

Minutes

Amherst Charter Commission meeting of November 7, 2016

Members Present: Andy Churchill, Tom Fricke, Meg Gage, Nick Grabbe, Mandi Jo Hanneke, Julia Rueschemeyer, Diana Stein, Gerry Weiss. Member Absent: Irv Rhodes. Consultants: Michael Ward and Tanya Stepasiuk. In attendance: Jonathan O'Keeffe, Stephanie O'Keeffe, Claire Bertrand, Richard Morse, Bernie Kubiak, Larry Kelley, Walter Wolnik, Maurianne Adams, Jerry Guidera, Ted Parker, Irma Gonzalez, Richard Roznoy, Susan Roznoy, Jackie Churchill, Kevin Collins, Adam Lussier. Chad Fuller III

1. Call to order, approve agenda, approve minutes (5 minutes)
2. Mapping Values into key components of Citizen Relief/Participation, Executive, and Legislative articles – Clarify Process (20 minutes)
3. Mapping Values into key components of Citizen Relief/Participation, Executive, and Legislative articles – Begin Deliberating (1 hour)
4. Public comment (10 minutes)
5. Planning research on comparable communities (20 minutes)
6. Confirming schedule for Town Meeting and future meetings (5 minutes)
6. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
7. Adjourn

The meeting was called to order at 7:02pm in the Amherst Police Station Community Room. The minutes were approved as amended by Stein and Weiss.

MAPPING VALUES ONTO THE CHARTER FRAMEWORK

Churchill said the commission is now looking at the options and combinations of options in the three categories of Executive, Legislative, and Citizen Relief/Participation. “This is where the rubber meets the road,” said Stepasiuk. Ward distributed a memo summarizing the values and principles articulated by commission members.

Ward said the goal is to start to get a sense of the general directions the commission wants to pursue so the consultants can provide support and research in those directions. Another goal is to take certain options off the table, to follow two or three paths if possible, instead of 10.

Ward said the basic Legislative/Executive forms are Open Town Meeting/Select Board/Manager, Representative Town Meeting/Select Board/Manager, Council/Manager and Council/Mayor, though Cambridge, Worcester and Lowell have a Council/Manager form in which a mostly ceremonial mayor is elected from the council.

TOWN FORM OF GOVERNMENT

If the choice is Representative Town Meeting, a key decision is the number of members; for a Select Board, the size and tenure and duties. Churchill said a lot of people have told us our Representative Town Meeting could be smaller, to encourage contested elections that could bring more representativeness; others feel it's representative now because there are so many people in it. He said he's also heard from some who prefer an Open Town Meeting unmediated by representatives when residents are not sure who represent them.

Stepasiuk asked if Open Town Meeting could be taken off the table. Hanneke responded that it should not, if it could enable Town Meeting to act more like a legislature, featuring more debates and

subcommittees generating legislation. Rueschemeyer agreed, saying that Town Meeting has a low bar for entry, and if it lowered the bar even more, it would encourage participation. Grabbe said he could support open Town Meeting if it met at regular intervals throughout the year and its votes were advisory to an elected council.

Gage asked if it's possible to have a mayor within a town form of government, i.e., with a town meeting. Ward said he hasn't pinned that down, but hasn't found any examples of towns with mayors. Stepasiuk said the consultants could do more research if the commission is seriously interested in this option. Weiss said we "shouldn't go down this road if we can't do it." Ward said no one wants to answer the question of whether it's possible, though two Rhode Island towns have a hybrid Council-Manager-Town Meeting system. Rueschemeyer asked if a town with a mayor and Town Meeting is still a town, and was told yes.

Weiss said he was afraid that many people would show up for the items that really mattered to them and for a lot of the articles, attendance might be very poor.. He is open to cutting the size of our current Town Meeting. Gage said in a smaller Town Meeting, there would be more competition and higher stakes, and there are other ways it could improve. Rueschemeyer said it would be good if candidates' views were more well-known. Weiss said everyone who wants to run should be able to.

Churchill said there's a split between government by participation and government by representation. Some think it's enough to have their neighbors there at Town Meeting, while others would like the legislative body to represent the way they think. Fricke said a smaller Town Meeting might bring a conversation between members and those who elected them. Churchill said many people don't want to participate deeply but want their voices to be heard. "How do we get a system where everyone who cares can be heard but doesn't have to show up?"

Grabbe said he opposes proposing a Town Meeting that is reduced in size. He said that to reduce the size enough to create competitive elections would eliminate what many people value about the institution, the ability of anyone to participate. He said he favors giving voters a clear choice between our current Town Meeting and an alternative form. He noted that Michael Greenebaum, a member of the first charter commission, which recommended a smaller Town Meeting, told the commission that it failed to get a majority of votes in part because some people voted no because they wanted to retain the status quo, and others voted no because they wanted to eliminate Town Meeting altogether.

