duties of the Town Administrator during a temporary absence or disability. If such absence or disability exceeds thirty (30) days, any designation made by the Administrator shall be subject to the approval of the Board of Selectmen. In the event of failure of the Town Administrator to make such designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other qualified person to perform the duties of the Town Administrator until the Town Administrator shall return."

to

"The Town Administrator may, by letter filed with the Town Clerk and Board of Selectmen designate as Acting Town Administrator, a qualified officer **or employee** of the town to perform the duties of the Town Administrator during a temporary absence or disability. If such absence or disability exceeds thirty (30) days, any designation made by the Administrator shall be subject to the approval of the Board of Selectmen. In the event of failure of the Town Administrator to make such designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other **qualified employee of the town** to perform the duties of the Town Administrator until the Town Administrator shall return."

Explanation – The Town has a minimum number of officers, so the Town Administrator may choose from a broader range of employee candidates to fill in during temporary absence.

Article 4 – Town Administrator

Change Section 4-6 (b): Powers and Duties *from* "appoint, and in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees as well as member of the Board of Assessors and other employees for whom no other appointment provision is made in this charter. Appointments made by the Town Administrator shall be effective on the fifteenth (15) day following the day of the notice the appointment is filed with the

Board of Selectmen, unless the Board of Selectmen shall within that period, by the majority of the board, reject such appointment. Appointments of a temporary or seasonal nature shall become effective immediately;

to

"appoint, and in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees as well as member of the Board of Assessors and other employees for whom no other appointment provision is made in this charter. Appointments made by the Town Administrator shall be effective immediately except that appointments of department heads and members of the Board of Assessors shall become effective on the fifteenth (15) day following the day on which notice of the proposed appointment is filed with the Board of Selectmen, unless a majority of the Board of Selectmen vote to reject such an appointment within such period;"

Explanation – The change provides for speedier appointment of employees by the Town Administrator, allowing for positions other than department heads to become effective without approval by the Board of Selectmen. Department head and Board of Assessors appointments have a 15 day wait period, during which the Selectmen can vote to reject the appointment.

Article 5 – Administrative Organization

Change Section 5-2: Organization of Town Government *from* "Subject only to the express prohibitions in the constitution, general laws or the charter, the Board of Selectmen, after consultation with the Town Administrator, may prepare a plan to organize, reorganize, consolidate or abolish any town agency as it deems necessary or advisable. It may prescribe the functions of any town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of one town agency to another; provided, however, that no function assigned by the charter to a particular town agency may be discontinued, or unless the charter specifically so provides, assigned to any other. The Board of Selectmen shall not be prohibited by this charter from including the Department of Public Works or the Department of Integrated Solid Waste Management in any plan to organize, reorganize, consolidate or abolish any town agency it may deem necessary or advisable in accordance with the provisions of Section 5-2 of this charter."

"Subject only to the express prohibitions in the constitution, general laws or the charter, the **Town Administrator** may prepare a plan to organize, reorganize, consolidate or abolish any town agency as it deems necessary or advisable. **The Town Administrator** may prescribe the functions of any town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of one town agency to another; provided, however, that no function assigned by the charter to a particular town agency may be discontinued, or unless the charter specifically so provides, assigned to any other. The **Town Administrator** shall not be prohibited by this charter from including the Department of Public Works or the Department of Integrated Solid Waste Management in any plan to organize, reorganize, consolidate or abolish any town agency **he or she** may deem necessary or advisable in accordance with the provisions of Section 5-2 of this charter. **Any proposed plan submitted under this section by the Town Administrator must be approved by an affirmative vote of three members of the Board of Selectmen."**

Explanation – The impetus for proposed reorganization plans begin with the Town Administrator and the professional staff (and committees as appropriate) and must be approved by a majority vote of the Board of Selectmen.

Article 5 – Administrative Organization

Section 5-3: Public Hearing and Effective Date

Change *from* "Whenever the Board of Selectmen prepares such a plan, it shall hold one or more public hearings on the proposal, giving notice by publication in a local newspaper at least seven (7) days in advance of such hearing. The notice shall describe the scope of the proposal as well as the date and place where the hearing will be held. The proposed organization shall become effective no sooner than ninety (90) days following the public hearing."

to

"Whenever the Board of Selectmen approves such a proposed plan, it shall hold one or more public hearings on the proposal, giving notice by publication in a local newspaper at least seven (7) days in advance of such hearing. The notice shall describe the scope of the proposal as well as the date and place where the hearing will be held. The Selectmen have fourteen (14) days after the close of the public hearing to propose amendments, if any, and vote on the final plan. The proposed organization shall become effective no sooner than sixty (60) days following the Selectmen's vote on the final plan. Where such reorganization moves function and/or funding from one department to another, voters may petition for a Special Town Meeting to address the changes."

Explanation – Proposed reorganization plans that have been approved by the Board of Selectmen must have a public hearing. The Selectmen have 14 days to propose changes, having listened to the input from the public hearing, and vote on the final plan. The reorganization becomes effective no sooner than 60 days after the Selectmen's vote on the final plan, unless town meeting gets involved.

Article 5 – Administrative Organization

Section 5-6 Department of Finance

Change item number 11 *from* "such additional functions as from time to time may be assigned by the Town Administrator and Board of Selectmen."

