

**Charter Review Committee Meeting Minutes**  
**08/18/2020**

**In attendance:** Chair -Chris Soffayer (CSO); Diane Jurmain (DJ); Doreen Hayes (DH); Craig Schultze (CSc); Nancy Sitta (NS).

**Not In Attendance:** Doug Riley (DR)

Invited Guests: Town Administrator, Mike Guzinski.

Logged into meeting but no audio available; Cathy MacInnes, Finance Committee

Zoom Video Meeting called to order at 7:30 pm by Chris Soffayer (CSO)

**I. Housekeeping**

- a. **A motion was made by DH to approve the minutes from 7/16/2020 meeting and was seconded by NS. The Committee was polled and the minutes were unanimously approved and accepted as written by CSO, DH, DJ, CS, and NS.**
- b. The Committee Members will be reminded the day before the next meeting. Please notify CSO, Chair, if you are unable to attend.

**II. Millis Home Rule Charter Review**

As part of our research, the following elected members from the Town of Millis were invited to attend our meeting: Millis Town Administrator, Mike Guzinski.

Two-fold purpose: The Committee is seeking views to specific points; and we are interested in hearing their views as to which changes we should be considering.

**A. Millis Town Administrator, Mike Guzinski.**

1. MG opinion about the existing content of the Town Charter, with regards to Article III, Executive Branch is the "current language is basically an overview". He has provided a "more detailed approach" for the Committee to consider, with clear checks and balances. MG is simply codifying what is currently taking place in his job, in the Town of Millis. He feels he can move forward with this new language, which helps to clarify the authority of a Town Administrator.
- a. MG reviewed with the Committee the following: Article III, Executive Branch from Section III 3 – Power of Appointment through Section 3: Subsection 3. He felt that Section III-1 and Section III-2 can stay as is. The updated language was (mostly) sourced from The Town of Douglas Charter, where MG previously worked. The current Millis Select Board received a copy of this document.

This updated section of the Town Charter can be found at the end of these minutes.

After MG reviewed the Charter Section with our Committee, it was agreed that the updated language covered many of the grey areas left to one's own interpretation.

2. Topic: Town Moderator for 1- or 3-year Term. MG says with a 3-year position, there is more continuity – a plus; the person gains experience with each Town Meeting over the 3 year term; the person is more on board with the staff and Select Board as a team member. However, a 3 year term may be more difficult to fill; it would be difficult to remove an elected Town Moderator during their 3 year term if their performance was inferior.
3. Topic: 3 to a 5 Member Select Board. MG says, 5 members will create greater diversity and opinions; easier to call a quorum. However, will add a bit more admin time to prepare for meetings, etc, more time spent in conversations / discussions, which may increase staffing hours.

4. Topic: Town Clerk, Appointed or Elected. MG strongly supports an appointed Town Clerk position. If appointed, the Town Clerk would be working on the same team as all other staff, following the same employee rules and regulations and guidelines. The Town Clerk would be more accountable on a day to day basis.
5. Town Meeting Day/Time: MG has no particular opinion but states that the subject is more of a preference, or more to the point, it should be related to the cultural norm of the community.

### III. Future Agenda Items

At the next meeting, Committee Members will declare their opinions and vote on each item being discussed. Majority rules. The items that warrant changes from existing Town Charter will be itemized and sent to the Millis Select Board for review.

**Next meeting: Monday, August 31, 2020, 7:30 pm, via Zoom. If you are unable to attend, please notify Chris Soffayer immediately.**

**At 8:35 pm, Cs made a motion to adjourn the meeting. DJ seconded the motion. Polled DJ, CSo, CS, NS and DH, and motion was approved unanimously in favor to adjourn.**

**Respectfully Submitted on 8/19/2020**

**Nancy Sitta, Secretary**

The following was submitted by Town Administrator Mike Guzinsky on 8/18/2020 for Charter Review Committee consideration:

### **ARTICLE III. Executive Branch**

#### **Section III-1: (Language unchanged)**

#### **Section III-2 (Language unchanged)**

#### **Section III-3 Powers of Appointment**

The Select Board shall have the power to appoint the town administrator, the finance director, town counsel, town auditor, registrars of voters, permanent building committee, permanent capital planning committee, and such other town boards, commissions or committees as may be required for the proper administration, health or safety of the town, as well as individuals who are to serve as representatives of the town to the governing or advisory bodies of area, regional, or district authorities, and may terminate the same at their discretion.

Further, the Select Board shall have the power to appoint a three-member board of assessors for terms of three years, and may terminate the same at their discretion. The members of this board shall be made up of registered voters of the Town of Millis.

