

**Town of Uxbridge
Charter Review Committee
September 21, 2020**

The sixth meeting of the Uxbridge Charter Review Committee, held on the Zoom platform, was called to order by Chair, Patrick Stephan at 6:38 PM, Monday, September 21, 2020.

Present were Chair, Patrick Stephan, Clerk, Vice-Chair, Melissa Desmarais, Clerk, Ray Talke, and committee members Barry Desruisseaux, Rob Knapik, Jeffrey Lourie, Joann Lindenmayer, Ron Parsons, and Michael Potaski. Uxbridge town manager, Steven Sette, and Health Director, Kristin Black were also in attendance.

Dr. Lindenmayer volunteered to serve as timekeeper.

The Uxbridge Charter Review Committee interviewed Uxbridge Health Director, Kristen Black. Dr. Black introduced herself and pointed out that her position is somewhat unique in the town because she serves at the pleasure and direction of the Board of Health, rather than the Town Manager. During the interview, Dr. Black made the following points:

The Board of Health is granted unique authority from Massachusetts General Law, with powers that "separate health from government," and allow the Board of Health to operate independently of local government. Because of this, Dr. Black has noticed very few limitations due to the Uxbridge Home Rule Charter.

Overall, Dr. Black has not experienced any problems caused by the Town Charter, but did express the concern of the Town Manager being pulled in many different directions. She cited some differences between the Board of Health and the Board of Selectmen, particularly the Board of Selectmen's decision to hold the Spring Town Meeting contrary to the Board of Health's recommendations about COVID-19 risks. Although not directly related to the Town Charter, Dr. Black expressed the wish all governing bodies would defer to the most conservative approaches to protecting peoples' health.

Dr. Black also pointed out some of the differences between town committees on the soil importation issue of a few years ago. The Board of Selectmen, the Planning Board, and the Board of Health all proposed regulations, as permitted by Massachusetts General Law. However, those regulations were not always consistent between governmental authorities, and were sometimes in conflict.

In terms of the composition of the Board of Health, Dr. Black expressed satisfaction with the current term (three years), composition (three people), and method of selection (elected) of the Board of Health and conveyed her preference for people with public health experience serving on the Board. She explained that the powers of the Board of Health are vast, and can address any issue pertaining to health. Having worked with a five-member Conservation

Commission and a three-member Board of Health, Dr. Black declared a preference for a three-member Board, stating it is "more manageable" from the perspective of a Health Agent. She also believes a three-member Board in a small town like Uxbridge is easier to staff than a larger Board. Dr. Black expressed a concern that changing the Board of Health from an elected to appointed Board would cause a great deal of distress and granting the Town Manager, for example, appointment authority would increase the politicization of the Board. She feels the existing Board of Health works well, and no changes are needed.

Dr. Black added, "we have not had much competition in elections for the Board of Health, several uncontested elections, and individuals with little to no experience in public health run for seats; therefore, I recommend this board is NOT increased in size to a 5-member board. In the last 7 years, we had two contested races where one of the candidates had little to no experience in public health. Lastly, in the last 7 years, we have never had more than 2 candidates running for an open seat to my knowledge. For these reasons, it makes sense to keep the BOH as a 3-member board as it would likely be difficult to fill the 5-member board with experienced individuals. It is also important to note that active recruitment of qualified individuals to run for open seats may be needed."

In terms of staff, the Health Director is appointed by, and answers solely to the Board of Health. The union personnel in supporting roles currently report to, and are officially managed by, the Town Manager. According to Dr. Black, some towns have taken the Board of Health employees from union positions and made them direct agents of the Board. This was primarily due to the need for confidentiality in the Board's actions, particularly as they relate to handling reportable illnesses, and because these employees are often performing supervisory tasks.

Dr. Black expressed a preference for the Board of Health to be populated with qualified individuals with some facet of public health experience. She noted that not every candidate in past elections had public health experience.

With regards to filling vacancies between elections, Article 3, Section 1, Paragraph (g) of the Town Charter states:

If there is a vacancy in an elected board consisting of two or more members, other than the board of selectmen and finance committee, the remaining members shall forthwith give written notice of the existence of any such vacancy to the board of selectmen. The board of selectmen with the remaining members or member of such elected board shall fill such vacancy by a joint vote, after one week's notice of the date on which the vote shall be taken until the next town election, at which time the vacancy

will be filled by the voters for the remainder of the original term. If such notice is not given within thirty days following the date on which said vacancy occurs the board of selectmen shall, after one week's notice, fill such vacancy without participation by the remaining members of the multiple member body.

Dr. Black recommends the Charter Review Committee consider adding a requirement that an elected board with a vacancy is given written notice of the 30-day requirement or that the time period to hold this joint meeting is extended.

The Charter Review Committee interviewed Town Manager, Steven Sette, who introduced himself and reviewed his professional background. Despite it being almost ten years from the last charter review, Mr. Sette believes people are still getting used to the Town Charter. For example, until recently, the Board of Selectmen were still attempting to take on responsibilities assigned to the Town Manager by the Charter. Mr. Sette said the Town Charter "is not cumbersome" and is beginning to work the way it should.

In discussing the current Town Charter, Mr. Sette offered the following observations:

As Town Manager, Mr. Sette has to serve "many masters" – reporting to the Board of Selectmen, yet also being responsible for the residents of Uxbridge. Sometimes the needs of different groups are in conflict and "the best decision" made by the Town Manager may not always be "the most popular decision." A Town Manager must be secure and confident enough in his or her ability to make tough decisions.

In Mr. Sette's estimation, there aren't any significant issues with the Town Charter. The primary issue is people having not read and not following the Charter. If people would actually become familiar with, and follow, the Town Charter, things would be a lot easier. There is, at times, a level of frustration among the Board of Selectmen in that they may want to take a specific action which is actually the prerogative of the Town Manager according to the Charter.

