

**Town of Uxbridge
Charter Review Committee
August 24, 2020**

The third 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, August 24, 2020.

Present were Chair, Patrick Stephan, Vice-Chair, Melissa Desmarais, Clerk, Ray Talke, and committee members Barry Desruisseaux, Rob Knapik, Joann Lindenmayer, Jeffrey Lourie, and Michael Potaski. Committee member Ron Parsons was absent from the meeting.

Dr. Lindenmayer volunteered to serve as timekeeper.

Mr. Stephan reviewed the status of allocating town email accounts to committee members. All members of the Charter Review Committee have been assigned email accounts.

Mr. Stephan began a discussion of using online collaboration tools for the Charter Review Committee. Dropbox, Google Docs, and Microsoft Teams were discussed as possibilities. Mr. Stephan will investigate whether the Charter Review Committee can be given access to the town's license for Microsoft Teams.

Mr. Desruisseaux raised concerns about the use of collaborative tools, particularly documents. He suggested that allowing unrestrained comments and edits on documents only reflect the preferences of the comment authors and were unwieldy and, ultimately, unmanageable.

Ms. Desmarais moved that the minutes of the August 6, 2020 Charter Review Committee be accepted, seconded by Dr. Lindenmayer. The minutes were approved by a vote of 6-0, with two abstentions.

The Committee reviewed a document written by Mr. Talke and posted to the "We are Uniquely Uxbridge!" Facebook group on February 17, 2020. Before reviewing the content of the document, Mr. Talke briefly reviewed its intent. Mr. Talke suggested the current committee assume the previous Charter Review Committees performed their due diligence in reviewing and updating the town's charter. The document by Mr. Talke is intended to identify the problems and issues with town government over the past ten years, and to highlight those issues which may be addressed by revisions or changes to the town charter.

Mr. Talke discussed the conflicts between the Board of Selectmen and Town Managers over the past decade. Currently the town has a strong Town Manager/weak Board of

Selectmen model, meaning the Town Manager has substantial powers in running the day-to-day operations of Uxbridge whereas the Board of Selectmen have very limited, enumerated powers.

There is also the issue of appointment authority. Certain town officials possess the capability to make a significant number of appointments to town committees, without the need to consult any other entities and without any substantial accountability. For example, the Town Manager has the sole discretion of making 18 appointments to various town seats and the Town Moderator has appointment authority to several committee, including a majority of the seats on the Finance Committee.

Mr. Talke raised the question as to whether certain town positions should operate in multiple capacities. For example, the Board of Selectmen also operate as the town's Water and Sewer Commissioners. Are these dual roles appropriate, and are the skill levels required to operate in one role similar to the skills required to operate in another role?

Town Meeting serves as the legislature of the town, and all registered voters may participate and vote at town meeting. As members of the legislative branch, do town residents have the information needed to make informed decisions at Town Meeting, and if not, should the town's form of government be revised or modified to address this issue?

Finally, Mr. Talke raised the issue of recent alleged corruption in the town's finance offices. Does our present form of government provide the necessary oversight and accountability to prevent such forms of corruption in the future?

There was discussion and comments on Mr. Talke's document, particularly his contention that Uxbridge has a strong Town Manager/weak Board of Selectmen form of government. Mr. Talke clarified that this description is not meant to cast aspersions on the relative performance of people in the two roles. Instead, the term strictly defines the documented responsibilities of each of the roles. The Town Manager has almost absolute authority in conducting the day-to-day operations of the town, whereas the Board of Selectmen have very limited responsibilities in this area. In general, the Board of Selectmen may hire or fire a Town Manager, operate as the primary licensing authority in town, and may make appointments to town committees. As documented in our current Town Charter, the members of the Board of Selectmen may not interfere in the day-to-day operations of the town.

Mr. Potaski suggested the issues raised by Mr. Talke weren't so much a product of the way the Board of Selectmen works, but with the lack of competence in Town Managers. When a Town Manager is professional and competent, things work well in the town. Mr. Potaski provided some examples of the competencies of an effective Town Manager.

Mr. Potaski opined that the Board of Selectmen should not operate as "mini-mayors" trying to run the town, but instead should gather the pulse of the community, building a consensus of the needs of the community, setting the overall goals of local government, and then conveying that to the Town Manager for implementation.

Mr. Potaski stated the town accounting scandal was the product of a weak Town Manager with poor skills.

Open Town Meeting, in which any voter can speak and vote, is, in Mr. Postaski's words, "the paragon of democracy," and should be retained as our form of government. However, there are certainly cases in which a group of people with a specific agenda may significantly influence Town Meeting. Mr. Potaski also raised the issue that some vocal attendees at Town Meeting are "willfully ignorant" and don't learn about the issues or prepare adequately before Town Meeting.

