

HOPKINTON CHARTER REVIEW COMMITTEE REPORT



**PREPARED FOR
Special Town Meeting 1-30-17**

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I. Introduction

At the May 15, 2006 Annual Town Election, Hopkinton voters approved the adoption of Hopkinton's Home Rule Charter. This charter established the position of Town Manager, who was given the responsibility to oversee daily town business, manage administrative affairs, coordinate activities of town agencies and appoint specific officers of the town of Hopkinton. The original Charter Commission believed that a transfer of more day-to-day duties from part-time volunteers to full-time employees would enhance effectiveness and significantly improve the town's governmental structure and its ability to deal with contemporary problems, both on a day-to-day and long-range basis.

One provision of the charter calls for review every ten years (in each year ending in a six) by a special committee consisting of seven members. Per the provision, the Board of Selectmen, School Committee and Town Clerk each designated one person to serve on the committee and the Appropriation Committee and the Moderator each designated two people to serve on the committee. The Charter Review Committee is a public committee, and operates under the umbrella of the Open Meeting Law. The purpose of this committee is to make a report, with recommendations, to the Town Meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. After deliberation, debate and a vote at Town Meeting, the proposed charter will be reviewed by the Attorney General, and voted on at the ballot in May, 2017. The proposed charter must be approved by a two-thirds supermajority of voters present at Town Meeting and a simple majority at the ballot in order to take effect.

The Charter Review Committee (CRC) consists of the following members:

Pam Waxlax, Chair
Michelle Murdock, Vice Chair
Rick Flannery, Secretary
Jean Bertschmann
Todd Cestari
Curt Coopridier
Beth Herlihy

II. Charter Review Process

The goal of all proposed changes to Hopkinton’s Town Charter is to streamline Town government, to make board and committee structure more consistent, and to enable an efficient and effective Town government capable of meeting evolving responsibilities and demands.

The CRC held its first public meeting on January 14, 2016, electing officers and reviewing its charge. During meetings held from January through March, the CRC 1) completed an in-depth review of the existing Charter, 2) completed a review of comments/recommendations received by Town Hall since the Charter was first implemented in 2006, 3) determined benchmark communities for comparison purposes, and, 4) drafted questions to ask boards, committees and town officials.

Benchmark Communities

The town’s legal counsel, Miyares & Harrington, represented by Ray Miyares and Eric Reustle, has assisted throughout the charter review process including researching and recommending a list of 15 benchmark communities to be used as comparisons. All benchmark communities, like Hopkinton, have charter rule, an open Town Meeting, and similar demographics.

Benchmark Communities include:

Acton	Andover	Bedford
Bellingham	Groton	Hanover
Ipswich	Longmeadow	Medfield
Medway	Northborough	Norwell
Stow	Westford	Westwood

The neighboring towns of Ashland and Westborough were added to this list by the CRC due to their being more familiar to many residents. It should be noted that our other direct neighbors, Holliston, Milford and Southborough, do not have charters, and therefore were not included for comparison.

(See Appendix A – Benchmark Communities)

Input from Town Officials, Boards and Committees

All town officials, boards and committees were invited to provide input regarding recommended or proposed charter amendments. Three methods were used to collect input: 1) interview and questionnaire, 2) questionnaire only, and 3) general email.

Questionnaire & Interview	Questionnaire	General Email
Board of Selectmen	Board of Library Trustees	Affordable Housing Trust Fund Board
School Committee	Board of Assessors	Cable Advisory Committee
Town Moderator	Cemetery Commission	Tax Relief Committee
Town Manager	Commissioners of the Trust Fund	Zoning Advisory Committee
Town Clerk	Housing Authority	Design Review Board
School Superintendent	Conservation Commission	Permanent Building Committee
Parks & Rec Commission	Community Preservation Committee	Historical Commission
Board of Health	Board of Appeals	Historic District Commission
Town Moderator	Marathon Committee	Marathon Fund Committee
Appropriation Committee	Facilities Director	Open Space Preservation Committee
Capital Improvements Committee	Principal Assessor	Sustainable Green Committee
Personnel Committee	Town Clerk – Retired	Youth Commission
Planning Board	Treasurer/Collector – Retired	
Director of Land Use & Town Operations		
Finance Director		
DPW Director		
Police Chief		
Fire Chief		
Director of Health Services		
Parks & Rec Director		
Treasurer/Collector		
School Finance Director		
Human Resources Director		

