approved 11/14/18

1. **6:00 Call to order & Pledge of Allegiance by Chair Ruth Strach**

2. **Roll Call**
   By recording secretary:

Members attending: Kirk Loiselle, Mary Manning-Morse, Ruth Strach, Erika McCormick, Steve Brannigan, Stephen Hopkins.

Also in attendance: Attorney Wyatt Brochu
   Terry Nolin arrived at 6:05
   Ted Pryzbyla arrived at 6:35

Absent: Brian Carpenter
Not in attendance at roll call: Terry Nolin and Ted Przybyła

3. **Approval of September 26, 2018 minutes.**

M. Morse: Detail in the minutes is very helpful.

Discussion on live-streaming the meetings.

6:05 Terry Nolin arrives

S. Brannigan: Motion to approve September 26, 2018 minutes
M. Morse: Second
All in favor: Yes Motion passes

R. Strach: Impressed with this commission so far in terms of both attendance and attention to research and details.

4. **Discussion/revision/vote on “Proposed Decision Making Procedure” handout.**

R. Strach: Handed out the decision making procedure. All votes will be preliminary so we have some flexibility. But I will attempt to do rough drafts as we go along. These can be
amended, but we need to start getting some of our thoughts written so that we are not writing the whole charter in June. I am hoping someone can work with me on that me. In the end, of course, we will have a comprehensive charter, but that’s not now.

S. Brannigan: This is a living document until the final vote?

R. Strach: Yes, it is possible to revisit and revise so that we can make sure the pieces work together. A certain amount of legal language needs to be there, however, I would like the Charter to be “readable” by the citizens of the town.

S. Brannigan: What was your impression of the legislative charter?

R. Strach: Parts were difficult.

S. Brannigan: I read a lot of contracts, so maybe I am not the person to gauge that.

M. Morse: I thought South Kingston was very readable. It has a narrative form and I thought it was crystal clear.

T. Nolin: Legislative was terrible to read. What we are doing is right. It will be good to have a draft of the sections as we go along. We can vote on it, but it needs to be a draft.

R. Strach: Yes, but at some point all of our discussion needs to turn into a charter. I would like to start drafting that as we go along.

E. McCormick: Is this something we can add to if we see the need?

R. Strach: Yes. So as it stands is everyone ok with this procedure?

E. McCormick: Motion that we approve this proposed procedure as the decision making procedure and amend as necessary as we go forward.

M. Morse: Second

All in favor  Yes

T. Nolin: Do we want to go with the same table of contents?
R. Strach: I am going to suggest that we should make our own decisions about the Town Manager, then look at the legislative charter and see what is written there.

M. Morse: I went through chapter 7 for this evening’s discussion.

R. Strach: We presented on at least 10 towns and you each have 2 more that were researched but not presented on. We have information from at least 4 town managers and we have had Steven Sette’s presentation. We have lots of information about town managers. Going forward, I would like you to consider all this discussion and look again at each topic in your charters as we discuss it and see if there’s anything you want to add from that. The words “authority” and “day-to-day” are two words which appeared repeatedly in minutes of previous meetings. I think that’s worth noting as we begin to look at the manager option. We have all said repeatedly that a charter should be a framework with ebb and flow. There is no protection against politics.

5. Discussion and/or preliminary vote on town manager position, including (but not limited to): appointed/elected, search committee, terms of hiring, duties and responsibilities, preferred title (manager/administrator), etc.

R. Strach: Mary’s essential question of “How will this provision benefit the Town of Scituate?” is one we need to keep in mind here.

T. Nolin: Someone would be available; there would be a person and place for discussion.

E. McCormick: You are referencing the town manager as a point person.

T. Nolin: It impressed me that Mr. Sette had an open door policy.

M. Morse: The manager would be impartial, not necessarily giving his opinion, but giving the facts.

T. Nolin: I would like some response from the town manager if I have a question. Example: Why are some road being repaired and not mine? Some are state roads and nothing to do with the town.