Mr. Lourie relayed his past experience as a member of a representative town meeting in Auburn and the regular difficulty in obtaining a quorum. In Uxbridge, Mr. Lourie mentioned the times in which special interests in the town "rallied the troops" and "took over" and implemented policies which impacted the career paths of town employees. Mr. Lourie believes the Board of Selectmen should establish the goals of the town and provide oversight to the Town Manager to ensure those goals are achieved. As Police Chief in Uxbridge, Mr. Lourie worked for four different Town Managers in 4-1/2 years. He conveyed his frustration with continuously having different bosses and the fact that he never received a performance evaluation.

Overall, Mr. Lourie stated he believes instability is frustrating to town employees and that decisions at Town Meeting, especially as they pertain to budgets, are often made without due diligence. Regular financial audits are crucial.

Mr. Stephan then opened a discussion of the last Charter Review Committee and suggested current committee members review the October 2012 meeting and how the Charter Review Committee's recommendations were received by the Board of Selectmen. In 2012, the Board of Selectmen were not pleased to find the Charter Review Committee recommended stripping them of much of their executive authority over the town.

Mr. Stephan also reviewed the time frame in which the Charter Review Committee must operate. The Charter Review Committee must have its report ready for the May 2021 Town Meeting. There was a discussion as to which entity is responsible for adding our recommendations to the Town Meeting warrant. Mr. Potaski maintained the Charter Review Committee, as a multi-member committee, has the authority to add an article to the Town Meeting warrant without approval by any other entity. Mr. Knapik suggested

Article 7, Section 6 of the existing Uxbridge Town Charter only gave the Charter Review Committee the opportunity to “report” its findings to Town Meeting and that the inclusion of any articles to institute the recommendations in the report must be made by some other town entity. Town Counsel will have to be consulted for clarification.

Mr. Stephan reminded the committee he is seeking Zoom hosting capability in order to allow documents to be shared during our meetings.

A discussion was held to determine which town officials and employees should be interviewed and the form of those interviews (surveys, in-person, data collection forms, etc.).

Mr. Talke suggested a funneling technique be used to gather information from town officials, employees, and the public. This funneling technique would first seek to identify problems and needs conveyed by town stakeholders. This initial step would focus exclusively on gathering data on problems and needs; potential solutions will not be discussed at this time. Common problems and needs would be grouped, since overlapping often occurs. The Charter Review Committee would then brainstorm solution alternatives – discussing the advantages, disadvantages, and consequences of each. Based upon this analysis, the Charter Committee would recommend a solution and document the benefits (and any potential risks) of implementing that solution. Mr. Talke believes this would allow the Charter Review Committee to operate more efficiently using a process-oriented approach and avoid circular discussions.

Mr. Stephan recommended we review the form David Genereux created ten years ago, which appeared to suggest a similar process.

Ms. Desmarais suggested town department heads appear before the Charter Review Committee to be questioned by committee members about their concerns. Ms. Desmarais felt a live discussion would be more productive than merely collecting written input.

Mr. Knapik supported the imposition of a procedural structure in order to facilitate efficiency. In addition to soliciting input from the public and town department heads, Mr. Knapik reminded the committee that our charge included each committee member identifying problems with the existing charter and suggesting solutions.

Dr. Lindenmayer expressed her support for interviewing town department heads.

Mr. Desruisseaux expressed concerns about the value of input received from the department heads because their concerns might be limited solely to their specific responsibilities in their own departments. Instead, we should rely upon the expertise of our own members who had previously served as town department heads, members of

the Board of Selectmen, and members of other town committees.

Ms. Desmarais expressed disagreement by maintaining it is far more important to solicit input from those who are currently performing town jobs, rather than those who used to perform these jobs.

Mr. Stephan asked the committee when they would like to solicit public comment – on the front-end of the process, during the back-end, or throughout the process.

Mr. Talke expressed concerns about interviewing people, particularly department heads, without a specific process approach. He is concerned unstructured interviews will only waste time and gather very limited usable information.

Mr. Lourie suggested we cast a wider net in collecting information. We should not limit our process to department heads. Mr. Lourie suggested soliciting town employees and the general public for input.

Mr. Stephan suggested a review of the goals of the Charter Review Committee. The first obvious goal is to have a report ready by the Spring Town Meeting. Dr. Lindenmayer added the goal of identify issues in the way the town is governed and to develop potential solutions to those problems through changes in the charter. Mr. Stephan also stated we must gather input from as many sources as possible.

Dr. Lindenmayer pointed out the Charter Review Committee must publicize the existence of the committee and to encourage public input. Methods of publicizing the works of the committee were discussed. Suggestions included posting on the town Website, using town alerts, including a mailing in town tax bills, using the town bulletin board, issuing press releases for local newspapers, posting approved communications in social media groups, and posting the information on community access television. Mr. Potaski volunteered to create an initial communication.

The dates for committee meetings through the end of September were established. Charter Review Committee meetings will be held on the following dates:

Monday, August 31, 2020
Monday, September 14, 2020
Monday, September 21, 2020

All meetings will begin at 6:30 PM and be held using the Uxbridge Zoom meeting platform.

The meeting was adjourned at 8:02 PM.

Respectfully submitted,

/s/

Raymond A. Talke, Jr.
Clerk