

Minutes

Amherst Charter Commission meeting of November 28, 2016

Members Present: Andy Churchill, Tom Fricke, Meg Gage, Nick Grabbe, Mandi Jo Hanneke, Julia Rueschemeyer, Irv Rhodes, Diana Stein, Gerry Weiss. Members Absent: None. Consultants: Michael Ward and Tanya Stepasiuk. In attendance: Mollye Lockwood, Claudia Brown, David Markland, Steve Braun, Peter Gray-Mullen, Kitty Axelson-Berry, Joan Burgess, Jackie Churchill, Jonathan O'Keeffe, Tom Davies, Kevin Collins, Dick Bentley, John Fox, Jerry Guidera, Scott Merzbach

Agenda: Call to order, approve agenda, approve minutes; Continue deliberating on citizen participation/relief, executive and legislative elements; public comment; updates on progress researching comparable communities; Topics not reasonably anticipated by the chair 48 hours prior to the meeting; Adjourn.

The meeting was called to order at 7:05pm in the Amherst Police Station Community Room. The minutes of the Nov. 7 and 14 meetings were approved with amendments. Approval of the minutes of five listening sessions was deferred.

PRELIMINARY DISCUSSION: BRASS TACKS AND ELEPHANTS

Weiss said that the elephant in the room is that the town is divided on the topic of Town Meeting vs Town Council and that the election of Commissioners revolved around that division. That elephant should stay in front of us. It seemed to him that it was the blank-slate approach, and he's not against that, but the commission will arrive at a debate about what's not working currently and why not. Asked how this affects decision-making, Weiss said he feels frustrated and discouraged to spend so much time studying the situation rather than addressing problems. Churchill said the commission is now "getting down to brass tacks" and whether there should be broad change remains to be seen.

Stepasiuk said figuring out what areas aren't working is part of deliberation, and the commission has a mandate from voters to think about it. Weiss responded that the commission's mandate is to study the form of government. Churchill said the outreach effort and listening sessions have been about what residents like and what needs improvement.

Ward said the first question the consultants asked was what the challenges and risks facing the town are, and the answers were incorporated into the values statement. Weiss said he wants to "keep the elephant right there."

Grabbe said that there is widespread agreement among commission members on the benefits and problems of Town Meeting, and the differences lie in whether members feel that the benefits can be duplicated and enhanced in a new form of government, or whether the problems of Town Meeting can be addressed through changes to its structure. Churchill reiterated the values and said he hopes they guide us, taking each section of the charter and asking how well what we have stacks up and what ways could make things better.

CITIZEN PARTICIPATION MECHANISMS

The commission then went through the list of 26 citizen participation mechanisms that have been proposed, rating them based on whether they should or should not be in the charter or whether they require more research (condensed from a ranking of 1 (not important) to 5 (extremely important)). Weiss asked which are about advice and which about power. Grabbe said that will largely be self-explanatory;

for example, referendum and participatory budgeting are clearly about power. Rhodes said that even advisory powers could carry a lot of clout, depending on how one wields them.

Free petition: Favor.

Initiative: Favor.

Referendum: Favor. Stein said she can't think of a time when this has happened; Rhodes said he doesn't want it in the charter. Grabbe said all citizen relief measures should be "difficult but not impossible."

Recall: Favor, three members call for more research. Churchill calls it "intense accountability," and Meg said it should be hard to do. Churchill said the threshold could be set high and recall could be seen as a drastic step not taken lightly.

Citizen participation through volunteer boards: Favor

Utilize public hearings: Favor. Gage said to be worthwhile, there has to be a way to get people to come to the hearings, and it's not adequate to just put it in the charter. Possible role for public liaison officer. Churchill said hearings could be tied to decision points, and the complaint has been that citizen input is solicited after a decision has been made.

Language ensuring that residents have the right to be heard: Stepasiuk said most charters don't have this. Should this be at every meeting, or once a month? Rueschemeyer urged more research, while Hanneke said the charter could have too much detail. Weiss said sometimes a committee just needs to get work done and may say they're not taking comments at that meeting; if it's in the charter, a board can't say they're not taking comments. Consensus was to put something in the Charter but at not too high a bar.

Holding meeting of qualified voters: Members were unsure what this was. Stepasiuk said Newton has this, with a given number of signatures, citizens can meet to discuss any item. Churchill asked what the purpose is. Stepasiuk said it's a byproduct of moving to a city form, an opportunity for voters to get together. The nature of this meeting would be advisory, not powerful.

