

Sturbridge Finance Committee
Meeting Minutes
August 25, 2011
Town Hall
7:00 pm

Minutes amended and approved on 9-8. Motion made by SA, seconded by JL. Vote 4-0-3.

Meeting was called to order at 7:00 pm with the following members present: Kevin Smith (KS), Larry Morrison (LM), Prescott (Scott) Arndt (SA), and Mike Serio (MS) and Joni Light (JL). Members Absent: Mary Redetzke (MR), Arnold Wilson (AW), Patti Affenito (PA) and Rich Volpe (RV).

Motion to approve 5-10 minutes as written made by SA, seconded by MS. Vote 4-0-1.

Motion to approve 6.30 minutes as written made by SA, seconded by MS. Vote 4-0-1.

Charter Review Committee (CRC) Members in attendance: Bill Haggerty (BH), chair; John Kittel (JK); Heather Hart (HH); and Peter Levine (PL).

Audience members: Tom Creamer, BOS chair; Mary Blanchard, BOS member; Priscilla Gimaz, BOS member; Mike Caplette, Town Moderator.

The CRC is in attendance to discuss the Charter Amendments.

KS starts the discussion by reading from his notes. The notes will be included here: “ I have one overwhelming concern with many of the articles: and that concern is a drastic change in the ‘balance of power’. To make my point, let’s compare our Town government with that of the Federal Government. Our Constitution guarantees that no one body of Government can act without being checked by another. For example, the President can’t declare war without Congress’ approval. Think of the Town Administrator as our President, the BOS as our Congress and the Charter as our Constitution. Currently, many Town appointments are done by the TA but **only** after approval of a majority of the BOS-thereby guaranteeing **TWO** bodies of Government have weighed in on the matter. The Charter Review Committee, on the other hand, are proposing that many appointments should now be made by just one body of Government, the BOS.

Your logic seems to be that, because the BOS are elected by the people, they don’t need a check and balance. That could not be farther from the truth. Our Founding Fathers were wise enough to know that, even though Congress and our President are elected by the people, Congressmen or our local BOS are inherently biased. They have been known to make decisions that will help them get re-elected even when those decisions are not necessarily in the best interest of the country, or our Town. This is why it is crucial to have, at a minimum, two Government bodies involved in every important decision. Personally, I cannot support any of the articles in which you eliminate one body of Government, the TA, and give sole appointment power to the BOS.

Your recommendations result in the majority of the BOS making most of the important appointments for the entire Town of Sturbridge.

Regarding the FINCOM appointments, at least you are changing an appointment process that has one person solely appointing a committee to an appointment process consisting of three parties. However, I still have several concerns.

First, I can absolutely understand why, in the past, the Charter Commission chose the Moderator as the sole appointing authority. The moderator has virtually nothing to gain when making appointments. The position has no budget and he never, in my recollection, has brought forth a warrant article that we had to vote on.

Second, it is essential that the FINCOM remain as unbiased as possible since one of our roles is to act as the check and balance to the BOS. Choosing a member of the Board of Assessors, or any Board with a budget and salaries, to appoint FINCOM members calls into question whether that person might want to stack the committee with members who will support their budget, raise their salaries, etc. You'd be building bias into the process. In addition, suggesting the FINCOM chair assist in appointing (FINCOM) members might get you a FINCOM full of members that think like the FINCOM chair (because that is who he/she might be inclined to choose). To ensure no FINCOM member is ever beholden to any other committee and to ensure a diverse board, you need to find someone who can appoint members of FINCOM who doesn't have anything to gain. Someone without a budget that we'll be voting on, someone who's not on a committee that is bringing forward warrants that we'll be voting on, etc. I'm willing to bet the Charter Commission spent a great deal of time searching for one or more people that would fit the bill and the Moderator does seem the ideal choice. In fact, if voters don't like who the Moderator is appointing, they can simply vote him out. If you change the process to three people, one of which whom voters can't vote out (the FINCOM chair), you make it far more difficult to make changes to the body of people appointing the FINCOM if voters were dissatisfied. If you can think of a better choice, I'd be happy to consider it but the choices you've made so far, in my opinion, would make the process far more biased.

