

**General Government Review Committee
Tuesday, November 22, 2022, 3 p.m.
Adams Town Hall, 8 Park Street, Adams, MA**

RECEIVED-POSTED
23 MAR -9 AM 10:52

Meeting Minutes

TOWN CLERK
ADAMS MASS.

CALL TO ORDER: On the above date the General Government Review Committee (GGRC) held a meeting in the Sun Room of Adams Town Hall. The meeting was called to order at 3 p.m. by Chairman Donald Sommer. Present from the General Government Review Committee, in addition to Chairman Sommer, were Timothy Burdick, George Haddad, Virginia Duval, Carol Cushenette, Leah Thompson, Carrie Burnett and Jonathan Butler. Member Jeffrey Grandchamp was absent. Also present were Bernard Lynch of Community Paradigm Associates, LLC, Town Administrator Jay Green, Administrative Assistant Brianna Hantman, Assessor Paula Wheeler and Board of Health Chairperson David Rhoads.

APPROVAL OF MINUTES:

a. July 19, 2022

The minutes of the July 19, 2022 meeting had been tabled in September and again in October. Member Duval indicated that many revisions have been made, but that one change still needed to be addressed - the deletion of two sentences regarding instituting three-year terms for town meeting members (already in place) and electing a new, full contingent of town meeting members (unnecessary). There were no objections to the deletion and no other requests for amendments. Member Burdick made a motion, seconded by Member Butler, to accept the minutes as amended. The motion passed unanimously.

b. September 20, 2022

The minutes of the September 20, 2022 meeting had also been tabled. Member Duval indicated that, again, many revisions have been made from those submitted after the last meeting. Two still needed to be addressed to clarify that: 1) the recommended change in term end date to June 30 applies only to Finance Committee members, and 2) the Moderator will not appoint any new Finance Committee members until the current membership drops from 15 to 9. There were no objections to the changes and no other requests for amendments. Member Cushenette made a motion, seconded by Member Burdick, to accept the minutes as amended. The motion passed unanimously; Member Haddad abstained.

c. October 25, 2022

Member Burdick made a motion, seconded by Member Cushenette, to accept the minutes of the October 25, 2022 meeting as submitted. The motion passed unanimously; Member Butler abstained.

DISCUSSION WITH THE DIVISION OF LOCAL SERVICES:

Marcia Bohinc and Kasey Bik of the state's Financial Management Resource Bureau (FMRB), an arm of the Mass. Division of Local Services, gave a Zoom presentation using Power Point regarding moves from elected to appointed for municipal finance officials. Ms. Bohinc indicated that this discussion has been ongoing for a considerable time and the preference, with a goal of greater efficiencies, is to have the end result be more appointed officials.

Generally, she said, elected positions are policy-making roles which reflect community values and culture, while appointed positions tend to be operational or technical roles. The FMRB presentation focused on four topics involved in assessing a move from elected to appointed municipal finance officials: *Why?* (accountability, job definition, adequate technical and professional qualifications, clear authority) *Which?* (most commonly: treasurer and collector,

somewhat less commonly: assessor and town clerk) *When?* (with support from current office holder, retirement, vacancy) *How to Enact?* (with adequate review, planning and communication).

In their opinion, Adams is “ahead of the game” in having a combined treasurer/collector. In 2022, of 351 communities statewide, 298 have appointed treasurers and collectors or treasurer/collectors, 44 have both positions elected, and the remainder have one or the other elected. Regarding assessors, in 2022 there were 214 elected boards, compared to 225 elected in 2015. Looking at the town’s peer communities, based on population, income or geography, more assessors are elected, but change is trending toward appointments.

Regarding preparations for a future discussion of whether the positions of town clerk, full-time assessor and treasurer/collector should be elected or appointed, it was determined that there should be a three-person subcommittee to interview these officials, using a set of prepared questions. Appointments to the subcommittee were deferred until the end of the meeting. This second subcommittee would be similar to the one previously named to interview selectmen and the town administrator, a date for which has not been set.