Public forums open to all: Four think it's not a priority, with Stein saying she thought they would not be well attended. Nick said it should be mandated for elected officials.

Direct citizen participation in charter reviews: Stein said a committee in Natick meets once a month. Ward said these could be citizens not in elective office. More research needed.

Neighborhood councils: Newton and Worcester do this. Five say it shouldn't be in charter.

Citizen engagement officer: Most favor, but not Rhodes and Stein.

Participatory budgeting: More research.

Citizen juries: Five say it's not a priority.

Lower voting age: Not favored/more research.

Allowing non-naturalized citizens in local government where possible: More research.

Mandate leadership development: More research. Gage sees as helping people understand how they can fit in local government. Ward said Framingham put it in transition document.

Ranked choice voting: Favor/more research. Stepasiuk explained how it differs from preliminary elections, which most towns have, and is a way to come to a consensus candidate. Churchill said he really likes it but fears it's too complicated and could sink the charter. Stepasiuk said Cambridge does it and Maine approved it. Weiss imagined what it would be like in national elections and liked promoting it because it's a good idea.

Recording votes by roll call: Favor.

Encourage diversity in appointments: Not a priority as language in the charter. Could be in statement of values, which Gage said needs an enforcement mechanism.

Mandate open door policies, office hours: was liked by Rueschemeyer.

Clarify how items will be posted and how information will be available: Stepasiuk noted this is in some Charters, and Rueschemeyer thought important for minutes.

Public funding for elections. More research. Churchill spoke of this as a concern for some voters and proposed leveling the playing field, perhaps by providing space on a web page or in newspaper ad for candidates. Grabbe said this is very important to get charter approval from voters.

Shorter terms: Hanneke said it depends on what the commission comes up with.

Grabbe added Northampton's idea of **volunteer mentors** who are engaged in politics and are paired with those wanting to get involved.

INITIAL POSITIONS ON EXECUTIVE AND LEGISLATIVE ELEMENTS BY INDIVIDUAL MEMBERS

Ward said these statements should show how members are leaning, and can be direct or uncertain, and nothing will be set in stone for a long time. He reminded members they are elected officers with a mandate from voters; “You were chosen to play this role.” He noted that the voters will decide—and that “you all care deeply about the Town—just not in the same way.”

Hanneke: Town Meeting members like being able to address town officials, but people who are not Town Meeting members don't feel represented; Town Meeting takes too much time for them to participate. Select Board is problematic as an executive body – can't speak as one without having a meeting, which creates awkward situations where the group has to meet in public to come up with a response to someone who may be watching them from the audience. Wants a singular person as the executive who can speak without consulting with others in public. Sees pros and cons in both mayor and manager. For legislative, leaning to council, which could create its own agenda, propose and modify legislation, and deal with zoning more effectively. A council would be more accountable than Town Meeting, because people could be voted out, which is hard with Town Meeting. It would also be easier to create competition and easier for residents to know and influence those who represent them; right now, if you want to influence your representatives you have to call 24 people. In sum, councils are more accountable, nimble, and likely have the feel of representing people.

Fricke: Leans to a council, which would meet more frequently, with elections more likely to be competitive. Council members would have a constituency that could hold them accountable for representing them. A council would be small enough to have deliberative power and create policy. He's hesitant about a high-stakes town-wide election for mayor, so leans toward a council-manager approach.

Gage: Supports manager rather than mayor for the executive function. Considering long-term problems such as taxes, the loss of middle-class families, and village centers, she can't imagine an elected mayor with the needed attention span. Running the town is a profession, not like being a member of Congress. Someone needs to supervise town employees every day. Still in Town Meeting camp, but favors a smaller group meeting more often, and doing zoning differently. We need to think about the town's culture.

Churchill: Believes key values of vision, accountability, and deliberativeness need to be strengthened. Favors mayor because a mayor would articulate a vision, be a point person and promoter for the town, would probably have more sway with legislators and the governor, and could then be held accountable by voters. Spoke to administrator in Ithaca, where there's a mayor whose job it is to set policy and advocate for Ithaca, and a chief of staff who reports to the mayor and checks in with department heads, works on grants, and tracks day-to-day activities of departments. So they have both political accountability and professional expertise. Leans strongly to council based on values of accountability and ability to deliberate effectively; spoke about a letter the commission received about the importance of recognizing “constituents” in our government.