Gage said she'd like to focus on areas of agreement, such as the need for professional management; she asked whether that could be achieved with an administrator or finance director. She said a person who just won an election doesn't necessarily have the necessary expertise. Rueschemeyer said she wants someone capable of leadership and negotiating with UMass, and the Select Board Chair said she can't do that, and that the manager makes all the decisions. Hanneke noted that a manager is hard to fire, and the office doesn't seem to gel with the idea of a chief executive, and the Select Board doesn't have the ability speak as one to a powerful University.

Churchill said it's hard to hold a manager accountable; you hope he or she works out well, but a mayor can be voted out of office if he/she doesn't work well. Stein said a mayor could come in without the training a professional manager has; the town needs some way to put pressure on a manager short of termination. You could have a great mayor one year, but not the next. She cited her earlier research on two towns that changed to a council/mayor system, one of which worked out well while the other didn't.

Hanneke said many states have judges appointed on merit by an executive, but they subsequently have to run to be reappointed by the voters; is that possible with a manager? Ward said that if prospective managers saw that in a charter, it might dissuade them from applying.

Grabbe said he is undecided on mayor/manager, but was influenced by the Select Board's unanimous endorsement of a manager. He said that a manager provides continuity, and wondered if Amherst voters are ready to make the leap to a mayor. But he wondered about how to get a strong voice speaking for the town in a manager/council system: through a council president, perhaps called a mayor?

Stepasiuk said it depends on the personality of the council president, whether it's limited to ribbon-cutting or goes further, but it's not the same as an elected mayor. Weiss said a more powerful Select Board could be written into the charter. Typically, Select Board chairs in small towns have more power, but he wondered if that would work in a town like Amherst. "You might as well have a mayor."

Gage said Amherst faces problems that will take a while to solve and require a broader attention span, such as the tax structure and retaining middle-income families. She said Amherst doesn't use Senate President Stan Rosenberg enough.

Ward said smaller towns typically have three Select Board members, but the trend is to move to five because the prospect of 2-1 votes can be frustrating.

CITY FORM OF GOVERNMENT

A council originates legislation, ratifies proposals from others, and meets more regularly than a Town Meeting. Ward said that councils can range in size from 7 to 24, but the size is typically 9 to 13. Its membership can be at-large or by district or mixed, and the council president may be chosen by the council or elected separately, such as in Watertown and Winthrop. The majority of cities have some councilors elected at large, some by district, he said. There's a question of a council's term; two years is more common, but many give four years. Mayors' terms are typically two to four years, and while two is the most common, the trend is toward four years. In a manager form, he or she is selected by the council, and there may or may not be a residency requirement, and policies for termination and review need to be outlined in detail.

Churchill asked whether Amherst would have to redistrict its precincts in a council form of government. Ward said there could be one ward per precinct, depending on how many at-large councilors there were, or there could be two precincts in each ward. Grabbe said he likes the provision in the new Framingham charter in which at-large councilors get four-year terms and district councilors get two years, to keep a portion of the council close to voters, while others have a more long-term focus.

Churchill said that currently Town Meeting doesn't originate legislation but ratifies it, while the Select Board does some policy work and controls the manager, loosely, and asked if a council would originate legislation as well as voting on it, and then the executive would be responsible for carrying it out. Stepasiuk said a council could get proposals from boards and would have more power than Town Meeting and meet more often.

Fricke asked how often councils meet, and who has the time to do that job. Would it be a part-time job or something only for the retired? What's the time commitment of successful councils? Ward said the most common frequency is meeting every other week, less frequently during the summer, and many councils rely on subcommittees. Typical meetings are shorter than Town Meeting sessions. He said that in some cities there is a separate licensing board to take some of the burden off the council.

Rueschemeyer asked if councilors usually get paid. Stepasiuk said the pay can range from \$3,000 to \$80,000 a year, as in Cambridge, where it's like a full-time job. Ward said the typical range is from \$1,000 to \$5,000 a year. Stein said in Northampton the councilors receive \$9,000 to \$10,000 a year.

Gage asked if there are mechanisms to ensure gender balance, or provide for representation by different income levels, on a council. Stepasiuk said there can't be a gender quota or a slot for subsidized housing. Weiss said the commission needs a cost analysis, though it's hard to estimate the cost of Town Meeting. Ward said he'd be surprised if the difference between different forms of government were significant relative to Amherst's \$70 million annual budget.

Churchill said that Amherst wants both political accountability and professional management, and asked if there was a mayor, could there be a requirement of a financial director with technical expertise. Stepasiuk said that's becoming more common, as in Newton, which calls for a chief operating officer, and Framingham, which calls for a chief of staff serving at the pleasure of the mayor. Stepasiuk said, "What mayor wouldn't want someone helping with operations?"