There were a total of three opportunities for town officials, boards and committees to provide input. The Chair sent an initial email on April 19, 2016, with a second request on May 5, 2016 to those who had not responded. A third email was sent on May 10, 2016.

Input from Town Officials, Boards and Committees (continued)

We received comments from the following people. The CRC wishes to thank each of them for sharing their experience, expertise and concerns.

Board of Selectmen
School Committee
Barnes, Jeff, Chair Conservation Commission
Belisi, Jennifer, Vice-Chair of Board of Health
Casey, Maria, Human Resources Director
Degan, Connor, Town Clerk – Elected
Duarte, Patricia, Chair of Personnel Committee
Dumas, Ralph, School Finance Director
Flanagan, Jennifer, Member of Board of Health
Guelfi, Jay, Director of Parks & Recreation
Holland, Geri, Town Clerk – Elected, Retired
Khumalo, Norman, Town Manager
LaFreniere, Mary Jo, Chair of Board of Assessors
Laroche, Nidia, Board of Health Administrative Assistant
Lazarus, Elaine, Director of Land Use and Town Operations
Lee, Edward, Chief of Police Department
Manning, Mike, Chair of Appropriation Committee
MacLeod, Cathy, School Superintendent
McCann, Brenda, Town Clerk – Appointed
Neas, John, Principal Assessor
Porter, Susan, Co-Chair of Board of Library Trustees
Sandini, Chris, Finance Director
Shea, Jess, Member of Capital Improvements Committee
Slaman, Stephen, Chief of Fire Department
Terry, Dan, Member of Parks & Recreation Commission
Weismantel, Ken, Chair of Planning Board
Westerling, John, DPW Director
Wiggin, Margie, Chair of Youth Commission
Winshman, Paul, Chair of Board of Health
Wright, Claire, Chair of Cemetery Commission and Vice-Chair of Historic District Commission
Ed Wirtanen, Board of Health Director

Public Forums

Two Public Forums to solicit input and feedback from residents were held; the first on September 19, 2016, and a second on December 7, 2016.

Approximately 12 residents attended the first forum, at which a series of questions on the following topics were posed to solicit input prior to any recommended amendments.

- Elected versus appointed boards, committees and officials - What revisions would you propose for the charter with respect to elected or appointed boards, committees or officials and how would that change improve the government of the town of Hopkinton? Additionally, are there any boards, committees or officials that should remain as currently defined in the charter and what are the benefits of maintaining the status quo?
- Board Support Reporting Structure - Do you think the current amount of centralized authority can be improved and, if so, how? If you don't think there should be changes, how is the current method working well for the town?
- Budget Process - Do you think the current process of creating the budget can be improved and, if so, how? If you don't think there should be changes, how is the current method working well for the town?
- Town Meeting Warrant - What are the advantages or disadvantages for allowing this to remain as currently allowed in the charter?
- Additional Comments - Are there any other comments about the charter that the public would like to share at this time that haven't been addressed yet?

The second forum, attended by roughly 25 residents, was the first formal presentation of a draft of the proposed charter. This was compiled after the committee's careful consideration of input received from all questionnaires, interviews, benchmark community comparisons and the first forum. The CRC answered questions and received comments and more feedback from the public after the presentation.

The CRC would like to thank all who participated in the forums. All input was reviewed and analyzed by the committee in subsequent meetings. All feedback was considered, and some suggestions from both forums have been incorporated into our final recommendations.