There has been a tendency on the part of the Board of Selectmen to involve themselves in the day-to-day decision-making involved in managing town affairs even though the Charter clearly grants this authority to the Town Manager. Mr. Sette stated that things have improved as the Town Manager and Board of Selectmen have developed a working relationship, but this may not necessarily continue as persons in either of these positions change. When people in elected positions and the Town Manager follow the Charter, "we have a very good structure," according to Mr. Sette.

The Charter currently grants the Town Manager significant authority in managing the day-to-day operations of Uxbridge, and limits the authority of the Board of Selectmen to specific enumerated responsibilities. In essence, the current Town

Charter is a "strong Town Manager, weak Board of Selectmen" model when comparing relative authority and responsibilities. Mr. Sette did emphasize that while the Board of Selectmen have limited authority in day-to-day town operations, they do have significant authority in crafting overall policies for the town. Since the Board of Selectmen have the authority to enact policies the Town Manager must administer and execute, Mr. Sette believes there is currently a good balance between the roles and responsibilities of the Town Manager and Board of Selectmen.

Mr. Sette believes the current Charter provides for a clear reporting structure for town employees. The Charter facilitates the building of relationships between the Town Manager and the town's staff, and allows town employees to candidly discuss issues and problems with the Town Manager without worrying about public or political repercussions. The Town Manager has the ability to formulate or change the culture surrounding the town's staff.

There is an exposure in that new elected officials may ignore the contents of the Town Charter and, for example, and begin interfering with the administration of town affairs. Although most people in Uxbridge know we have a Home Rule Charter, they don't know where they can even find the charter and are unfamiliar with its contents. Because of this, the public doesn't always hold elected officials and appointed employees accountable to the Charter.

One of the primary responsibilities contributing to the success of town administration is having a Town Manager who continually communicates with elected officials and keeps them informed.

The Charter grants the Town Manager appropriate authority to deal with staffing issues, including employee discipline, reorganizing responsibilities, and replacing personnel when required.

Mr. Sette was asked his thoughts about using elections, appointments, or a hybrid model (some members elected and others appointed) to fill town boards and committees by Mr. Parsons. Overall, Mr. Sette expressed a preference for electing members to positions, since the elected officials are held directly accountable to those who elect them. While appointments may be useful when there are specific types of talents required for a board or committee, there is a risk such appointments may be politically motivated.

According to Mr. Sette, hybrid models can be problematic. The downside of filling positions by election occurs when there is not enough interest on the part of the residents to run for, or serve on, elected boards and committees. When there are not enough candidates on the ballot to fill all the available positions, people can be elected to office with a very small number of write-in votes and may not have any real interest or qualifications in serving. In these instances, appointing people to positions may be preferable to electing them.

Mr. Parsons expressed a preference for a model in which some members may be appointed and some elected, maintaining that may enhance the diversity of ideas on boards and committees. Mr. Sette responded that there have been some discussion of establishing a nominating committee to screen and recommend candidates for appointed positions. Mr. Sette stated he believes such a committee would help identify the best candidates for specific boards and committees and make those boards and committees more effective and diverse.

Article 4, Section 2, Paragraph (b) of the existing Town Charter grants the Town Manager authority to appoint people to approximately 25 town positions, including five multi-member committees. Mr. Sette believes that authority is appropriate and similar to that which he experienced in other towns.

Mr. Sette stated he believed the existing provisions in the Town Charter to select and remove a Town Manager are appropriate.

Dr. Lindenmayer moved to approve the minutes of the August 31, 2020 Charter Review Committee, seconded by Ms. Desmarais. The motion passed 8-0-1, with Mr. Lourie abstaining.

Mr. Stephan suggested the first mention of the Town Charter should use its proper name in the minutes – the Uxbridge Home Rule Charter. Subsequent mentions can be shortened to “Charter” or “Town Charter.”

Mr. Lourie moved to approve the minutes of the September 14, 2020 Charter Review Committee with the addition mentioned above, seconded by Mr. Knapik. The motion passed 7-0-2, with Ms. Desmarais and Mr. Desruisseaux abstaining.

Mr. Stephan updated the calendar for the Charter Review Committee and has granted all committee members the authority to edit the calendar.

Mr. Stephan reiterated the Charter Review Committee will attempt to submit an interim report to the Spring 2021 Annual Town Meeting and place recommendations on the warrant for the Autumn 2021 Annual Town Meeting.

Mr. Potaski distributed the media notices soliciting comments from the public. Coverage of the committee was featured on the first page of the most recent Blackstone Valley Tribune. To date, only one member of the public has submitted comments to the Charter Review Committee. The Chair and Vice Chair are authorized to respond to routine inquiries and will strive to do so within 24 hours.

Committee members expressed satisfaction with the format of the interviews and the questions to be asked. Mr. Talke agreed to forward copies of the question form to individuals being interviewed during future meetings.

For future interviews, Mr. Talke suggested, if it could be arranged, that people who have left the employment of Uxbridge be interviewed for their perspectives. This may offer a different set of viewpoints to those who are currently employed by the town.

Town Moderator Ed Maharay and Former Board of Selectmen and School Committee Chair Jen Modica are scheduled to be interviewed at the October 5, 2020 meeting of the Charter Review Committee. Mr. Stephan suggested interviewing the police and fire chiefs at the October 19, 2020 meeting.

There were no public comments during the citizens' forum.

The next meeting of the Charter Review Committee will be held on Monday, October 5, 2020 at 6:30 PM. The meeting will be conducted on the Zoom meeting platform.

The meeting was adjourned at 8:36 PM.

Respectfully submitted,

/s/

Raymond A. Talke, Jr.
Clerk