Stein: Influenced by Select Board members' presentations, favors manager. Wants to preserve Town Meeting as a check on the rest of government, but recognizes there are problems. Consider making it smaller and more frequent. Says people in towns with Town Meeting know more about government than those with a council.

Rueschemeyer: Wants strong mayor because a manager has little accountability. Select Board works hard, but too little time spent on policy – nobody’s in charge of policy that we can vote in or vote out. Sees a manager as having too much power in one unelected person. Likes idea of mayor serving on School Committee, because the schools are a huge part of the budget and schools have had “rocky times.” A mayor could provide oversight. My head is with a council, although my heart has trouble letting go of Town Meeting. A council would be more efficient and could encourage participation.

Grabbe: Favors council of 9-13 members, elected both by district and at large. Council could be check on power of Town Hall. Sees plus and minuses with both mayor and manager, but leans to manager because of the wide range of skills required in an independently elected, and because manager-council would be less of a leap for voters. Town Meeting elections are so uncompetitive, with so few voters, that it doesn't make sense to invest so much power in a group with so little connection to residents.

Weiss: Agrees with a lot of the pros and cons articulated by others. Wants to talk about what's working and what's not. Not convinced a council will solve more problems than it would create. Town Meeting is representative because it's a large body and is more likely to reach a broad section of town. A council of nine people, we will know about their values, but not about how they will respond to challenges that haven't happened yet. How would a council be an improvement? Worries about money's influence on elections. Money has the lowest influence in our form of government. Interested in pursuing mayor/Town Meeting; has not received clear answer that it's illegal, just that it's never been done. In terms of mayor versus manager, he is open to a mayor. The Select Board as an executive structure doesn't work. Wants to create something to heal the rift in town, and something that has a chance of getting a solid majority of voters.

Rhodes: Believes in professional management, because a mayor could change every three-four years. Disappointed in Town Meeting; was proud to be member many years ago, but it's broken down into factions, with multiple listservs; one group was recently recruiting members simply to support one particular vote, which is “outrageous.” Leans strongly to council. Suggested that maybe some sort of Town Meeting-like group could meet and propose ideas for a council to vote on, instead of Town Meeting voting. Doesn't want Town Meeting in position to make the decisions it currently makes on zoning and the budget.

Ward said this is just the beginning of the conversation. It will continue at the next meeting, along with a visit from the Town Meeting Coordinating Committee's subcommittee on policies and procedures.

PUBLIC COMMENT

John Fox reminded commission members that he has a second home in Palm Springs, which had a mayor corrupted by real estate interests. He misunderstood Rhodes' comment about Town Meeting, thinking that he referred to the petition article on the limited business zone, when Rhodes was actually referring to the school building bond vote. Fox stated that the Planning Board needs to plan. Christine Brestrup is good and if the Planning Board could get to planning, then Town Meeting could embrace the planning.

David Markland said that Town Meeting is not conducive to young families participating, but said that would also likely be true of a council. Shouldn't “throw the baby out with the bathwater.” A council could be biased, whereas Town Meeting can't be bought.. School vote showed “democracy in action.” Executive branch needs to function as a stronger executive—if this Select Board is not doing that, we need to improve it. Not have one person running the show – like a mayor.

Claudia Brown said Town Meeting works. She spoke of meeting a man from Florida who went to his home town and found it paved over with no recourse. Concerned about corruption.

Peter Gray-Mullen is a former Town Meeting member who said it has lost sight of what it means to be representative. He also warned against making the charter too complicated – keep it straightforward and understandable.

Dick Bentley said the problem is with the Planning Board, not Town Meeting. Wants to know how many communities have elected planning boards, and how big the average council is. Could we have a council and Town Meeting?

Kevin Collins spoke about Town Meeting members not being subject to conflict-of-interest laws. It's an illusion that members are representative.

Gage asked if any community has both a council and Town Meeting. Ward responded that there are none in Massachusetts. Stapasiuk said she would reach out to the attorney general's office and “run some scenarios by them.” Some Rhode Island towns have councils and a Town Meeting for the budget.

The group updated towns they will research: Newton (Tanya), Brookline (Julia), Cambridge (Meg), Oxford OH (Nick).

The agenda for the next meeting will include: TMCC report, Diana’s report on Natick, and continued deliberation about executive and legislative branch elements.

The meeting adjourned at 9:30 p.m.

Respectfully Submitted,
Nick Grabbe, Clerk