

**Town of Uxbridge
Charter Review Committee
December 14, 2020**

REC'D UXB TOWN CLERK
2021 MAR 2 AM 10:13

The twelfth meeting of the Uxbridge Charter Review Committee, held on the Zoom platform, was called to order by Chair, Patrick Stephan at 6:30 PM, Monday, December 14, 2020.

Present were Chair, Patrick Stephan, Clerk, Ray Talke, and committee members, Rob Knapik, Joann Lindenmayer, Jeffrey Lourie, and Michael Potaski. Absent were Vice-Chair, Melissa Desmarais and committee members Barry Desruisseaux, and Ron Parsons. Selectmen Brian Butler and Jeffrey Shaw were also in attendance.

No members of the public were present for Citizens' Forum.

The Uxbridge Charter Review Committee interviewed the Chair of the Board of Selectmen, Brian Butler. Mr. Butler introduced himself as a 28-year retired school administrator and currently works part-time as an Account Representative for Long Automotive in Framingham. Mr. Butler is the father of two daughters.

Mr. Butler expressed concerns with Article 4, Section 2 (Powers and Duties of the Town Manager) of the Uxbridge Home Rule Charter. Mr. Butler stated the Town Manager should retain the powers to appoint, evaluate, discipline, and relieve town employees, but only with "the advice and consent" of the Board of Selectmen. Mr. Butler maintained the current Town Charter grants a lot of power to the individual holding the town manager position. Mr. Butler does not want the Board of Selectmen to micromanage the day-to-day activities of the Town Manager, but to provide input into major appointments.

An advantage of implementing an "advice and consent" requirement would be introducing a different mindset to decisions, according to Mr. Butler. Mr. Butler professed that such a requirement might increase the time required to make appointments or decisions. However, because issues subject to approval by the Board of Selectmen would typically be well-vetted by the Town Manager and Town Counsel, it is unlikely that providing advice and consent will consume a great deal of time on the part of Selectmen.

Other issues addressed by Mr. Butler include:

Mr. Butler believes there should be greater consistency in the number of individuals in each town committee. He provided the example that there are five members of the Board of Selectmen, three members on the Board of Health, and seven members on the Finance Committee. Mr. Butler expressed a preference that every town committee consist of five members. He stated that five-member committees would allow things to be done properly and efficiently.

In response to queries, Mr. Butler stated it would be easy for only two members to align on a specific issue on a three-member committee, and make policy based upon the preferences of those two members. Two more members of such a committee would make things "more transparent." Having five-member committees would alleviate the perception that certain policies were "presumed ahead of time" and allows additional points of view to be presented.

On the other hand, Mr. Butler conceded the difficulty in finding qualified people to serve on town committees and provided some theories as to why people are reticent to involve themselves in town committees. However, if the dynamic of committees improved as the result of establishing five-member committees, people might be more inclined to volunteer to serve.

Mr. Butler believes the quantity of members for each town committee should be defined in the Town By-laws, rather than the Town Charter, because the By-laws are more difficult to revise, and would provide more permanence and stability. (There was some discussion among the members of the Charter Review Committee as to whether it was truly more difficult to revise Town By-laws than the Town Charter).

With the exception of the two points raised, Mr. Butler stated he was "very comfortable with the current Charter." He called it "well crafted, and well thought-out."

Mr. Butler expressed reservations about instituting a nominating committee, believing it would be another committee with seats difficult to fill.

In terms of Selectmen also serving as Water and Sewer Commissioners, Mr. Butler said such "responsibilities should be split." He stated Board of Selectmen serve as Road Commissioners and Water and Sewer Commissioners, creating "an awful lot of responsibilities that require in-depth thinking and control." Putting all of those responsibilities on the Board of Selectmen "is a lot to ask."

When questioned as to whether the report of the exit interviews of departed employees indicated a need to change any aspect of town government, Mr. Butler stated "the Board of Selectmen most definitely did allow those exit interviews to be published and exhibited. They were heavily redacted for obvious reasons."

