

Charter Review Committee Meeting Minutes

08/31/2020

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

Logged into meeting; Former Millis Select Board Chair, Loring Barnes

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

I. Housekeeping

- a. **A motion was made by CS to approve the minutes from 8/18/2020 meeting and was seconded by DJ. The Committee was polled and the minutes were approved and accepted as written by CSO, DH, CS, DJ and NS. DR abstained, as he was not present at this meeting.**

II. Millis Home Rule Charter Review

The Millis Home Rule Charter Review Committee suggests the following changes to the Town of Millis Home Rule Charter, last reviewed June 15, 2009, as show in BOLD, and noted how Committee vote was cast.

- A. **All Language of Titles in the Town Charter be brought up to date with current titles used.
By unanimous vote.**
- B. **The Tri-Board is the formal name of a board consisting of the Select Board, The Finance (now Warrant) Committee and the School Committee. The Tri-Board shall meet a minimum of twice a year, on dates determined by the Committee Chairs The first meeting shall be prior to the Budget Presentations; the second prior to Town Meeting, approximately around November 1st and January 1st.
By Unanimous vote:**
- C. **The Select Board may appoint a Millis Resident to a maximum of 3 committees meeting concurrently in one year
By Unanimous vote**

D. Article II Legislative Branch

Section II-7: President Officer

**The Moderator will appoint a Deputy Moderator at his/her discretion, if they are not able to attend a Town Meeting
By a unanimous vote.**

- E. Section II-8: Finance Committee
The Charter Committee suggests the following amendment:
**Name change to Warrant Committee
By a unanimous vote**

Craig to discuss this change with Finance Chair post meeting.

F. Article III. Executive Branch

Article III- 1 Board of Selectmen: Composition

**The Executive powers of the town shall be vested in the Select Board consisting of five members; each elected by vote of the registered voters of the town for a three-year term. The terms shall be so arranged that the term of one member expires each year.
By a 4/2 Committee vote**

G. Article III- 3 Powers of Appointment

1. Amend both paragraphs as follows:

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, 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.

By Unanimous Vote

H. Section III-4: Town Administrator

- 1. Amend Heading to Town Administrator - Chief Administrative Officer**
- 2. Amend Section III-4 and Section III-5 to the following**

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.

BY Unanimous Vote

I. Section IV-2: Other Elected Officers

By a unanimous vote, the Committee recommends the following changes:

- a. **There shall be a moderator elected for a term of 3 years;**
Unanimous Vote
- b. School Committee - No change
- c. **The Town Clerk shall be appointed.**
Unanimous Vote
- d. Library Trustees - No Change
- e. Planning Board - No Change
- f. Housing Authority – No Change
- g. Board of Health – No Change
- h. **Include the following elected officers currently omitted in the Charter – Constables, for a term currently in place**
Unanimous Vote

J. Section IV-4 Time of Taking Office

The Committee is recommending changing the By Laws, to moving the time of taking office to one week prior to Town Meeting. See Suggested By-Laws Changes below, [page](#)
By Unanimous Vote

K. Article V. General Provisions

Section V-1: Charter Change

The Committee is recommending adding specific dates to the election of Town of Millis Charter Review Committee, to begin with 2029, and every 10 years subsequently. The Committee must present their findings by the next year's election.

By Unanimous Vote

L. Section V-2: Reenactment and Republication of By-Laws

The Committee is recommending adding specific dates to the appointment of a By-Law review committee. The next appointments to be made are in 2022, and subsequently every five years following, with final results one year following.

By Unanimous Vote

Pending at this Time for additional research and review by Charter Review Committee

[Appointed Members who do not fulfill their positions:](#)
[? Is this currently sufficiently covered in the by-laws?](#)

Article III Section III- 5 Our Charter Lacks Recall Provisions
Tabled for further research and discussion

Conflict of Interest
A Town Employee shall not be appointed to a Board. Currently not in charter. IS it is BY-Laws?
Tabled for further research and discussion

Recall
Tabled for further research and discussion

This Committee suggests changing the current Town of Millis By-Laws as follows:

Town of Millis Town Meeting: Date and Time

1. Create appropriate mechanism to terminate a long running town meeting past for example 11 pm. It was discussed that the Moderator end Town Meeting upon completion of discussion; to return the next evening to complete the Town Meeting , etc, or, at their discretion.
2. Discussion by Town Clerk Lisa J Hardin
The date of the Fall Millis Town Meeting annually scheduled for the “first week in November” abuts National Elections and creates severe pressure on Town Clark and Staff. Next National Election is 2024.

Town of Millis Taking of Oath and Office

3. From the current Town Charter, Article IV Section 4: by a unanimous vote, the Charter Review Committee proposes that the Elected Town officials shall take office one week following Town Meeting.
By Unanimous Vote

Chair CSo will speak with Town Council to discuss our findings and to ask how to proceed further.

The next meeting is scheduled for Monday, September 14, 2020 at 7:30 pm, via zoom.

A motion was made to adjourn the meeting. Unanimous vote. Meeting was adjourned at 9:20 pm.