

Ad Hoc Government Study Committee (Westborough, MA)
Minutes of April 4, 2007

Present: John E. Arnold, Christopher Senie, Thomas Shea, Brigitte Casemyr, Kristina Allen, Sue Abladian (second part of meeting)

Absent: Manohar Vichare

Chairman Shea called the meeting to order @ 7:20 pm and welcome Town Clerk Nancy Yendriga. T. Shea set the stage for the meeting by recapping the areas that the committee is charged to explore, town organization and structure.

Background: N. Yendriga first ran for Town Clerk in 1996 after having been appointed in 1995 due to the retirement of the former Town Clerk. N. Yendriga was then assistant Town Clerk, a position which requires town residency. N. Yendriga took the Certified Municipal Clerk program, but chose to not obtain the certificate. The following are the comments provided by N. Yendriga in no particular order.

- Town employees can run for RTM positions.
- Large capacity at town meeting is only needed just about once every ten years, so that's not an issue.
- Since state financial information is not available in May, there's not reason to not move back the annual meeting to March; there is a citizen's petition on the warrant this year to that effect.
- Observed that town meeting works well.
- Re: elected vs. appointed town clerk position. Solicited comments from state town clerks, and provided committee with a thick report from many officials. Copy of this report is appended (in hard copy only) to these minutes, and excerpts of the packet (pros and cons of elected vs. appointed town clerk position) are summarized later in these minutes. Overwhelming support for keeping the Town Clerk position elected, which N. Yendriga advocates for. The report also includes current commentary from other towns that are also considering (by ballot) to change the elected town clerk position to an appointment.

Excerpts from the packet submitted by N. Yendriga

Town Clerk is the Chief Election Official for his or her municipality and as such, should remain independent of any appointing authority. Massachusetts General Laws require the Town Clerk to act as an agent for the Town as well as many state agencies. By remaining independent, the Clerk can maintain the integrity of the town's electoral process.

Town Clerks serve as an important link between the Legislative (Town Meeting) and Executive branches of local government as well as the Commonwealth of Massachusetts. Upon Town Meeting dissolution, the Town Clerk records the actions of Town Meeting, certifies all borrowing authorization, certifies all appropriations, reports all zoning and General By-Law amendments to the Attorney General for approval, submits the acceptance of all Massachusetts General Laws to the Secretary of State, and stays on top of boards and committees to make their appointments as charged during Town Meeting. These duties should be done without the influence of any appointing authority in order to maintain the checks and balances needed in local government as well as state and federal government.

The 1988 Town Government Review Committee determined that the general theme today in municipal government is to have a tie between the taxpayers and the town and that this tie is stronger with elected officials. It also noted that the Town Clerk's Office is most closely associated with the residents and should remain elected.

The ability to remain neutral with regards to political issues and candidates would be jeopardized if the clerk is appointed. When the Secretary of State becomes an appointed office, so should the office of Town Clerk.

While responsible for many administrative duties, The Town Clerk's office is not 'just' a clerical position, as documented above.

In response to T. Shea question whether a strong Town Manager would make a difference in her views, stated above, N. Yendriga responded in the negative as the current Town Coordinator and she have very little interaction today. She added that two of her friends, also Town Clerks, were appointed by their town's Town Manager, and that she does not view that as negative.

T. Shea observed that 15% of Town Clerks in Massachusetts are appointed, and asked if N. Yendriga knew of any correlation between appointments to such a position and town size. N. Yendriga did not.

J. Arnold asked what would happen if a Town Clerk was not managing the job properly. N. Yendriga was not aware of repercussions if any.

N. Yendriga then explained in details the processes employed during town elections. The Town Clerk in that respect is a satellite of the Secretary of State's office, and is using computers that ties in directly with the state's office. There is a high level of checks and balances performed by the office of the Town Clerk with regards to the elections, and this fact alone is the strongest argument for keeping the Town Clerk position an elected office. The Town Clerk's office is also responsible for record retention.

T. Shea asked if anyone could run for Town Clerk, if someone holding a full-time job could run and be elected, if there are requirements for specific hours. N. Yendriga responded that Town Clerk have to be dedicated to the job.

Chris Senie asked why city clerks were appointed, but not being familiar with city government, N. Yendriga was unable to offer a response.

T. Shea thanked N. Yendriga for her thorough input on town government organization. He reminded the committee that the next meeting on 4/18 was confirmed to speak with volunteer boards. As there were no minutes to review, T. Shea made a motion to adjourn. J. Arnold seconded the motion. The motion passed with a unanimous vote and the meeting was adjourned at 9.05 pm.

Submitted,
Brigitte Casemyr, Secretary