R. Strach: So are you saying that you think a benefit of the manager is that people would know where to go to ask their questions?
W. Brochu: A point person, who can address your questions.

T. Nolin: A place people would feel comfortable. People are not likely to go to a Town Council meeting to speak.

6:35 T. Przybyla: arrived

R. Strach: Everyone has their strengths. Some people are very uncomfortable standing in front of an audience and asking their questions.

W. Brochu: Not necessarily someone to give you answers. The manager is a central place which is accountable to the citizens and the council.

T. Nolin: At Town Council meetings you cannot ask a question because it is not on the agenda, and you get brushed off.

M. Morse: Town manager provides a holistic, unbiased, long term view of running the town.

T. Nolin: That is why many of them have been long term.

W. Brochu: The long term managers can go with the ebb and flow of the politics. You are as good as the people who are working for you. Right now the council decides where to go and how to get there. Going with a manager model, council decides where to go and the manager and staff figure out how to get there. Manager is professional staff that will help the council govern. In some respect, the manager is training the councillors and it is, I think, one of the assets of the manager.

M. Morse: A council person has 2 years with maybe short term goals. The manager will have long term goals for the health of the town.

W. Brochu: Someone to put together a plan. It may change as councils change, but there will be someone who actually has a long-term plan.

T. Przybyla: I have participated in searches for town managers. It is interesting because a seasoned manager can evaluate a council, look at the town and put together a strategic plan to see if it is possible to accomplish the objectives of the council. They look at the
strengths, weaknesses, opportunities, and threats (a SWOT analysis). Managing these issues and the council and the transitions from council to council. Managers will leave when their strategic plan bumps up against a political obstacle. Do you want someone at the end of their career or beginning? There’s a fascinating chemistry that can develop between the manager and the council. In most cases, a manager will back the council 100 percent if it does not go behind his/her back.

R. Strach: Town manager is a buffer between the department heads, staff and council.

T. Przybyla: As a council person you need to be able to speak directly with the finance director.

W. Brochu: One of the effects of the non-interference clause (which I am not saying that I oppose) is that the council is only getting information from the manager. Managers can have their own agenda for moving a council. The key is balance, especially with finance director.

T. Przybyla: The first time I worked with an audit committee, I really liked that because I was not sure that all the important finance information had been brought to the council. I was sitting with an audit committee that was appointed by the town council (it was in their charter), I reported to them as well. I found it great because I could voice my concerns with very senior people looking at the financial situation from different perspectives. They could evaluate my concerns.

R. Strach: Does this belong with the Finances or Finance Director discussion or here with the Manager?

T. Przybyla: I think it’s here with the town manager. It is here that we can provide the community with assurances that you are not creating a dictatorial situation. The finance director works for the town manager, but there is also a dotted line to the town council based on the charter provision that the allows the finance director access to the council without the manager present.

R. Strach: So the “non-interference clause” in your opinion does not include the finance director.
T. Przybyla: If that is stated in the charter. I liked the way it worked. My goal, sitting on this charter commission, is to protect the community and to allow the community to have confidence in the way things will be run.

W. Brochu: Budget committee?

T. Przybyla: That can become very difficult, depending on what is written in the charter, and if the budget committee has some autonomy written in. You have to think worst case scenario that the elected people don’t get along with the committee. Everyone gets along with the audit committee because they are the ones who can blow the whistle. The people on audit committees want to keep it clean.

T. Nolin: Town manager has to be a difficult job coming in and dealing with departments that are already established and have their own little fiefdoms.

T. Przybyla: It seems especially police and fire.

T. Nolin: Public works?

T. Przybyla: No, town manager normally gets along very well with the public works director.

W. Brochu: Plow the streets and pickup the trash.

M. Morse: The other thing to justify a town manager, as Mr. Sette mentioned, is that the State knows who to contact, other cities and towns know who to contact to partner with them. Manager is the face of the community. Also knowledge of grants and professionalizing the government.