REVIEW BOARDS AND COMMISSIONS OF THE TOWN OF ADAMS:

When discussing whether any of the town’s elected boards and commissions should be changed to appointed, Consultant Lynch emphasized that at this meeting the GGRC will consider what might be done but that no decisions are to be made at this time. GGRC members were advised by Lynch to keep two general standards in mind: “Values = Elected” and “Skills = Appointed.” He provided the committee with an “Appointed vs. Elected Review Tool” consisting of eight questions.

Answers to these questions which signify “Elected” are: Significant policy-making responsibility; few ministerial responsibilities or tasks guided by statute; little expertise or training required to become effective; role easily and widely understood; relatively simple for public to evaluate performance; a check or balance against another center of power; not critical to cooperate regularly with other officials; historically competitive races between qualified candidates

Answers to the questions which signify “Appointed” are: Minimal policy-making responsibility; many ministerial responsibilities mostly guided by statute; difficult to perform the work with little training or experience and potentially creating significant risks; role complicated and not widely understood; relatively difficult for public to evaluate performance; not needed as a check or balance; critical to cooperate regularly with other officials; historically little or no competition and few/no qualified candidates.

The following boards and commissions were discussed, some in greater detail than others: Board of Assessors, Board of Health, Library Trustees, Park Commission, Planning Board, Cemetery Commission, Housing Authority and Redevelopment Authority.

a. Board of Assessors:

Consultant Lynch suggested differentiating between the Board of Assessors and the full-time or chief assessor. He questioned whether the chief assessor, who assigns values based on information provided by a consulting firm hired by the town, should be a member of the board which decides on requests for abatements, etc. Member Burdick said the full-time assessor’s knowledge and expertise are critical to the decision. Lynch offered that not being a voting member of the board does not mean that the chief assessor cannot provide information and insight.

On the question of training for board members, Member Haddad indicated that he had taken the necessary “101” course, which he felt was adequate. Requiring more education might also require raising stipends.

Administrator Green suggested that one alternative to the current set-up could be to have a chief assessor appointed by the town administrator and a three or five-person board appointed by selectmen.

All questions on the form were checked off as "Appointed."

b. Board of Health:

It was agreed that the Board of Health has policy-making responsibility. Administrator Green said the policy-making of the board is local but very powerful and narrow in scope, without checks and balances. There is a need to have good people in the positions.

David Rhoads, Board of Health chairman who was present at the meeting, said the two other members of the board, new since last May's annual election, are very intelligent and committed to the task. At the first six board meetings since the election, he has arranged for persons experienced in various fields to give training sessions. Rhoads also indicated that the state is working on standards for inspectional services, but there are no criteria for Board of Health members and the state has stayed away from a mandate. Code enforcement officers report to the town's Director of Inspectional Services, not the Board of Health.

Several members commented that the Board of Health itself can be a check or balance. With two questions on the form - policy-making and check and balance - answered as "Elected," it was agreed that the discussion would have to be revisited.

c. Library Trustees:

It was agreed that Library Trustees also have policy-making responsibility within a very narrow scope and can act as a check or balance in certain circumstances. All questions on the form were checked off as "Elected."

d. Parks Commission

Members noted that the Parks Commission once had very powerful responsibilities for upkeep of the town's fields, parks and playgrounds, but with the establishment of the Department of Public Works (DPW), the parks department was abolished and its powers and operational duties transferred.

In the 1983 DPW act, the Parks Commission was designated as advisory but continued to be elected. Commissioners do have ministerial duties. Their primary function is to schedule the use of fields and parks. Administrator Green noted that a parks commission need not be enumerated in the charter; selectmen could create an ad hoc park advisory committee that does essentially the same thing, acting as a think tank for how to use the fields.

With opinion leaning toward advisory, the question will be revisited.

e. Planning Board:

It was agreed that the Planning Board has significant policy-making powers in drawing up zoning bylaws, etc., with potential financial implications, but also significant ministerial responsibilities such as site plan approval. Member Burdick asked to look at the Planning Board's actual duties before deciding between elected or appointed. Consultant Lynch acknowledged that, commonly, a Planning Board is elected.