Other major concerns I have include:

Section 5-3 (J): You're suggesting copies of all proposed contracts be provided to the FINCOM but not before action is taken by the BOS. What if the FINCOM comes up with a concern that the BOS hadn't thought of, but, by the time we see the contract it's too late to do anything about it since the BOS may have already acted upon it? Wouldn't you rather two committees look at these contracts and not simply trust one committee to make sure all the T's are crossed and the I's dotted? Once again, too much faith is being put in one committee.

Section 6-1: Where is it specified that the staff in the Town Clerk's office and the BOH are appointed by those Departments and not the TA? Also, did you ever consider having the Town Clerk appointed? We've spent considerable money training the Town Clerk yet we could lose that individual and all we've invested in one election season.

Section 8-5: This is a bit out of scope but in this section it says Charter Amendments can be processed at any duly called Town Meeting. Did you ever consider changing to just the Annual Town Meeting since Special Town Meetings can be sparsely attended? Considering the importance of all the issues we're discussing right now, I think it's questionable to vote on them at a Special Town Meeting."

PL disagrees with KS saying that the TA is not the Executive of the Town; he goes on to say that he does not believe that a group of five people can be swayed to the position of another. In addition, he states in his opinion, that CRC members did not know each other prior to being appointed and that he does not have any contact with the members outside their meetings. BH states that their review of the Charter is complete and the revised document has been forwarded to the BOS. JK states there is much work to be done and would like to work in unison. HH explains that the CRC came to the decision that, in their opinion, there are four town boards that should have an elected official as part of the employment process.

LM asks the CRC if they asked themselves the "what then" questions (If A, then B or C, etc.).

JK says yes, those questions were asked, and discussions ensued. HH says she has been approached by people about why they were not chosen for a committee seat on several boards. LM suggests an advisory letter to the BOS; JK says a by-law is in place. LM makes the point that the BOS is a policy body now this puts a hole in that. JK does not agree.

BH stood for election to the first and second CRC review. There were assumptions made: that what works now may not work later, the TA is the executive of the Town, and that the BOS does have authority to appoint; article 46 makes the ability to say yes or no more important. He also says he expects the FINCOM to be devoid of special interests and that most Massachusetts towns place the power to appoint FINCOM members with the Town Moderator. MS asks about the practical effect of requiring the BOS to weed through applications or resumes. PL says that the TA has multiple responsibilities; but that in selecting a candidate the over-riding concern should be understanding the needs of the committee in question, assessing the skills of the applicants and deciding what is in the best interest of the Town. PL goes on to say that, in his opinion, the budgetary concerns are of primary importance to the administration of the town. KS says the TA probably has more contact with committees than the BOS. HH does not agree. JK makes the point that there are four key policy-making committees and that the members of these committees must be town residents. JL asks if there examples of an appointing authority having not been named? JK says yes. JL says a precedent has been set and asks if the language in Section 6-2 Other Appointive Powers is the default position? No answer is given. LM asks if the appointing authority also supervises the committee? JK answers that some committees have statutes that guide them and some do not. LM goes on to ask, keeping the previous answer in mind, who supervises the FINCOM now? JK asks, Who? LM answers Town Moderator. JK says since the FINCOM is self-policing now, this change to a three-person appointing authority is a good idea. JL asks why change, since this system has been working for the Town for some time. HH makes the point that the CRC reviews the Charter every five (or so) years to modernize it and make it more objective, leaving less to chance, and make it more open. JK makes the point that whether or not something is broken or not depends on whom you ask; he also wonders if the process would be stronger in the hands of elected officials? TC disagrees

that the FINCOM has any 'power' to serve a check and balance function. LM sees the FINCOM serving as an independent voice but not an unanswerable source of a second opinion; that it is answerable to the elected Moderator; that it provides the voters a second opinion which is separately arrived at from that of the Selectmen; that the present Town table of organization wisely ensures the integrity of that second opinion by separating the Moderator and the Selectmen; that both opinions begin from different starting points yet share the same objective in serving the townspeople; and that the CRC's claim that its proposal involves a panel of three elected officeholders blurs the fact that only the FINCOM members elect their chairperson, not the voters at large. The discussion ends here.

KS announces the receipt of an invitation to the Town Association of Finance Committees meeting.

KS also asks who may be interested in the position of interim School Board liaison, in place of LM? KS makes a motion for SA to fill this position, LM seconds. Vote 4-0-1. KS asks MB if liaison lists were sent out and she replies, yes.

Motion to adjourn made by KS at 9:10 pm. Vote 5-0-0.