R. Strach: The manager position is a job. Running for town council is not a job. Councillors usually already have jobs.

E. McCormick: Like the school committee, Superintendent’s position is a job. Going forward will we vote on Town Manager tonight and then go through the qualifications?

R. Strach: That’s exactly what I’m thinking. The towns that you look at and that have the managers in place do not seem to have the void that we do, even in terms of scheduling meetings or getting answers.
T. Nolin: Polices or decisions that are made need to be consistent. It needs to be just for all.

S. Brannigan: The town manager I spoke to, no-one comes to him. That’s the cultural thing.

W. Brochu: But it’s still a coordinated effort.

T. Przybyla: How quickly or how slowly it works.

W. Brochu: Manager who has been there is providing the training about the realities in that town.

T. Przybyla: I was told once that you should never say “no” to a board member. Always say “Absolutely, and I will bring that to the board and put it on the agenda for the next meeting.”

T. Nolin: In the future, “I will voice your concerns to the town manager.”

T. Przybyla: And everyone is happy.

M. Morse: Mr. Sette said that the first manager has to break through, has to be out in the community. It will just take time for people to recognize that person as the “go to” person.

S. Brannigan: This is not going to happen day one. The person I spoke to answers to the council. The council hires the town manager who answers solely to the council. Council says what to do and the manager decides how to get it done. He answers to the council, not the citizens.

W. Brochu: It is not a one way direction. Manager is working with the council.

T. Nolin: Depends on how that manager integrates with the town council. Councils change. The townspeople will end up relying on him.

S. Brannigan: Yes, in Burrillville, the manager has a working document of his goals and objectives.
R. Strach: Everywhere is different. But getting back to our original question: Is there a benefit to having a town manager?

W. Brochu: I would not micromanage. All these are good discussion points, but the basic question is: Yes or no manager, authority, qualifications?

S. Hopkins: I would to make a motion: Who is in favor of a Town Manager?

T. Nolin: Second.

M. Morse: In general? The concept of a town manager?

R. Strach: That’s the motion.

All in favor Yes

M. Morse: What I really liked in South Kingstown was they simply dealt with duties, qualifications, recall, very general, very readable.

W. Brochu: Hit big points, full or part-time? Authority?

R. Strach: How is this person going to get there?

E. McCormick: Committee to hire a manager, should that be in the charter?

W. Brochu: Look at the charter as having more or less control. The charter could dictate to that.

E. McCormick: Pros and cons. In ordinance instead?

W. Brochu: Keep it simple and it will be more flexible. But, what level of bias is applied by council in hiring somebody? If council has to go through a committee set up by charter, it’s more complicated but that can take away some of the bias. Ordinances can be changed by the council at public hearing.

T. Przybyla: You can specify the committee could include public works, police chief, etc. that helps to eliminate some of the bias and gets a broad base looking at the candidate.
E. McCormick: You think this should be in a charter?

T. Przybyla: I did not originally like the search committee, but I think it works well. Should be a contract for the manager.

M. Morse: It works in schools.

W. Brochu: Gives direction for any new incoming council, either by charter (harder to change) or by ordinance (easier to change). Not as direct with a search committee which puts a pause on any knee jerk reaction by a council. They don’t have direct control.

T. Przybyla: An interim manager can help to slow the process down and give search committee time to work.

R. Strach: Town manager is a job. In my opinion, positions which are jobs should be appointed, not elected.

W. Brochu: If you’re thinking of appointed, think (for example) of a town where the zoning official is elected and he refuses to do any enforcement.

M. Morse: If we agree to appointed manager, a search committee could give a voice to the people because you could have residents on the committee.

T. Przybyla: And, while I agree with you, there are those who will say that there is merit in the fact that you voted for the council.

E. McCormick: A lot of people in the community that I have been talking to would disagree with that.

T. Przybyla: There are examples where the passion of the community can be detrimental. Think, for example, of the power plant and the passions it has inflamed in that community.