Tο

"such additional functions as from time to time may be assigned by the Town Administrator."

Change Section 5-6 (b) item number 3 *from* "working with the Town Administrator and the Board of Selectmen in developing strategic financial plans and policies."

To:

"working with the Town Administrator in developing strategic financial plans and policies.

Explanation – The Finance Director receives direction from the Town Administrator and not directly from the Board of Selectmen, in keeping with their respective roles.

Article 9 - Recall Provisions

Change Section 9-2 Recall Petition *from*: "Any four hundred and fifty (450) or more qualified voters of the town may file with the Town Clerk an affidavit containing the name of the elected official sought to be recalled and a statement of the grounds of recall. Said Town Clerk within ten (10) working days shall thereupon deliver to any one or more of the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the Town Clerk with his signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen of the town; shall contain the name of the official sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office.

A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within forty-five (45) days after its issuance.

Said petition before being returned and filed with the Town Clerk shall have been signed by no less than twenty percent (20%) of the qualified voters as of the most recent town election and to every signature shall be added the place of residence of the signer, giving the street and number, if any.

The Town Clerk shall, within five (5) working days following the date of such filing, submit the petition to the registrars of voters and the registrars shall forthwith verify thereon the number of signatures which are names of registered voters as of the date of the most recent town election."

To:

"Any **two hundred and fifty (250)** or more qualified voters of the town may file with the Town Clerk an affidavit containing the name of the elected official sought to be recalled and a statement of the grounds of recall. Said Town Clerk within ten (10) working days shall thereupon deliver to any one or more of the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the Town Clerk with his signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen of the town; shall contain the name of the official sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office.

A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within forty-five (45) days after its issuance.

Said petition before being returned and filed with the Town Clerk shall have been signed by no less than **ten percent (10%)** of the qualified voters as of the most recent **annual** town election and to every signature shall be added the place of residence of the signer, giving the street and number, if any.

The Town Clerk shall, within five (5) working days following the date of such filing, submit the petition to the registrars of voters and the registrars shall forthwith verify thereon the

number of signatures which are names of registered voters as of the date of the most recent town election."

Explanation – According to Massachusetts state law, a recall is only a vote of no-confidence. The number of signatures required to put a recall in motion is reduced to a level that is intentionally difficult to achieve, but not impossible. The number of signatures also brings Bourne's requirements more in line with the state averages for recall. The number of signatures on the affidavit is 5 times higher than the number required to become a candidate for office, and the number of signatures on the petition is roughly equal to the number of voters in a town election. For both documents the number of signatures required is higher than the 200 person quorum for a Town Meeting.

New Article:

Article 11 – Charter Compliance Committee

There shall be a Charter Compliance Committee consisting of seven members, at least one member shall reside in each of the town's six precincts, appointed by the Town Moderator for three-year overlapping terms so arranged that the term of no more than three (3) members shall expire each year. No appointee shall be a town employee or a member of any existing board or committee governed by the Charter.

The committee shall take action only after receiving a written complaint, filed by one or more voters of the town, alleging a violation of this charter by reason of an act or of a failure to act of the Town Administrator, the Board of Selectmen, the School Committee, the Finance Committee or members of those committees.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual or board responsible for the violation and the act or failure to act resulting in the violation. Said complaint shall be officially filed with the Town Clerk who shall immediately send, via certified mail with return receipt requested, a copy to each member of the committee.

Within three (3) weeks of receipt of the complaint by the Town Clerk, the committee shall vote whether to dismiss the complaint without further action. If the committee so votes, the chairman shall give written notification to the Town Clerk. If the committee votes not to dismiss the complaint, the chairman shall set a time and date for a hearing, mail notice of said hearing to the Town Clerk, the complainant(s) and the individual or board named in the complaint. The Town Clerk shall post and publish in a newspaper of general circulation the notice at least seven (7) days prior to the hearing date. The hearing shall occur within sixty (60) days from the date the complaint was received by the Town Clerk.

At the hearing the committee shall allow any person to address the committee on the merits of the complaint.

Within three (3) weeks of the hearing the committee shall vote on whether there has been a violation of this charter as alleged in the complaint, shall mail a notice of its decision to the complainant, the individual or board named in the complaint and to the Town Clerk, who shall post at Town Hall and on the Town's web site a copy of the decision.

If the committee determines that there has been a violation of this charter as alleged by the complaint, and if following its vote, there continues to be a violation, the committee may contact Town Counsel who shall file a complaint on behalf of the town with the Superior Court.

This Article shall not limit the right to seek enforcement of this charter as otherwise provided by law.

Explanation – This new article provides an avenue to ensure compliance with the Charter. An independent group of citizens appointed by the elected Town Moderator, representing all the precincts in town, have the ability to review complaints and pass them on to Town Counsel for further action. This section is based on a similar provision in Provincetown's charter. It should be noted that since the provision was enacted in Provincetown, it has not been used because compliance with the Charter increased with the threat of sanctions.