#### **Section III-4: Town Administrator - Chief Administrative Officer**

##### **Subsection 1: POWERS AND DUTIES**

The town administrator shall be the chief administrative officer of the town, directly responsible to the select board for the administration of all town affairs for which the office of town administrator is given responsibility by this Charter. The powers and duties of the town administrator shall include, but are not intended to be limited to the following:

(a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of town administrator is given authority, responsibility or control by this Charter, by by-law, by town meeting vote, by vote of the select board, or otherwise.

(b) To appoint, and in appropriate circumstances, to remove, subject to ratification by the Select Board, all department heads, officers, and employees for whom no other method of selection is provided by this Charter, including, but not limited to, the chief of police, fire chief, director of public works, town accountant, town treasurer, town collector, assistant assessor, building commissioner, health director, senior director, and recreation director, except employees of the school department. Except as otherwise provided herein, all offices under the supervision of the town administrator as set forth in this section shall have the powers and duties set forth in the General Laws, the town bylaws and this Charter.

(c) To be entrusted with the administration of the town personnel system; to administer the personnel policies and procedures and rules and regulations; and to administer the personnel by-law, the personnel plan, and collective bargaining agreements entered into by the town.

(d) To attend all regular and special meetings of the select board, including executive sessions, unless excused in advance by the chair of said board, and shall have a voice, but no vote, in all its proceedings. However, the select board shall in no way be prohibited from conducting a meeting because of the lack of attendance of the town administrator.

(e) To ensure that full and complete records of the financial and administrative activities of the town are kept.

(f) To keep the select board fully advised as to the needs of the town and recommend to the select board and to other elected town officers and agencies for adoption such measures requiring action by them or by the town meeting as the town administrator may deem necessary or expedient. The town administrator shall keep the select board informed regarding issues affecting the administration and governance of the town, in a timely manner.

(g) The town administrator shall be responsible for the maintenance, repair, and use, of all town land and buildings which fall under the jurisdiction of the select board. Other municipal boards may request that the town administrator be responsible for the maintenance and repair of the land and buildings under their respective jurisdictions.

(h) To prepare and present to the select board an annual operating budget for the town; and to work in conjunction with the capital planning committee to prepare a proposed capital improvement plan for the five (5) fiscal years next ensuing.

(i) To negotiate, on behalf of the select board, all personnel contracts and collective bargaining agreements involving any subject within the jurisdiction of the office of the town administrator or select board, including contracts with town employees involving wages, hours and other terms and conditions of employment. All such contracts and agreements shall be subject to the approval of the select board.

(j) To be the chief procurement officer for the town, in accordance with the provisions of the Massachusetts General Laws, and to appoint such assistant procurement officers as provided in Chapter 30B of the Massachusetts General Laws.

(k) To see that the provisions of the general laws, this Charter, town by-laws, votes of the town meeting and of the select board which require enforcement by the town administrator are faithfully executed, performed or otherwise carried out.

(l) To prosecute, defend and compromise, subject to the approval of the select board, all litigation to which the town is a party.

(m) To inquire and make investigation, at any time, into the conduct and operation of office or performance of duties of any officer or employee, department, board, commission or other town agency.

(n) To attend all sessions of all town meetings, unless excused in advance by the chair of the select board, and answer questions raised by voters which relate to warrant articles and to matters over which the town administrator exercises any supervision.

(o) To coordinate the activities of all town agencies serving under the office of the town administrator and the office of the select board with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the town administrator shall have authority to require the persons so elected, or their representatives, to meet with the town administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all

agencies of the town. The town administrator shall have the right to attend and speak at any public meeting of any multiple member body.

(p) To seek out and work to obtain resources from federal, state and other governmental jurisdictions that further town purposes.

(q) To approve all payroll and expense warrants for payment of town funds. Such approval shall be sufficient authority to authorize payment of the same by the town treasurer. In the event of the absence of the town administrator, the select board shall approve such warrants. If a vacancy exists in the office of town administrator, the select board shall approve all such warrants, or, may delegate such responsibility to a temporary town administrator appointed pursuant to Subsection 3 of Article III Section III-4 .

(r) To perform any other duties as are required to be performed by the town administrator by by-laws, administrative code, votes of the town meeting, or votes of the select board, or otherwise.

#### **Subsection 2: DELEGATION OF AUTHORITY**

The town administrator may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of the town administrator, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the town administrator.

#### **Subsection 3: ACTING TOWN ADMINISTRATOR**

(a) Temporary Absence - With the approval of the select board, the town administrator may designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town administrator during an absence of the town administrator of not more than twenty (20) days, including Saturdays, Sundays and holidays. Such delegation shall be made by letter filed with the town clerk, the municipal finance director, and the select board.

(b) Powers and Duties - The powers and duties of the temporary or acting town administrator, under subsection (a), above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments, and designations, or to effectuate terminations.

-End -