Mr. Potaski later mentioned there was an appeal made to the Attorney General that the redactions were excessive. The Attorney General agreed and required the town to republish the exit interviews with fewer redactions. Mr. Potaski then asked if the new set (with fewer redactions) was put out. Mr. Butler stated he was "not aware of that."

Mr. Butler stated he did not see any evidence in the exit interviews that any types of changes around the Board (of Selectmen) were needed. When asked if the exit interviews indicated any kind of functional problem or suggestions for changing the form of town government, Mr. Butler responded, "that has zero to do with this charge of the committee that you've got going on right now. Zero. Whatever issues that were taking place, they were done obviously through the Town Manager and the Board and Counsel. So, I mean I don't have any understanding how that has any bearing or affect on the Charter Review Committee."

When the question was again posed, and Mr. Talke explained the rationale for the question, Mr. Butler stated he believed people leaving the employ of the town were for reasons other than the structure of town government.

Mr. Stephan reviewed the timeframe in which the Charter Review Committee wished to perform its tasks. Mr. Butler expressed his support of the timeframe and plans, stating that "communication and transparency are huge! In order to maintain and develop a trust element, not only through the infrastructure of the town government, but through the citizens of Uxbridge, we've got to have that communication out there – the awareness that people, the information that's being forwarded, is accurate and on-target, it's rational thinking that's being involved, and there are no hidden agendas. The transparency and communication is key."

Mr. Potaski mentioned the Citizens' Forum portion of Board of Selectmen meetings were moved to the end of the meetings, and the input of citizens could not be used when Selectmen deliberated issues. Mr. Butler said the Citizens' Forum has been moved back up to the beginning of Board of Selectmen meetings.

Mr. Lourie said he worked in towns in which the Town Manager makes appointments and towns in which the Board of Selectmen make appointments. He stated there are issues with each model. There are problems when a Board of Selectmen are not in agreement, as well as when there is not a strong Town Manager. However, since appointees work for a town manager, that Town Manager should have some input on who will be working for her.

The Uxbridge Charter Review Committee then interviewed Jeffrey Shaw, who currently serves as the Vice-Chair of the Board of Selectmen and Chair of the Conservation Commission. Professionally, Mr. Shaw works as a Facilities Fleet Manager for Devaney Energy in Mendon.

Mr. Shaw stated he believes the "Board of Selectmen require a little more of a (sense of) ownership of what's going on in town," particularly as they relate to appointing the Police Chief, Fire Chief, and DPW Director. Mr Shaw said he didn't want the Board of Selectmen "to get too deep in appointing everything," but the main positions (which

impact the town's basic functions) should receive the advice and consent of the Board of Selectmen. Mr. Shaw would like to see the Town Manager identify multiple candidates for positions, and with consultation from the Board of Selectmen, hire one of the identified individuals. Upon questioning by Mr. Stephan, Mr. Shaw stated the final decision on appointments should be based upon a binding vote of the Board of Selectmen. Mr. Shaw stated that gives the Board of Selectmen ownership in the position, and reduces their ability to deflect criticism by blaming bad hires solely on the Town Manager.

Mr. Shaw clarified there have been no problems with the current Town Manager. However, there have been issues with previous town managers. The current Town Manager has been open, communicative, and straight-forward. However, some previous town managers have done things behind closed doors with no participation from the Board of Selectmen.

Mr. Shaw would like the relationship between the Town Manager and the Board of Selectmen to model that of a corporate Chief Executive Officer and Board of Directors. He wants the Board of Selectmen to have a say in overall policy and appointment decisions, but not run the day-to-day operations of the town.

Mr. Shaw believes this model would make the town operations more responsive to the needs of residents. It would also ensure that appointees would be invested in the success of Uxbridge, rather than approaching their positions as "just another job."

On the other hand, if a dysfunctional Board of Selectmen were in place, Mr. Shaw conceded his model might result in special favors to preferred people.

Mr. Shaw also addressed the following issues:

In response to a question from Mr. Potaski, Mr. Shaw stated there should not be a residency requirement for Town Managers. Mr. Shaw believes such a requirement would limit the town's ability to attract qualified candidates.

In clarification of the Board of Selectmen's involvement with appointees, Mr. Shaw said that once a person is placed in a position, that person should be managed by the Town Manager, and not the Board of Selectmen, except in extraordinary situations.