Conclusion

In 2001, the voters of the Town of Bourne took a giant step forward toward promoting a more professional and transparent process in the management of the town's affairs, when it adopted the present Charter. No doubt remembering that the Constitution of the United States of America needed some early changes (the Bill of Rights) and that the Constitution of the Commonwealth of Massachusetts has been amended many time over the years, the Bourne Town Charter provided for a review at least every five years. This present Charter Review Committee unanimously recognizes what a truly remarkable document our Charter is, but like its historical predecessors it could use a little clarification and updating if it is to achieve the goals of its founders, the Citizens of Bourne.

This present Charter Review Committee has attempted to achieve that end. To that purpose it reviewed the Charter itself, researched other charters, head from state and local government officials, researched the General Laws, conducted a survey of citizens, and listened to anyone who had anything to say, all with the purpose of determining where the Charter was working efficiently and where it was not.

As best as is humanly possible, the Committee has made the determination that amendments to Articles 3, 4, 5 and 9 and a new Article, 11, would all provide clarification and direction to those operating under the Charter and all those concerned with its operation. As with any written document, its application to the every day problems of town government will depend upon the good will of all elected officials, employees and citizens of the Town.

As was referred to in the Executive Summary of this report, time constraints prevented a full consideration of the multitude of changes suggested. Toward that situation, the Committee recommends that the Town Meeting vote to keep this Committee in existence or authorize the Selectmen to appoint another committee to review the articles not considered and the suggested changes as to the form of government and to report to the next Annual Town Meeting.

Respectfully submitted, Bourne Charter Committee, 2005-2006

Appendix A – Background

The Charter Review Committee began its work on September 21, 2005 after appointment on September 13 by the Board of Selectmen. The Committee reviewed each section of the Charter, creating an extensive list of potential changes. The Committee invited comment from inside and outside the town.

Interviews

The Committee invited individuals to appear before the Committee to provide their thoughts on areas where the Charter works or does not work and why as well as suggest changes, additions or deletions to the Charter. The table below lists all who appeared before the committee:

Name	Position/Title			
Galon "Skip"	Selectman, Town of Bourne (Vice-			
Barlow	Chair)			
Lynne Burchill	Finance Director, Bourne			
Carol Cheli	Selectman, Town of Bourne (Chair)			
Marilyn Contreas	Massachusetts Department of			
	Housing and Community			
	Development			
Bill Griffin	Former Town Administrator, Bourne			
Mary Pat Flynn	Falmouth Charter Committee			
John Ford	Chief of Police, Bourne			
Tom Groux	Assistant Attorney General and			
	former Acting Town Administrator,			
	Bourne			
Tom Guerino	Town Administrator, Bourne			
Barry Johnson	Bourne Town Clerk			
Charles Klueber	Fire Chief, Bourne			
Bob Lawton	Yarmouth Town Administrator			
Robert W. Parady	Bourne Town Moderator; Member,			
	2001 Town of Bourne Charter			
	Commission			
Charles Perry	Member, 2001 Town of Bourne			
	Charter Commission			
Bob Ritchie	Assistant Attorney General, Municipal			
	Law Unit, Commonwealth of			
	Massachusetts			
Diana Thoenen	Chair, Jonathan Bourne Library			
	Trustees			
Linda Zuern	Selectman, Town of Bourne			

Public Hearings

Two public hearings were held. The first, on January 11, 2006 was to invite comment from all interested members of the public. Numerous people attended and provided valuable insight to the committee. The second, on February 7, 2006 was held to review draft changes to be presented at the May, 2006 Annual

Town Meeting. The draft changes had previously been circulated throughout the town.

Written Correspondence and Surveys

The Committee wrote to the chair of every town board and committee, inviting them to comment on the Charter in person or in writing. The Committee received replies from multiple boards and committees. The letters the Committee sent are reproduced in Appendix C.

A survey about the charter was posted on the town web site, distributed throughout the town, and published in the *Bourne Enterprise* newspaper. The survey is reproduced in Appendix D. Also in Appendix D is a compilation of the survey results, a chart depicting those results, and the verbatim comments. All surveys were submitted anonymously.

Research

The Committee utilized a great deal of research material. The material used was:

The Committee reviewed, all or in part, charters from a number of Massachusetts cities and towns.

Town of Bourne Charter Commission Final Report, 2-5-01

Town of Bourne Organizational Chart

Town Administrator Employment Agreement, 12-11-01

Town Administrator Employment Agreement, 8-1-05

Town of Bourne By-Laws

General Laws of Massachusetts, Chapters 39, 268, and 270

Massachusetts Home Rule Amendment and Procedures Act, May, 2005

Massachusetts Summary Home Rule Charter Provisions, April, 2003

Minutes for Bourne Charter Commission, 2001

Letters/emails to Charter Review Committee

Finance Committee, 11-7-05
Library Trustees, 10-24-05, 11-22-05, 1-19-06
Dick Anderson, 11-9-05
Planning Board, 11-7-05
School Building Committee, 10-26-05
Rickie J. Tellier, Superintendent of Public Works, 10-26-05
Bourne Recreational Authority, 10-28-05
Bourne Historical Commission, 10-27-05
Joe Carrara, Jr., 10-28-05
Private Roads Acceptance Committee, 10-28-05

Carol A. Cheli, 10-28-05
Tom Moccia, 9-28-05
Roger LaPorte, 10-18-05
Skip Barlow, 10-26-05, 12-8-05
Heidi Marsella, Conservation Agent, 11-1-05
Board of Directors, Council on Aging, 9-26-05
Bourne Cultural council, 11-8-05
Coreen V. Moore, Town Planner, 9-3-05, 9-7-05
Glenn R. Galusha, 1-19-06

Town Counsel Opinions

Opinions received on 9-26-05, 1-20-06, 2-7-06 and 2-14-06 on a variety of matters.