PUBLIC COMMENT

Irma Gonzalez: Although the importance of professional management is clear, it doesn't solve all our problems. On a lot of issues Amherst has not moved forward not because of lack of management but because of a lack of vision and the ability to deliver on big changes, or "the civic will to move things."

Richard Morse: What we do not have in Amherst because we don't have a mayor? We've had managers who step into a situation as if they were quasi-mayors, but we don't have a person with sufficient stature to stand in the same room with campus officials, to give state-of-the-town addresses, and to put forth a vision. We're mocked on our values from outside town and there's no one to speak back. There's a cultural significance to having a mayor as well as a political one.

Bernie Kubiak: The majority of municipalities in the U.S. with more than 2,500 population have a council/manager system, and 37 percent have mayors. The Select Board or a council are capable of supervising and firing managers. The commission should not feel bound by the present model. The National League of Cities is a resource.

Walter Wolnik: The commission should re-interview the TMCC.

Maurianne Adams: A council could split off the licensing function, so why can't the Select Board do that? Ward thought that could be done. Adams: We need to talk more about precinct meetings. When talking about a clear voice speaking on behalf of the town, how does one person do that when there are such divisions in town over development and change, continuity, tradition and quality of life? We need genuine conversation. "The last thing we want to see is money or electioneering that will harden the line between winners and losers." It's not easy to come up with a single, coherent vision.

Larry Kelley: What are the implications for holding mayor/council elections in November?

Richard Roznoy: The Planning Board does not exist in the Charter. We have a top-down organization. Residents don't have an elected representative they can go to with a specific concern; what the town needs is elected representatives who are responsive to constituents. He favors a council with councilors from 5 districts and 2 at-large. I have great faith that residents know what the town needs, and know how to evaluate office-holders and choose representatives who carry out their ideas, and if they don't, get voted out. If you run for council and don't get elected, that tells something.

Chad Fuller III: We need communication and skills. It is not so much the form of government but the skills to make things happen.

Stephanie O'Keeffe: A manager is not a fixed quantity; managers come with different skill sets, and you hire a person based on what you think your needs are when you do the hiring. Managers are expensive and cumbersome to get rid of; you can't waive a magic wand.

COMPARABLE COMMUNITIES

Churchill asked how we can find more about forms of government we are less familiar with, such as mayor-council and manager-council. How to find how other places work? Stepasiuk suggested getting the questions first, perhaps getting East Longmeadow officials to come in. Churchill suggested looking at regional towns such as Northampton, Easthampton and Greenfield and ask what's working, what are the pros and cons, how do they handle zoning, etc.

Grabbe said it's important to look at communities with big state universities, noting that Burlington, Vt. has about the same population and political views as Amherst, and has both a state university and a small college. He also noted Weiss's research on small towns hosting big state universities in other parts of the country. Stepasiuk said the Collins Center has a huge data base and can get information on 15 comparable communities quickly.

Gage suggested that commission members go in pairs to visit certain communities. Weiss said the commission should be clear on why the commission is doing this. Are we trying to fix the problems in the current form of government and look at what isn't working, or are we starting with a blank slate?

Stein said it's a problem that Amherst lacks a person to negotiate with UMass and the colleges, noting that Williams College gives generously to Williamstown, and seems to care about its town in a way that Amherst College doesn't. Rueschemeyer agreed that we should talk to Williamstown, but noted that it is much smaller than Amherst; Stein noted that the two colleges are similar in their endowments.

Ward said he'd appreciate it if research questions could be routed through the chair. Stepasiuk said the commission should prioritize the research questions; for example, is lowering the voting age on the radar? If not, then there's no point researching it. She also said the commission should consider how these efforts fit in with the time line. Fricke said he's concerned that the process is going too slowly, and Rueschemeyer agreed. Churchill said the commission could continue deliberating, then test the conclusions with site visits to other towns.

Weiss asked who commission members would talk to when visiting towns. A mayor would naturally say that a mayoral system is working well. Stein said town clerks often speak frankly, and you can just pick up the phone and talk to them.

Hanneke said that seven members responded to a Doodle poll about availability, and meetings were set for Dec. 12 and 19, not the previously considered Dec. 15 and 22. Churchill said that at Town Meeting on Nov. 14, he will talk about the number of people the commission has gotten comments from, say that we're entering the deliberative phase, point out the iterative nature of the process, and say that we will reach out to the community as the proposals get more concrete.

The meeting was adjourned at 9:23 p.m.

Respectfully Submitted,
Nick Grabbe, Clerk

Documents

- Bullet points version of Updated Mapping Values and Principles Memo
- Charts on turnout in state and local elections, overlap of representative Town Meeting members and boards and committees; types of participation