III. Recommendations

The proposed amendments to the original Town Charter, created in 2006, fall into the following categories: 1) editorial changes, including reorganization, additions, deletions and clarifications; 2) changes to the annual budget process; 3) updates to the reporting structure for town employees who report to and/or work with town boards and committees; and 4) a recommendation to change the position of Town Clerk from an elected to an appointed position. All proposed changes are the result of months of research, discussion, review and comparison to the selected benchmark communities, as well as input and feedback from residents, town officials, boards and committees. All proposed amendments were unanimously voted by the Charter Review Committee.

EDITORIAL CHANGES

REORGANIZATION OF CHARTER

The organizational structure of the charter was reviewed for more effective structural alignment. The CRC recommends the following structure.

- Incorporation, Existence and Authority – The primary defining principles of the proposed charter
- Legislative Branch – Covers Town Meeting and its various components, including Warrants, the Town Moderator, rules and procedures, and the Appropriation Committee
- Executive Branch – Covers the Board of Selectmen, Town Manager, Town Clerk and DPW Special Acts
- Other Elected Boards and Committees – Specifically identifies elected boards and committees, including composition and term of office, powers and duties, and appointments if applicable
- Elections – Town Election and Recall Provision
- Administrative Organization – Includes organization of town departments and removals, loss of office/excessive absence or notice of vacancies for appointed board or committee members
- Financial and Fiscal Procedures – Defines fiscal year, submission of the budget, capital improvements and audits
- General Provisions – Information specific to the proposed charter, including timing of periodic charter review

DELETIONS

The CRC also looked at what provisions in the current charter might be omitted. The CRC recommends the following sections be omitted in the proposed charter.

Section	Rationale
1-7: Precedence of Charter Provisions	Not necessary as true regardless of inclusion in charter or not.
1-9: Definitions	Incorporated into the appropriate section or removed as unnecessary.
2-7: Availability of Town Officials at Town Meetings	Current practice is that only staff that are pertinent to a matter or that have specialized knowledge attend Town Meeting. This should be a judgment call, not a charter mandate.
3-11: Other Elected Officers	Not necessary. Expectation that there will be no undefined elected officers.
5-2: Publication of Administrative Order	Contrary to current practice and, under the new Public Records Law, such orders must be published on the town website.
5-4: Department of Finance	Portions related to Treasurer-Collector and Principal Assessor moved to Town Manager. Remainder in original to establish department upon acceptance of charter in 2006.
5-5: Finance Director	No longer required. Used for transition to original charter in 2006.
7-1: Charter Changes	Not necessary as true regardless of inclusion in charter or not.
7-3: Specific Provisions to Prevail	Not necessary as true regardless of inclusion in charter or not.
7-4: Number and Gender	Made the charter gender neutral and specifically identified number
8-1: Continuation of Existing Laws	No longer required. Used for transition to original charter in 2006.
8-2: Continuation of Government	No longer required. Used for transition to original charter in 2006.
8-3: Continuation of Administrative Personnel	No longer required. Used for transition to original charter in 2006.
8-4: Transfer of Records and Property	No longer required. Used for transition to original charter in 2006.
Appendix A: Appointments Lists	Removed as not referenced in original charter. All appointments are now specified in the charter.

ADDITIONS

Finally, the CRC wanted to ensure that all proposed elected positions were specifically defined in the proposed charter and that any Administrative Orders and Special Acts were also incorporated, if necessary.

Board of Cemetery Commissioners	No detail provided in 2006 charter
Commissioners of Trust Funds	No detail provided in 2006 charter
Board of Library Trustees	Created via administrative order in 2010 in order for the Town to purchase the physical building from the former Library Trustees and obtain state grant money for its expansion project
Department of Public Works	To incorporate the DPW Special Acts of 1998, 2006 and 2010, approved by both Town Meeting and the State Legislature

CLARIFICATIONS

The committee determined the section on periodic charter review should be clarified based on our experience with the review process, both in terms of how committee members are selected and the timing of the formation of the committee.