General Public Appearing Before the Committee

Jim Mulvey
Kathleen Donovan
Glenn R. Galusha
Judy Conron
Dick Conron
Diana Barth
Marilyn Morris
Amy Sharpe
Diane Flynn
T. Gray Curtis
Kate Shaw

Appendix B – Future Work

The Committee was constrained by time in reviewing the Charter. Recommendations for changes made to the Committee did not receive adequate review. Some sections of the Charter received cursory review. The following areas, in the opinion of this committee, merit additional consideration,

Examine the creation of a Human Resources department, a Community Development Office, and a Procurement Office.

A review and comparison of the Charter with Town By-Laws to resolve conflicting requirements.

Article 5-5 Department of Integrated/Solid Waste Management

Article 6 - Other Elected Town Boards and Officers - overall Section 6-5 School Committee Section 6-9 Recreation Authority Section 6-10 Trustees of the Jonathan Bourne Library – need to add their recommendations

Article 7 Finance and Fiscal Procedures

Appendix C – Board and Committee Letter

October 10, 2005	
Dear:	
The Charter Review Committee is beg Bourne's Home Rule Charter and will have a May 2006. As you realize, in order for this p the town as a whole, the committee is asking appointed boards and committees, town depa well as the public at large.	report prepared for Town Meeting in rocess to succeed and represent for input from all elected and
To facilitate this process and to assist schedule for some boards and committees, we members, discuss what aspects of the Charte board as well as what aspects your members would appreciate a written response, no later indication of whether you feel it is necessary	ve are asking you to meet with your er have been successful for your ship would like to see improved. We than November 1, 2005, and an
You can obtain a complete copy of the website: www.townofbourne.com , select Boa "2000 Charter Commission." The Final Repolisted there. In addition, I have attached the your inspection.	rd of Selectmen, then the link to ort of the Charter Commission is
If you have any questions, please do r 563-7361 or at lucia.capecod@verizon.net .	not hesitate to contact me at (508)
Cordially,	
	Lucia Fulco Chairman

Appendix D - Charter Survey

CHARTER REVIEW COMMITTEE SURVEY

The Bourne Charter Review Committee wants your opinion on how Town Government, as provided by the Bourne Home Rule charter, is working since its adoption.

1. Plea	ase tell us about yourself:				
	a. Do you live in Bournb. Are you a real proper	ne full-time	_ or par	t-time	?
	b. Are you a real proper	rty owner or taxp	ayer	?	
	c. Other interested party	y (business owne	r, etc.)		_?
2. Do y	you favor the current form of gove	ernment? Yes	No	_ Please explain:	
3. The	Bourne Home Rule Charter has the	ne following key	goals. Hov	w well have these	goals been met?
a. To re Admini	etain traditional town government strator.	consisting of an	Open Towi	n Meeting Selectm	en/Town
	xcellentGood Fair omment:				
	stablish a larger measure of coord	dination among t	he departn	nents, offices, com	mittees, boards and
E	own government agencies. Excellent Good Comment:			No Opinion	_
	entralize authority and to establis. ExcellentGood Comment:	FairPoo	rNo O _l	oinion	ning structure.
	mprove the quality of fiscal and pl Excellent Good Comment:	FairPoo	rNo Op	oinion	
Ì	provide full-time professional man ExcellentGood Fair Comment:	r Poo.	rNo Op		
~	roaden representation and encour ExcellentGood Fair Comment:	PoorNo	Opinion		
	ald any provision(s) of the Charter se explain:				
Note:	The Bourne Charter Review Conquestionnaire by January 20, 20 Bay, MA 02532	006 to: Charter R	Review Cor	nmittee, 24 Perry	Avenue, Buzzards
	Or save as a Word document and	u eman to: Charte	erkeview@	townordourne.co	<u> </u>
Thank y					
Lucia F	Fulco, Chair, Wayne Covell, Vice	Chair, Richard W	olan, Cler	k, Richard Drisco	ll, Jr., Michele Ford,

Don Hayward, John Johnson, William Locke and Charles Miller

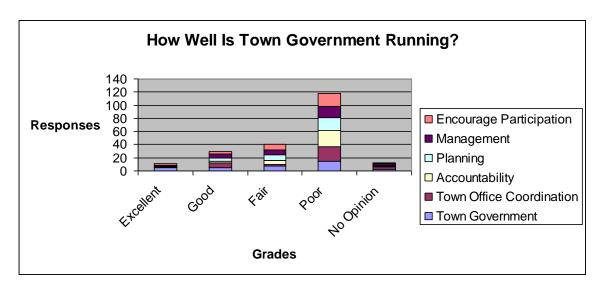
Survey Results

Compilation Report

	Charter Review Committee Survey # of respondents: 35			2/15/2006				
1	a. b.	se tell us about yo Do you live in Bou Are you a Other interested p	ırne	full time: real property owner:	33 34 0		part time: taxpayer:	2 33
2		ou favor the curre ernment:	nt form of	yes: no:	15 21	43% 60%		
3			e Charter has the following goals been met?	g key goals.				
			al town government consistent etctmen/Town Administrate Excellent Good Fair Poor No Opinion		5 5 7 15 3		Town Government	
			ger measure of coordination test, committees, boards, acies. Excellent Good Fair Poor No Opinion		0 7 3 22 3		Town Office Coordination	
		To centralize auth the town's govern	ority and to establish accoring structure. Excellent Good Fair Poor No Opinion	ountability throughout	1 3 6 24 1		Accountability	
	d.	To improve the qu	uality of fiscal and physical Excellent Good Fair Poor No Opinion	planning.	1 5 9 20 1		Planning	