Mr. Shaw agrees with Mr. Butler that town committees and boards should have a minimum of five members. If a committee has more than five members, the quorum requirement should be based upon a percentage of sitting members, instead of statutory members.

In terms of allowing boards and committees to have more than five members, Mr. Shaw expressed he had no problems with larger boards, provided the workload demanded it. However, in boards and committees with regulatory responsibilities, it may be more difficult to make decisions with a larger number of

members. In light of this, Mr. Shaw believes boards with regulatory responsibilities should consist of five members.

Mr. Shaw said there were no practical sanctions that could be imposed upon elected officials who overstepped the bounds of the Charter. While recall is an alternative, there is a high bar required to recall an elected official. If appointed individuals exceed their powers, as documented in the Charter, the Town Manager should step in and serve as arbiter.

In response to a question posed by Dr. Lindenmayer, Mr. Shaw expressed support for the current recall provisions documented in the Town Charter. He believes the standards are high enough to prevent removal for minor peccadillos, but appropriate for more substantial improprieties.

Mr. Shaw believes the town Police Chief should have the same amount of authority and autonomy currently granted to the Fire Chief. He considers being a police chief, a "specialty job," which entails a degree of expertise and training not available or held by individuals in other positions (such as town manager). Because of this, the Police and Fire Chiefs should have complete authority in managing their departments. Mr. Butler agreed with this assessment.

Mr. Shaw stated he supports open town meeting as Uxbridge's form of government. He does not believe a representative town meeting would serve people well.

Mr. Potaski somewhat facetiously raised the issue of the Board of Selectmen's failure to perform their legal duties to perambulate the bounds of the town every five years as required by Commonwealth statute.

Mr. Talke asked if there should be any changes made to the form of government to avoid corruption like the alleged theft by the former Uxbridge Town Accountant. Mr. Shaw stated, "right now...the Board of Selectmen, the Treasurer/Collector, the Assessor, all know what's going on with the town funding."

There was a time when town finances were not as transparent, which Mr. Shaw equated to a shell game, and "there was not a very open policy as far as the bookkeeping was concerned."

Mr. Shaw suggested a more in-depth auditing system would be beneficial, with a deeper audit than required by the state.

Mr. Talke asked if the existing power of conducting investigations (as enumerated in the Charter) was sufficient, or if a more explicit requirement should be incorporated into the Charter. Mr. Shaw responded the current power to conduct investigations was adequate, but it might be advisable to explicitly

require a biannual audit as a Board of Selectmen policy. Mr. Shaw stated, "it is our (the Board of Selectmen) job to protect the town in fiduciary matters."

In Old Business, Dr. Lindenmayer moved the November 16, 2020 minutes of the Charter Review Committee be accepted. The motion was seconded by Mr. Lourie. The motion was unanimously approved with Mr. Stephan, Mr. Talke, Mr. Knapik, Dr. Lindenmayer, Mr. Lourie, and Mr. Potaski voting "aye."

Mr. Lourie moved that the December 7, 2020 minutes of the Charter Review Committee be accepted. The motion was seconded by Mr. Talke. The motion was approved with Mr. Stephan, Mr. Talke, Dr. Lindenmayer, Mr. Lourie, and Mr. Potaski voting "aye." Mr. Knapik abstained.

Dr. Lindenmayer has graciously volunteered to record the minutes for the January 4, 2021 meeting.

DPW Director, Benn Sherman, and former member of the Board of Selectmen, Susan Franz, are scheduled to be interviewed at the January 4, 2021 meeting of the Charter Review Committee. Selectmen Brian Plasko and Stephen Mandile are scheduled to be interviewed during the January 11, 2021 meeting. The February meetings will be dedicated to deliberations.

For people who have not been interviewed by the Charter Review Committee, input forms will be distributed to solicit their comments.

The Charter Review Committee discussed the methods to be used during deliberations. It was the consensus that the committee will initially address key topics, rather than review the Charter line by line.

The meeting was adjourned at 8:20 PM.

Respectfully submitted,

/s/

Raymond A. Talke, Jr.
Clerk