STREAMLINE BUDGET, WARRANT, AND CAPITAL IMPROVEMENTS PROCESS

BUDGET PROCESS

The town of Hopkinton is growing and, as of fiscal year ending June 30, 2017, has an \$80,000,000 annual budget. In addition, input from town officials pointed to an issue with the specific due dates for deliverables required by the original charter which has made it difficult to provide information in advance of the Annual Town Meeting.

The same deliverables are still identified and included in the proposed charter. The proposed charter requires that the Town Manager establish and issue a budget schedule with the agreement of the Board of Selectmen, the School Committee and the Appropriation Committee no later than October 1. These three committees are the most impacted by the budget schedule and as such, need to be included in the establishment of the timeline for deliverables. This allows more flexibility for meeting the ultimate deadline of Annual Town Meeting and the preparation of an Annual Appropriation Committee Report 14 days prior to Annual Town Meeting. The Annual Appropriation Committee Report shall include recommendations and detailed explanations of all financial articles.

WARRANT PROCESS

The CRC recommends closing the warrant 90 days before Annual Town Meeting, rather than 60 days. This should allow for more timely preparation of the Warrant Articles and Motions Document. The initiation of warrant articles (department head, majority of board or committee, and citizen petition) remains unchanged in the proposed charter.

CAPITAL IMPROVEMENTS PROCESS

Recognizing the need to more comprehensively plan and monitor capital improvements across the town, the related section has been clarified in the proposed charter. The Capital Improvements Program shall be designed to address unmet, long-range needs and to implement the capital goals and objectives of the town, and shall include all town activities, all town departments, including the School Department, and all enterprise funds. This 10-year plan will be updated and presented annually by the Town Manager, and shall include cost estimates, potential methods of financing and recommended time schedules for each improvement as well as the estimated annual cost of operating and maintaining each facility and item of major equipment involved. The CRC understands that this is a guideline and issues may arise that would require changes between annual reviews of the plan.

REPORTING STRUCTURE

The CRC recommends changes in reporting structure which will allow for all town employees to be treated fairly and consistently, held to the same standards, provided the same level of support and offered the same working conditions, guided by the Personnel Policies of the town. In the case of those employees who directly support and report to a board or commission, the authority of that board or commission has been preserved. Another goal of the recommended changes to reporting structure is to produce better coordination between the Town Manager and the elected boards and their appointed personnel with respect to five areas of employee management.

The CRC looked at five areas related to reporting structure - hiring, goal setting, supervision, evaluation and discipline. After discussing input from all impacted boards and the public forums, the CRC recommends a consistent reporting structure for hired positions which report to boards and/or committees. These positions currently include the Town Planner, Library Director, Parks and Recreation Director, Board of Health Director and Conservation Administrator.

HIRING

The hiring of all town employees will be in accordance with Personnel Policies of the town. The hiring of these employees will be completed by the following:

Board of Selectmen	Town Manager, Fire Chief, Police Chief, Town Clerk & Town Counsel
School Committee	Superintendent of Schools and such other officers authorized by the Massachusetts General Laws
Planning Board	Town Planner
Parks & Recreation Commission	Parks & Recreation Director
Board of Health	Board of Health Director
Board of Library Trustees	Library Director
Conservation Commission	Conservation Commissioner
Town Clerk	Assistant Town Clerk
Town Manager	All other town employees other than School Department and Fire Department

GOAL SETTING

Annual goal setting will be done by the hiring authority with input from the Town Manager.

SUPERVISION

Supervision will be done jointly by the hiring authority and the Town Manager, which allows for better town-wide planning among the departments while ensuring board specific goals are addressed.

EVALUATION

Evaluations by the appointing authority will be facilitated by the Town Manager in accordance with the Personnel Policies of the town of Hopkinton. This will ensure that all town employees receive an evaluation annually.