e.	To provide full-tim	e professional management and administration.		Management
		Excellent	2	
		Good	6	
		Fair	7	
		Poor	17	
		No Opinion	3	
				Encourage
f.	To broaden repre	sentation and encourage and promote citizen participati	on.	Participation
		Excellent	2	
		Good	4	
		Fair	8	
		Poor	20	
		No Opinion	1	
4 Sho	ould any provision(s	s) of the Charter be changed?		
		yes:	27	no: 4
		no answer:	4	

Graph of Survey Results



Survey Comments

All responses are presented as written by the respondent, without spelling, punctuation, capitalization, or grammar corrections. Each box contains all the comments for that question from one respondent.

2. Do you favor the current form of government?

Very Much!
In the past, selectmen had too much power & used it to benefit their friends, political campaign
workers, some employees, etc. The charter has to stay!
I think the charter was a costly mistake theres no leadership.
Should have town manager.

Yes to the form. No to the selectmen and the way they do things.

Complicated, self-important infighting.

Only it the elected selectmen know their place in it.

Would prefer town administrator eliminate selectmen this group of selectmen is a disgrace the worst in my 47 years as a property owner. Let the administrator do his job.

Fiscal responsibility a problem!! Who to blame, town administrator, selectmen, finance committee!! What happened to 5 year financial plan? 3.5 million in hole, 1.5 million override!!

Ever since we changed o the charter as it is now the promised reduction in costs has never occurred. Also, the selectmen have taken away many of the voters rights such as screening out what they deem worth considering. And too they have shut down public input at meetings. This form is awful government.

Born & raised here, been here almost 46 years, and have never seen things so messed up. Certain people used to complain about "the good, old boys" and things being done "behind closed doors" – It's even worse now, plus we have to deal with the three ring circus at almost every Board of Selectmen meeting. This just isn't working.

The Charter is basically well written & organized.

The separation of powers should be more explicit

The day to day operation of the town should be in the hands of an administrator not in the hands of the selectmen.

The selectmen's meetings are a joke. No one can speak unless the chairperson wants to hear their comments.

I favor the old 3 man paid selectmen form. Add up 5 pt + financial advisor pay + benefits for exceed previous salaries.

Need more control by Town Manager

Won't help. Wish I could afford to move TAXES!

The town can not go backwards. However, the micromanaging by the selectmen is holding up progress.

I voted for charter change due to perceived arrogance of previous selectmen. Hoped that the people who would run would provide direction & intelligence & breadth to the board. I watched the first new board [can't read] in a level of pettiness and stupidity which I thought was unrivaled until I watched the present board in action. Why can't the town get people like the finance committee and other competent town boards to run for selectmen. We also need an executive with stronger powers. The selectmen should be a board of directors setting major policy. The administrator the CEO. 4 hrs. on mooring permits is shameful. What business would hire any of these people to run a multi million dollar operation based on their performance. Too many significant financial decisions don't get enough attention, not sure Selectmen have this capacity. Lets give a professional manager more power and maybe that will work.

ALL & ALL the charter change has been a great disappointment. Wished it had stayed the way it was, it wasn't close to perfect but a lot better than this mess. Maybe you should ask a selectman to watch themselves on TV if they have any brains they might get it then.

I think the Town Administrator (TA) should not be micromanaged by the BOS. I also find the BOS thinks they have authority about certain things and they only have the right to do policy. I also think we should only have 3 pt selectmen.

Full time selectmen were more professional and did a better job

I would like to go back to the old form of govt: i.e. three (3) selectmen

Too hidebound, unrealistic and myopic.

3.a. To retain traditional town government consisting of an Open Town Meeting/ Selectmen/Town Administrator.

So that the tax payer should be informed.

There shouldn't be so much trouble between them. Two from 1 family shouldn't be. For obvious reasons it should no bluff the job.

Much better than before w/three selectmen.

But change to town manager.

Not all meetings are open. All selectmen should be tested for ethics violations.

The selectmen ran one administrator out of town and he was embarrassed by our town he is using a different name!

Lack of citizen input, "leaders" don't want it

They can not be meet these goals with people like Cheli and S. Barlow involved.

Do away with town meetings

Open town meeting is fine

There has been NO VISIBLE change for the better with p.t. selectmen & administrator. Three selectmen were better.

Town Administrator has no real power or teeth. Part-time Board of Selectmen, many who truly haven't a clue, continually over rule him and bring personal feelings, politics and sometimes outright lies & misinformation to the table. To put it bluntly, I think the old, 3 full time Board of Selectmen were much more effective. They weren't perfect; but took their job seriously and had the best intentions.