Administrator Green suggested that some roles of the Planning Board and Zoning Board of Appeals (special permits, for example) could be swapped, particularly when one board is elected and one is appointed. He also asked how to react to a member of an elected board who has a history or record of voting that is self-serving. Several members indicated that the addition of a recall provision to the charter is important to maintain checks and balances.

Member Butler noted that, in the past, land use, environmental protection and agricultural development have sometimes conflicted with economic development, business growth and socio-economic issues, and that "these have been very different camps from time to time and era to era."

With multiple questions on the form answered “Elected,” it was agreed that this discussion would also have to be revisited.

Discussion of the Planning Board elicited general comments about the possible implications of choosing between elected and appointed boards. Member Butler observed that it seemed people are “leaning a little bit towards more appointed versus elected,” adding that there should be some elected or else the “pressure points that fall to the Board of Selectmen become really, really significant.”

Member Haddad reiterated his belief that policy-making bodies should be elected, that he prefers checks and balances, which might not be possible if everything became appointed.

It was noted that the appointing authority subsequently has authority over the appointee. An appointed board member could be a crony, representing the self-serving point of view of the appointer. The response was that, in the case of appointments by the town administrator, for example, those would be subject to ratification by selectmen.

Administrator Green offered that, based on his previous experience on the Pittsfield Board of Health, he believed as an appointed official it was “my responsibility to stay somewhat in line with what the mayor’s desires were for the city.” He added that in Adams “we have to get everybody to get in line on a certain policy,” such as promoting economic development, but “an elected body can only voluntarily say they agree with that or they can say no, they report to the electorate.” An elected body can develop policy that is contrary to what the primary policy-making body wants.

Consultant Lynch observed that there are always risks, whether bodies are elected or appointed. The power to be a check and balance may or may not be a good thing. If people don’t agree with developments or would like to see a particular thing happen, they go to the Board of Selectmen, who don’t have the authority in some cases where there is an elected board. An issue is how to hold the proper people responsible for the operations of the government. A final concern expressed was that voters do not look at the qualifications of candidates.

f. Cemetery Commission

Like the Parks Commission, the Cemetery Commission once had significant responsibilities. It is now mainly advisory as its operational duties were transferred to the DPW. The commission is still charged with the management and expenditure of perpetual care funds. With opinion leaning toward a change from elected to appointed, the question will be revisited.

g. Housing Authority

Consultant Lynch said there is not a burning need to change the Housing Authority or spend significant time discussing it. He wondered if there was anything statutory dictating that it be appointed or elected, though he noted that it is most often appointed. It was noted that the responsibilities of the Housing Authority are, generally, outside the purview of town government.

h. Redevelopment Authority

As with the Housing Authority, the Redevelopment Authority, formed in the late 1960s to oversee urban renewal projects and inactive since the 1970s, elicited little discussion.

The GGRC did not address appointed boards or commissions at this meeting. Questions to be answered, Consultant Lynch said, are whether or not to make elected any bodies that currently are appointed and whether or not all of the appointed bodies are still necessary.

As the make-up of the subcommittee to interview the town clerk, full-time assessor and treasurer/collector was not determined earlier in the meeting, it was decided that it would have to wait until the next meeting as three GGRC members had already departed.

ACTION ITEMS:

1. Schedule and complete Select Board/Town Administrator interviews, with the appointed subcommittee reporting back to the full GGRC before discussion of the executive function at the 12/13/2022 meeting.
2. Appoint a subcommittee to conduct interviews with the Town Clerk, Chief Assessor and Treasurer/Collector and report back to the full GGRC prior to meeting with these officials.
3. Receive from Consultant Lynch copies of the charters of Williamstown, Lenox, Great Barrington and Dalton for comparison.
4. Receive Community Paradigm Associates model charter for Adams within the next several months for review by the GGRC.

NEXT MEETING DATE(S):

The next meeting date is set for 3 p.m., Tuesday, December 13, 2022, at Adams Town Hall.

ADJOURNMENT: Members Thompson, Burnett and Butler had previously departed the meeting. At 5:22 p.m., Member Burdick made a motion to adjourn, it was seconded and the motion passed unanimously.

Minutes respectfully submitted by Virginia Phelps Duval.

Donald Sommer, Chairman