DISCIPLINE

Discipline will be done by the Town Manager, subject to the right of the employee to appeal any decision to the employee's hiring authority. Discipline does include termination within the parameters set forth in the Personnel Policies of the town of Hopkinton. For all town employees, the Town Manager needs to be able to act immediately when the situation calls for it, as described in the Personnel Policies of the town of Hopkinton. The right of appeal to the hiring authority still exists, maintaining the authority of the board or committee.

APPOINTED TOWN CLERK

The CRC recognizes that the town of Hopkinton has been well served by the Town Clerks elected over the years. The Town Clerk has many duties including overseeing all aspects of elections as the Chief Election Official of the town, certifying all official actions of the town, including Town Meeting legislation and appropriations, maintaining permanent and vital records by serving as the Public Records Officer and administering the oath of office to elected and appointed members of committees and boards. Based upon evaluation of all data and feedback received, as well as the increasing professional demands of the position, the CRC recommends that the Town Clerk be appointed by the Board of Selectmen.

Rationale for keeping the Town Clerk elected	Rationale for making Town Clerk appointed
Independence and autonomy	Can match skill set against requirements
Voters have direct control over who serves	Subject to Personnel Policies, including salary administration plan and formal job description
Guarantees a Hopkinton resident in the position	Subject to performance management oversight by BOS
Subject to recall provision of Charter	Can require to obtain and maintain certifications
	Town Clerk can oversee every election as not on ballot once every three years
	Likely larger pool of candidates

The CRC recognized that the position is unique in Town Hall and should still be as independent as possible. For this reason, oversight by the Board of Selectmen who are directly elected by the town was recommended rather than oversight by the Town Manager.

The Town Clerk's responsibilities would remain unchanged from current practice, including the ability to appoint, supervise, set goals, evaluate and discipline the Assistant Town Clerk. No appointment shall become effective prior to the 2019 Annual Town Election (the end of the current Town Clerk's term), unless a vacancy occurs in the office prior to that date.

IV. CONCLUSION

A careful review of all input and data gathered has led the CRC to the recommendations included in the Proposed Charter.

We believe our recommendations will enhance the town's organizational structure; provide improved accountability; clarify authority for day-to-day management through a Town Manager; allow elected boards and committees to focus on policy setting, statutory, planning and regulatory responsibilities; and maintain the current form of government.

**Respectfully submitted,
The 2016 Charter Review Committee**

Appendix A

Town	Population	Per Capita Income	Median Family Income	Distance to Boston	Community Type	Open Town Meeting	Charter
Hopkinton town	14,925	\$56,899	\$129,578	25	DS	Yes	Yes
Acton town	21,924	\$53,379	\$110,592	21	MS	Yes	Yes
Andover town	33,201	\$52,275	\$112,681	21	DS	Yes	Yes
Ashland town	16,593	\$45,834	\$93,233	22	MS	Yes	Yes
Bedford town	13,320	\$48,725	\$107,705	13	MS	Yes	Yes
Bellingham town	16,332	\$36,165	\$80,179	28	DS	Yes	Yes
Groton town	10,646	\$48,248	\$117,127	32	DS	Yes	Yes
Hanover town	13,879	\$41,219	\$99,250	20	DS	Yes	Yes
Ipswich town	13,175	\$43,021	\$77,087	25	DS	Yes	Yes
Longmeadow town	15,784	\$53,767	\$106,173	81	MS	Yes	Yes
Medfield town	12,024	\$62,076	\$133,931	17	MS	Yes	Yes
Medway town	12,752	\$43,335	\$106,132	23	DS	Yes	Yes
Northborough town	14,155	\$43,878	\$108,415	30	DS	Yes	Yes
Norwell town	10,506	\$48,205	\$113,944	19	DS	Yes	Yes
Stow town	6,590	\$47,880	\$115,714	23	DS	Yes	Yes
Westborough town	18,272	\$45,929	\$100,905	29	DS	Yes	Yes
Westford town	21,951	\$49,341	\$124,464	23	DS	Yes	Yes
Westwood town	14,618	\$62,949	\$128,984	13	MS	Yes	Yes
MS = Mature Suburb							
DS = Developing Suburb							