Open meeting? By the time the 5 can agree on anything – the meeting is over

We need an energetic, decisive chief executive.

I am afraid egos on the BOS are driving the operation of the town. 2 excellent administrators helped the town's transition to the Charter – Mr. Groux and Mr. Griffin, but old style politics is now prevalent, ie, selectmen ordering the administrator to focus on their singular interest

The selectmen have just enough power to not allow for a direct line of authority to lead effectively.

Poorly regarded BOS lack of interest in upcoming vacancy

Totally dysfunctional at the highest level

Town meetings have been too time consuming which allows little time for decision making

Too much power to selectmen

Great having on TV. Brings differences out in public.

3. b. To establish a larger measure of coordination among the departments, offices, committees, boards and other town government agencies.

All that happens is a great deal of disagreement at Selectmen's meetings.

Selectmen's interference.

Could be improved. Stop backbiting.

Certainly much better to have (5) selectman.

Selectmen are too <u>autocratic</u> in nature and not taking committees seriously! "Coordinator," you need better COMMUNICATION!

There is no cooperation! If you don't do it the selectmen's way they will hassle you to death!

Common knowledge – employees not happy

If you don't see it Cheli and Barlows way you will be up for a fight whatever the cause.

Needs much more improvement.

Conservation Committee has its own agenda

Budget guidelines ignored - buy what you want!!

I've seen some improvements; but not as much as expected or needed. Some Departments are continually and sometimes unfairly pressured, while others are more or less ignored and seem to have freedom to do as they please. Something as basic as central ordering for supplies, which I brought up numerous times 20+ years ago, still isn't done.

Coordination? Everyone is too busy arguing – Do as I say – Not as I do! Long term employees won't play the new game.

See next comment please. We need a "director of Community Development" to oversee planning dept, Board of health and conservation agents, town planner, building inspector, etc.

Study ways that committees & board can work together and not undermine each other

Coordination and cooperation were used during the first three years of the Charter. It is sad to read and watch the Selectmen at this time focusing on minutiae – no goal setting – ignoring or failing to listen to the appointed Boards & Committees – they want to "run" everything themselves.

More infighting & lower morale

I believe there is very little coordination and direction between any govt. agencies.

Need more action with Finance Com

It appears coordination isn't being allowed to happen by selectmen

3. c. To centralize authority and to establish accountability throughout the town's governing structure.

The Board of Selectmen seems to have difficulty setting policy goals & priorities and then allowing the Town Administrator to carry out/implement those goals. The Town Administrator seems to be extremely deferential to the Selectboards which keeps it much too involved in the minutia of everyday town operations.

We can never get a straight answer.

Selectmen's interference and never agreeing

Job descriptions should be established & maintained. Also cross training should be enforced.

Authority and accountability has been needed for years. Landfill was poorly managed before!

I don't know what this means. Give example! If the town shows signs of corruption, accountability is & will be negligible.

The selectmen think they are the only one's with authority!

What accountability?

I believe selectmen feel they are the only one's with authority.

Same as above Budget guidelines ignored – buy what you want!!

It's everyone for themselves – at least in the selectmen's office!!!

The Board of Selectmen have no accountability (with the exception of elections, which doesn't cut it in this case) and are continually micro-managing things. That is not their job, and I believe they continually break the Charter and, in essence, the law, with their actions and antics.

There is absolutely no accountability for anything in Town Hall. We are paying way too many people way too much money. And they never even work a full week. <u>Check it out.</u>

The administrator needs to have and use the power to hire, fire, and discipline all town workers. The conservation agent and board of health agents ought to be under his domain in order to coordinate planning and permitting more effectively.

Set up a strict chain of command

Please strengthen the authority of the Town Administrator. No person wants to work each week not knowing what duties are required by the governing authority – since in Bourne's case they change day to day and week to week.

I think a Town Manager is the answer

Selectmen going in no apparent direction too much time on minutia

Who is the finance director accountable to? Why does her department get \$21,000 in raises then we find out the town is broke? Get rid of "contract" or "non-union" employees who can make/negotiate their salaries/raises make them union except for the TA

There is little accountability since no one dept can make a decision or else that dept will send you to a different dept: passing the buck.

Departments parochial and political

More control to the adm.

Respect opinions of dept heads

3. d. To improve the quality of fiscal and physical planning.

This is why we need a town administrator.

There should be some restraints.

Much better some former elected officials.

Poor on fiscal. Griffin told selectmen what was coming. Selectmen offered but knew election was coming! No early warning!!

A fiscal mess

After the selectmen's personal agendas are addressed (Barlow fishes – it is all he cares about Cheli sells real estate – she wants everyone else's signs down) there is no time for much else.

Need some consensus

The extra costs associated with service/benefits (particularly health) provided to Part Time employees was deceptively included from public info forums – I don't see any great fiscal management.

I have seen advances made in better financial planning; but once again, not what was expected or needed. There needs to be some common sense used. Yes, Fire, Police & Schools are important; but not at the expense of many other Departments and Services. Town employees are paid average (middle) salaries and got decent benefits to offset that – I get tired of hearing that their salaries & benefits are the cause of Bourne's financial troubles.

Morale is in the toilet. There is no respect for any of the high priced bosses who are screwing the town.

