

HOPKINTON CHARTER COMMISSION
Minutes from Public Hearing #2 – September 28, 2005
Hopkinton High School Auditorium

Public hearing #2 began at 7 p.m. in Hopkinton High School auditorium. Commission members in attendance: Marie Eldridge, Bill McRobert, Mary Pratt (left at 8:45), Doris Carver, Nancy Clark, Bruce Karlin (entered at 8:10)
Approximately 20 members of the public were in the hall.

Marie gave the introductory PowerPoint presentation.

Ken Dietz: Recall clarification - document says “not more than 50 people” from each precinct but it should read “not less than”. Town manager – minimum standards/guidelines for job description should be in the charter. Town officials attendance at Town Meeting – all should attend all nights because sometimes something unexpected comes up that needs clarification.

Jane Roche: Recall question – How often has it been used in other towns? (Marie responded referencing Beth’s research.) Recall concern – Threshold for taking out petition is too low. Easy for people who may just not be happy with an official’s policy decisions to get process started, then regardless of the # signatures needed to get a vote, the movement has lots of energy already. Jane suggested 500-600 to initiate, and finds it hard to support charter if recall stays as is.

Dick Dugan: Recall - 200 is too low for petition. Suggested there should be only one step in process. Question – What is state’s role in reviewing charter? Will the state have oversight in 10 yr charter revision? (Marie referenced state guidelines.)

Jean Vickers: Question – How will HR Director and Personnel Committee interact if Town Manager appoints HR Director and BOS appoints Personnel Committee? Position Descriptions – should be put in charter. Recall – 200 is too low. 500 – 600 better. Leave the 2 step process. Disagrees that people won’t run for office if recall is a possibility. Related personal experience in a former residence when she wished a recall had been an option.

Maureen Dwinnell: Sec 1-8 – Good to see ethical standards in charter. Sec 2-11 – Glad Town Meeting can’t be second guessed. Sec 3-1 – Suggested paragraph D be changed to read “shall be subject to the call of the Town Manager” since the BOS is an elected board. Recall – She is opposed to the recall, and related her real life experience in this matter. She said frivolous accusations against her cost the taxpayers \$78,000 because there is a state law that towns must provide legal fees for an official’s defense. She further indicated her opinion that the town can rely on state laws to address gross negligence and criminal activity. The process to remove an official is the next election. Sec 4-1 – Agrees with the Town Manager being able to coordinate departments and boards and says it is needed. Sec 5-4 – Agrees we need a Dept of Finance with our \$55

million budgt. Sec 5-4h – Charter should specify that Director of Finance and Accountant will be a combined position.

Eva Beadie: Recall – Feel free to change it, but likes the idea. Advocate of more legal leeway for boards; they should not always have to go to BOS to request counsel.

Ken Weismantel: Board size - Supports move to 5-member boards because two members of a three-member board cannot talk without violating the open meeting law. He mentioned his experience as a member of several three person boards and said that situation was problematic. Finance Dept and Budget – If intent is to have accountant fill the finance director position, say that since the way the charter is written creates another position. Will the budget timing as written work? Suggests charter should be more general rather than specific so the financial people can make the process run smoothly. Dotted line of Assessor to Finance Director – He questions whether the Finance Director could have concrete authority over the Assessor if the Board of Assessors appoints him. Recall – needs to be altered significantly or taken out in order for charter to have a chance of passage. Ethical violations have been solved in the past by state fines and negotiating resignation. State laws protect the town from egregious acts and misconduct of an official. Recall is costly to the town. Must set standards as to what is due cause. 200 signatures is too low. 15% is not enough.

Sandy Altamura: Question – What is the advantage of a charter? (Marie referenced PowerPoint.) Recall – I prefer a one step process. Board size – Opposes expansion to 5 members. Cemetery Commission – Oppose appointing this board because the democratic process is best assured by more public electoral involvement. Question – Have any by-laws been touched? (Marie answered and referenced Art 8 Sec 8-1 concerning continuation of existing laws.

Kevin Kohrt: Question – What will be the day to day activities of the Town Manager? (Answer – much of what Executive Sec'y does now with additional personnel reporting to him.)

Lynn Fournier: She is a member of the Cemetery Commission and believes it should remain elected since it deals with money. (She stood up again later to repeat her comments so that Dr. Karlin, who had recently entered the meeting, could hear them.)

Joe Markey: Sec 2-8 - Have all officials at Town Meeting every night. Sec 3-1 – Elect Cemetery Commission. Sec 3-1F – Supports recall as written since it puts more power into the hands of voters even if it is an expense to the town. Sec 3-9 – Keep 3 member boards. Reasons: public business should not take place out of the public view; it may be more difficult to fill 5 spots and then power is taken from voters by the appointment process. Town manager – Good idea but need more specific parameters as to the necessary qualifications.

Chris Dietz: Question – What would be an example of how the workload of boards is increasing to necessitate an increase to 5 members? (Answer – More work because of town’s recent and rapid population growth.)

Muriel Kramer: Question – What is the difference between the amendment and revision process? (Marie referenced the state guidelines booklet.) Request – Print some copies of the Preliminary report in large print. Board Size – Supports 3 member board; commission should be cautious rather than bold if a change is not distinctly necessary. Recall – 200 number needs to be higher. Also document should clarify all possible costs of a recall. You can’t protect that someone will not use the recall irresponsibly, but do your best. Question – How will the Town Manager and Finance Director be hired? (Marie referenced Sec 8-4 B1.) Mrs. Kramer suggested a search committee should have more members who are not committee/board officials.

John Hourihan: As the present chairman of the Cemetery Commission, he spoke in opposition to changing the commission to an appointed board.

Claire Wright: Recall – Opposed to recall for the following reasons: There is enough difficulty getting elected positions filled, so don’t further discourage people from coming forward to run. She said it is too easy to criticize and then become an arm chair general; instead critics should become part of the process of town government. Voters can remove officials at the regular election. She ended by saying that the recall is a hot button issue for many and they’ll vote against the charter because of it; give the charter a fair chance by taking out the recall section.

Kevin Khort: He supports more elected positions rather than appointed. If we are moving toward more appointed positions, then we need a recall. (Note from Nancy– That’s what he said, but I’m not sure that’s what he meant. Can someone help me on this?)

Ken Dietz: He doesn’t expect the recall to be used, at least much, but he supports it. He does not think frivolous recall actions will succeed.

The public hearing ended at 9 p.m.