T. Nolin: In Chapter 7, if there’s a search committee, instead of 3, I would like 5. You are going to advertise. I think there should be a supermajority vote.

E. McCormick: Do more board strokes. Go for the big things.
T. Przybyla: Outline our composition and then move from there.

W. Brochu: Major points and we’ll get a draft to work from.

T. Przybyla: I make a motion for an appointed town manager.

T. Nolin: Second

R. Strach: With job qualifications?

All in favor Yes

T. Przybyla: I make a motion we use a search committee

M. Morse: Second

S. Brannigan: The Town Council could engage a search firm.

T. Przybyla: The search committee would decide on that.

W. Brochu: In Scituate finances might dictate that.

T. Przybyla: My motion is that it will be laid out in the charter that a search committee will be formed to find candidates for the council to consider. Sometime paying professionals is the best way and might even be the least expensive.

R. Strach: I am in favor of a search committee bringing names of candidates to the Town Council.

M. Morse: Sometimes doing something right costs money.

R. Strach: So, back to the motion, all those in favor of a search committee?

All in favor Yes

E. McCormick: Do we talk about what we need to vote on going forward.
W. Brochu: The search committee direction, basic qualifications, the more you go into specifics the more you need to clarify the language to give you some kind of out. For example, with Mr. Sette, though this commission was impressed with him overall, he would not have the qualifications to be hired if it was too specific in the charter. The search committee will take it one step away from the political body.

E. McCormick: Doing a running list. Qualifications, duties? Should we do a list now of the topics?

W. Brochu: From my point of view, authority is the most important topic. Scituate right now the Town Council runs the town. Do they have spending authority? Drafting is a key point.

T. Nolin: Bullet points when they get hired.

W. Brochu: It is very important. Even for hiring, does the Town Manager have independent authority?

R. Strach: I know that you do not want a lot of qualifications but I am looking for some language for qualifications that is not too broad. Does that manager have to have some kind of professional background?

T. Nolin: Some charters get very specific, and others are pretty loose. The more restrictions, the more people are going to complain because the more letters after the name the more it will cost.

M. Morse: General statement referring to education and experience would be board enough to capture a person like Mr. Sette but not too restrictive.

T. Przybyla: We keep referencing Mr. Sette, but remember he had experience on Town Council as a member and president. It is not likely he would have captured that position without that background. A bachelors degree in art would not be what I want.

R. Strach: Let’s not get too far into the details. The simple question now is do we want this person to have minimum qualifications or not?

S. Brannigan: Define minimum qualifications.
T. Nolin: Do not get yourself trapped; we should have it minimum.

T. Przybyla: Everyone in RI knows a guy.

S. Brannigan: Motion: the charter will define minimum qualifications for the town manager.

S. Hopkins: Second

All in favor

Yes

R. Strach: Not sure we need right now to get into Acting Town Manager

M. Morse: Can we just stick with the manager? Removal?

E. McCormick: If we decide on authority, everything will flow from that.

M. Morse: Supermajority, resolution, suspension?

S. Brannigan: I make a motion that the charter contain a provision for removal of the town manager.

E. McCormick: Second

All in favor

Yes

R. Strach: We might want to pause and see if anyone in the audience would like to weigh in.

Dwight Farrar
Central Pike

Glad you are looking into South Kingstown and West Greenwich, I have found in my experience those towns always ran well. These are also rural towns. I’ve heard some good things discussed here tonight. I wish you the best in doing this.
Look at your model communities to see what has worked for them. I would like to encourage you not to be too detailed.

R. Strach: South Kingstown?

M. Morse: It was not reported on.

R. Strach: Look at your charters as we move forward.

T. Nolin: If I can add one more thing, I think the appointment should be by supermajority to hire and fire.

M. Morse: Address the appointment of the Town Manager.

W. Brochu: They usually just say approve.

M. Morse: Motion that the Charter address the appointment process of the Town Manager.

S. Brannigan: Second

S. Brannigan: Will continue the appointment process within the charter.

All in favor Yes

E. McCormick: Who acts in the absence of a Town Manager? Now we can go to the authority.

R. Strach: Yes, there are decisions to be made in this area. A lot of the other things are boilerplate and appear in most charters that we have looked at.