Good planning is buying a \$20000+ stuffing machine that doesn't work?

Selectmen do not delegate to professional administrators enough. Selectmen are not generally competent to plan, and their timeframe is too short.

Strengthen the criteria for members of these committees

No fiscal or physical planning is being done!

Great & impressive finance committee – appear very professional and committed as opposed to the B of S

The town is in worse fiscal condition since the charter

No rational planning exhibited

Need assist when selectmen think they know it all – should consult more with others in community

Present selectmen seem to have no interest in planning & undermine finance com or town admin efforts

3. e. To provide full-time professional management and administration.

By a Town Adm. ONLY

Administrator's limited because his job hinges on selectmen. NOT good, admin. Should have more authority.

Very late provisions made between assignments of Guarino/Grffin – town should change to Town Manager in lit of part time selectmen

3 selectmen back

The arguing and petty fights at meetings amongst the selectmen is a joke. They do not let the town manager do his job. They have clicks like teenagers.

Try for "Town Manager" position

I have never seen such unprofessional management. I can't give an opinion on the Town Administrator because like the last one he is not respected by the selectmen.

Agree with idea not with present administrator

Would be better if allowed to job hired for

With three full time selectmen, if there was any in fighting it was behind closed doors and a professional decorum was always maintained.

Having a Town Administrator or any other professional (Finance Manager comes to mind) can be helpful; but with the Board of Selectmen continually overriding and micro-managing things, the Town might as well save the money it's wasting on positions that aren't allowed to do their jobs.

There is no professionalism in Town Hall. It is disgusting. Top people bring their kids to work.

Town administrator's family residence is in VT

Not a professional in the whole operation

The administrator needs to have the authority to create new positions, for example a zoning enforcement officer or Director of Community Development, and advocate for funding of the positions.

Provide more funding to hire professionals

The Town Administrator should be allowed to oversee they day to day operation of the town. To implement goals set by the Selectmen. However, if no goal setting is done – and each week the selectmen set some new agenda the Town Administrator is hard put to do the work. Fewer mtgs of the BOS would help.

There hasn't been any professional mgmt since the Charter. People watch the Selectmen mtgs for laughs. Grady set a poor example & all have followed his micro management to a fault

Selectmen micromanage Town Administrator

Town planner has not accountability. Too much money is spent on this administrator

Too much interference by selectmen

It appears present selectmen are micro managing efforts and stifling administrative decisions

3. f. To broaden representation and encourage and promote citizen participation

Every time someone gives their opinion there is no resolution made.

By inviting taxpayers to come forward whenever there is a need.

Citizen's should be allowed comment certainly.

The way committees and chairs are treated no wonder its hard to get people to volunteer. You should treat them much better.

Why waste your breath participating the current selectmen have their own agenda and do not care about the citizens.

Hasn't worked

Why would we participate? There are only 2 selectmen that would listen and the partners Cheli and Barlow would still make it work their way!

There is no more citizen interest now than before the charter passed!

Since the Charter has passed, citizens have been disenchanted, disheartened, and essentially could care less. My parents continually use the word "disgusted" when they speak of Town government, politics, etc. Employees are in the same boat – they last time I saw this was during the layoffs in the 1980's and again in 1990-92. No one wants to be involved any more.

The mooring issue back in the summer was another joke! Just who made any decision? It only took 8 weeks. Who answers to who??

Horrible

The only thing encouraged is party & social time

Citizens with busy lives see that selectmen are unnecessarily bogged down in administration. A true policy setting board would be able to meet once or twice monthly and delegate much more to the town administrator.

Have more representation on a one to one (equals) basis for all sections of Bourne

More and more citizens are turned off of serving as their efforts and work are ignored. Many committees have worked diligently on their assigned tasks only to have their efforts picked apart – ignored – or shelved and no action taken.

The selectmen prejudge & don't listen to comments & are rude to speakers

The BOS asks for comment/input from Board/committees, then does what they want anyway Selectmen do not listen to peoples wishes

I believe this form of govt. leaves little for the citizens to participate in. Decisions are premade.

Selectmen myopic and self-serving

If anything – the selectmen's micro managing is discouraging citizen seeking to volunteer

4. Should any of the provision(s) of the Charter be changed?

Give it some more time. I think it is working remarkably well – its only been 4 years and we're still in a transition state. Its success speaks very well for all the work, thought, planning & foresight of the original Charter Committee. I think the 4 year review is an excellent idea & a good time interval. Let's stick to it – every 4 years!! The tuning & adjustments will become more & more minor over time. We all need to have patience and perseverance with the process.

ΑII

If it works for all the Cape towns it should work for Bourne too!

Only those proposed by the Charter Review after discussion.

The people who show up at the review are doing a great job.

Those deemed so to be passed at Town Meeting by the people.

Lucia Fulco and the rest of the Review Committee are doing a great job unbiased.

ALL fiscal provisions and manager duties.

The whole thing

Maybe not changed but absolutely inforced.

Thank you for taking the time to ask us for our thoughts although it is a waste of time until we can remove the most recent elected selectmen!

Start over. Work toward what citizens need, not what you want.

Selectmen most recently voted in just need to learn to abide by it and stop embarrassing the whole town!

Eliminate selectmen – town meeting

There will always be those against the Charter and will never give up trying to see it fail. Other towns have changed with the times and have gone forward. This town is a joke.

Finance people should do budget – not selectmen & town administrator

The administrator should have a GREAT DEAL more authority – should be a town manager.

We feel that the selectmen have/are overstepping their authority by involving themselves in the day to day workings of the town. Their acts have/will undermind the concept of the Charter if they can not abide by the Charter they should either resign or [can't read] another 3 year term Because of them the Charter has been failing

The whole thing should be revoked and start clean. Also years ago the charter effort which was sadly defeater but some decent suggestions! TAKE ANOTHER LOOK!!

Go back to a fulltime Board of Selectmen. At the very least, within the existing structure, their powers & the Town Administrator's need to be greatly clarified or specified. Otherwise, this Town will continue in a downhill spiral and become the joke of MA politics, similar to Wareham years back.

Neither the citizens or employees of the Town are happy with the present state of Town government – you have people moving out of Town and employees leaving for other jobs because of it. This needs to be remedied ASAP or I fear it will be too late and take the Town years if not decades to recover. The Town was once looked to with respect, now it is laughed at or folks just shake their heads in disgust. I used to think I'd like here all of my life, and maybe my children would, too; but the way things are going, we'll all probably be out of here in the coming years. This is just plain sad.

Town should go to Town Manager, or back to full time selectmen. I don't think part time selectmen have the time or interest to be making final decisions.

Strengthen Town Adm. Position

Clarify the role of board of selectmen and policy makers

Worried about the Selectmen not adhering to the Charter

Sect. 5-2 the administration shall organize or reorganize depts. and town agencies, as needed subject to the approval of the town selectmen after presentation at a town meeting.

Additional comment. The selectmen shall be proscribed from administration functions; these tasks are within the purview of the town administrator.

3 full time people please

Go back to previous town mgmt.

Get rid of the ones in charge

I am a 70 year old man who went to pay taxes on 12-30-05 at noon.

As I walked down the hall a female from the assessing office hollered "what are you – on the rage" across the hall to the tax office (I assume).

I was mortified and thoroughly embarrassed. Professional??

I went to the Town Administrators office – not in today.

I went to see the next in command the financial director – gone for the day – again – (every time I go to see her with a question – not there) or she is there with her children or child who runs up & down the halls- who was in charge? Professional?

Are these situations terms of this great charter?? Thank you.

The administrator needs to have greater authority in order to effectively do his job. Administrators ought to have a <u>guarantee</u> of minimum of 3 years employment. Then, like tenured judges, he will be able to assert himself, and OVERRULE OR IGNORE selectmen when they try to diminish his role.

To much politics. Part-time selectmen out. Full time needed.

Open up commercial space to the "outside world"

Town Administrators are professionals and should be treated as such.

It appears as if there is little hope of many changes being made in the way the Town of Bourne is being governed unless there are changes made on the Board of Selectmen. The Board should have the overall improvement of the town in mind, rather than their own little bailiwick. Yeat each time this thought is raised it is totally ignored and they are right back second guessing and micromanaging.....

It seems as if the Buzzards Bay Village Association is doing more to improve the Town than the elected members of the Community. Why aren't the Selectmen standing behind this group and putting some effort into assisting this hard working group?

The Local Comprehensive Planning Commission is another hard working group being totally ignored by the Selectmen, since this Committee took over the task to relieve the Selectmen of the long and arduous task, it seems as if more help and backing by the Selectmen would be tops on their list.

There is another problem as well, the Finance Committee should be used to assist the Selectmen since this Committee surely has the best interests of the Town in mind, yet they are ignored or they are being "punished" for daring to change an item on the last Annual Town Meeting warrant. Even though the members of the Finance Committee offer to help, they are not allowed to speak at a Selectmen meeting. This is petty politics at its extreme. The FinCom members serve to assist the town.

Planning Board member, Mr. DuBerger has the best interests of the Town at heart and is mind, yet the selectmen have done nothing about bringing in the members of the Appeals Board to address the issues that Mr. DuBerger raises. (I drove out to Kennebec Street to see that "raze and raise" home, it is totally out of touch and out of keeping with the other homes on that peninsula, Mr. DuBerger is right!)

Let us hope that the Zoning By law Review Committee will address the issue Mr. DuBerger raises before it is too late. In that vein, why aren't the Selectmen calling the Committee in to see fi they are doing just that, or at least getting reports through the Town Administrator? If a Committee needs guidance, and I am not implying that in this particular case, they do, where is the support of the governing body, THE SELECTMEN SEEM, ALWAYS TO HAVE THEIR OWN LITTLE AGENDA INSTEAD OF THE OVERALL WELL BEING OF THE TOWN!

It is my hope that the Charter Review committee will suggest changes that will assist the Town Administrator, so that the person in the position can do the job they were hired to do.

Eliminate the part time selectmen from the actual line of authority. The town must be managed by professionals not funny story tellers and burnt out retired lawyers and kindergarten teachers.

Continue Charter review

Members of the same immediate family should not be allowed to serve on Board of Selectmen. Part time selectmen have failed. Self interest on the B.O.S. is killing this town.

Old govt. should be brought back.

Need unhindered professional management and shorter terms for all department hears.

We need a town manager with more authority