E. McCormick: Powers and duties are pretty consistent as well. Who this manager is going to appoint is not always written.
W. Brochu: All authority is vested in the Town Council. If you are going to take any authority away from the council, it has to be specific. Or it has to specifically say “by consent of the council”. The process could be that it is always recommended by the manager. Charter is not silent on authority.

R. Strach: The Town Manager would be the chief executive officer of the town.

W. Brochu: This is one of the very important things that this Commission will address—the authority of the manager. There will be situations, at some point in time, you will have a manager that goes back to the charter. What can that manager do outside of the council purview? It could be personnel, it could be money, etc. How is a direction carried out? Many towns councils are hands-off. Many are into every detail, right down to parking spaces. How much participation does the council have in the manager’s job?

R. Strach: In some charters, I see “with the approval of the council”.

W. Brochu: It depends on the town. If the model is that the manager is an administrator and everything has to go back to the council for approval, that would essentially be what you have now with the addition of a “go-to” person in the town hall who carries everything back to the council. If that’s the case, that’s the discussion you need to have.

If the model is that the manager has some independent authority, then you need to decide what that authority is and that’s the discussion you need to have.

E. McCormick: In your opinion, what is the biggest pro and con for a manager having some independent authority?

W. Brochu: The more the council is about “where do we go,” the less politicized “how do we get there” becomes. So when you have a council that can change every two years, if they do not have to hire and fire staff, that political change does not impact the town hall’s day-to-day operations. In that case, what impacts the day-to-day operations of the town is the manager, not the changing of the elected officials, so there’s a benefit there. You are also putting restrictions on the elected officials, especially if you put in the need for a supermajority. There are towns where employees are hanging on by a thread. There’s a cost benefit to everything. The model we have now is that the council has full authority and if you want to keep that then the manager will be the person in the coordinating role. But if the manager is going to have any authority to package things up and say “this is how we get things done,” that’s a different model.
T. Nolin: The model we have right now is that you just need to step on someone's toes and you are gone. That's why I think the supermajority is needed.

M. Morse: Reflections on authority: that's going to depend on the type of person you attract to the job. But you tie someone's hands if you make them responsible for the job, but give them no authority over it. If the manager cannot discipline or suspend, for example, it will be really hard to do the job.

T. Nolin: You need to give some type of authority, to force people to perform their jobs. Job reviews are important. The manager will be accountable because he's the one hired to run the shop.

M. Morse: That goes back to what kind of manager will we have.

T. Nolin: Any manager will have to have the authority to get things done. We do not give salary checks for people who just show up.

M. Morse: We have to spell it out. We have to give him or her some authority.

R. Strach: I think if this manager is responsible and accountable for the people who work for the town, he should have be able to hire and fire.

T. Przybyla: Responsible with the tools to do the job; you don't want the manager to have to depend on someone who is just counting the votes. I've seen that.

M. Morse: We need a term for the manager.

Ted Pryzbyla: I think you want an autonomous Town Manager who is charged with carrying out the directives of the Council and is given the authority to get it done.

T. Nolin: A yearly review in big business. You need a review process.

R. Strach: Yes, but that's not the big question now which is: Do you want this manager to have some authority to hire and fire?

S. Brannigan: What I saw in the charters was that the majority have a town manager who can appointment department heads with town council approval. I did not see many without council approval, but they can remove without council approval with an appeal
process. Below department heads (staff level positions), that’s got to be done by the town manager.

T. Przybyla: He’s never going to fire without process. Progressive discipline.

W. Brochu: We took a look at the employee manual; it’s not done yet, but in the end it will spell out that type of process. The charter is the starting point; there’s many pieces that go along with this. It will set the direction. In the future, the employee manual will tie into the charter.

S. Brannigan: What I was saying is that it seems that the majority of charters have managers appointing department heads with council approval and everything below is the manager’s doing or delegating that responsibility.

E. McCormick: Do we need to vote on that kind of manager?

S. Brannigan: I don’t know why you would have one without that authority.

T. Przybyla: Could you define it as these are the powers of the Town Council and these are the powers of the Manager?

W. Brochu: All power goes to the Town Council, then you can list the exceptions. Right now, the department heads do not have the authority to spend. You could have a model where the administrator is approving the payment and it does not need to go to the council, as long as it’s in the budget.

T. Przybyla: I’m familiar with the model, where the budget is passed by the voters, and the manager has some flexibility within departments, but not to move money from one department to another.

T. Nolin: Mr. Sette had authority so he could take care of some of the smaller issues without council approval.

E. McCormick: I make a motion that the Town Manager has some level of independent authority outside the town council.

T. Nolin: Second
Discussion:

T. Nolin: You need to give some authority otherwise it’s just what we have.

W. Brochu: We’ll work with the language. Example: “Town Administrator shall present the budget to the council.” When we get this language down, you will see the kinds of conversations we need to have. We’ll need to talk about other town entities and how they interact.

T. Przybyla: I am in favor of full operational authority to carry out the directives of the town.

R. Strach: We have a motion on the floor. Terry, can you read that for us again?

T. Yeaw: Motion that the Town Manager has some level of independent authority outside the town council.

R. Strach: If he or she has full authority can he just go out to hire anybody?

T. Przybyla: No, you are limited by the budget. He who rules the “gold”, rules. Has to stay within the budget.

R. Strach: I am stuck on the term “full operational authority”.

T. Przybyla: Ok, what I mean is operational authority. That’s the broad term. As we get into that, we can carve out what it means in this charter.

S. Brannigan: Is operational authority independent of the council?

R. Strach: Terry, please read that motion one more time.

T. Yeaw: Motion that the Town Manager has some level of independent authority outside the town council.

R. Strach: More discussion? May I take a vote?

All in favor Yes
T. Nolin: We can define independent later. The Town Council has the right to manipulate the funds. Manager should be in the budgetary process. He knows what departments really need. He’s there everyday.

W. Brochu: That is another discussion.

T. Przybyla: The manager knows what is needed for a proposed budget.

R. Strach: We might be off track again. Future discussion of what that level of authority for the manager will be. Look at your charters with that in mind.

6. As time allows, possible preliminary discussion and/or vote on election of Town Council and Town Council duties/responsibilities.

Table agenda item #6

R. Strach: I’ve had questions from the community regarding non-partisan elections. If we decide that’s what we want, it needs to be addressed in the Charter. Look at that piece in your charters and see how it’s discussed, please.

E. McCormick: I have had that conversation. If it’s in your charter, please call and talk to someone in the town.

R. Strach: From Board of Elections, I have been told that non-partisan means that the total number of candidates for each office can only be twice as many people as there are seats available. That would include Republicans, Democrats and independent voters. In that case, for example, the most choices on the ballot for Town Council would be 14. Partisan ballots can have as many independents as want to run.

7. Discussion/vote to add meeting on Dec.5 (or other date).

Having missed last meeting, even though we’ve made up an hour of that time this evening, I would like to add Dec 5. Unfortunately, that means meetings three weeks in a row, but it does leave the holiday weeks clear.

E. McCormick: It sounds like a good idea right now until December rolls around.
All agreed.

8. Discussion of and assignments for November 14th meeting.

Please look at your charters, especially the manager parts and what kind of authority you think the manager should have.

9. Audience comments.

None.

10. Adjournment.

T. Nolin: Motion to Adjourn

S. Hopkins: second

All in favor: Yes Motion passes

Meeting Adjourned at 9:00 pm

Respectfully Submitted by Acting Recording Secretary

Theresa C. Yeaw