

Williamstown Charter Review Committee
Final Report

Submitted by the Charter Review Committee

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January 2024

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FINAL REPORT OF THE WILLIAMSTOWN CHARTER REVIEW COMMITTEE

January 2024

Background on the Charter

Massachusetts state law sets forth how cities and towns organize their local governments. In all towns with less than 12,000 residents, the Town Meeting is the highest legislative authority. In this uniquely New England institution town voters sit as a legislative body, usually once a year, to approve budgets and local bylaws. To run the meeting, the voters elect a Moderator. To take care of town business when Town Meeting is not in session they elect a Select Board which is the head of the executive branch of town government.

Historically, the Select Board handled many administrative tasks, including hiring and supervising town employees. This is still the case in some of the smallest towns in Massachusetts. Though elected, Select Board members usually are volunteers who receive little or no monetary compensation for their efforts. As towns grew and the demands of municipal services become more complicated, the burdens on volunteer Select Board members became more challenging, so many towns chose to professionalize their town administration with a Town Manager. In the select board-manager form of town government, the Select Board hires a Town Manager and gives them the executive responsibility and authority necessary to run a modern town. Town Managers often have specialized training and experience with municipal law and administration, which can make town government more effective and efficient.

In 1956 Williamstown adopted the current Charter, which professionalized town government and led to our first Town Manager. It is attached as Appendix 1. The Town Charter establishes how this select board-manager government is structured and how it should work. Since state law regulates local government, our charter required special state legislation, namely Chapter 55, Acts and Resolves of 1956. Changes to the charter also require state legislation, a cumbersome process, so changes occur rarely.

Williamstown's Town Charter describes a "strong manager" local government. In other words, the Select Board ceded most of its historic executive responsibilities to the Town Manager. In particular, the manager hires and supervises all Town employees other than himself or herself. They are responsible for the overall day-to-day functioning of the Town. The Select Board is responsible for hiring the manager and holding them accountable. They also concern themselves with broad Town policy, appoint members of some Town committees, and have whatever executive authorities have not been delegated to the Town Manager. Though the Select Board's work is demanding, our strong manager form of government makes it possible for citizens with other fulltime jobs to serve on the Select Board, while giving us the benefits of professional management.

Since 1956 our Town Charter has not had a comprehensive review until now. Times have changed. Town Meeting has adopted many bylaws that alter the way Town government operates. New

committees and boards have formed, some appointed by the Select Board and some by the Town Manager. Some functions mentioned in the charter no longer exist. Town meeting did vote in May 2022 to make two modifications to the Charter, and they are attached in Appendix 1. The first was to remove a residency requirement for the Town Manager and a ban on prior employment. The legislature approved this, see Acts of 2022, chapter 362. The second change was to convert to a gender neutral phrasing. This legislation was finalized in January 2024, see Acts of 2023, chapter 84.

Creation and activities of the Charter Review Committee.

In August 2022, the Select Board established the Charter Review Committee to review the Town Charter. The Select Board initiated this review with the goal of reviewing the structure of Town government, analyzing the effectiveness of that structure and, if areas for improvement are identified, to make recommendations for changes. Charter Review Committee members are:

Joe Bergeron

Nate Budington

Andy Hogeland, co-chair

Jeff Johnson, co-chair

Mary Kennedy

Anne Skinner

Jeff Strait

Bob Menicocci, ex officio

The review was designed to include the Charter, relevant state laws, town bylaws and past town meeting votes that establish the current structure. The review includes discussions of how well the structures are working and will identify options for modifying the structure that might improve the functions of government. The charter review process seeks to comprehensively review the town's current charter and to recommend changes to ensure Williamstown's government meets the current and anticipated needs of our residents and is responsive to the challenges of today and tomorrow. The full charge to the committee is attached as Appendix 2.

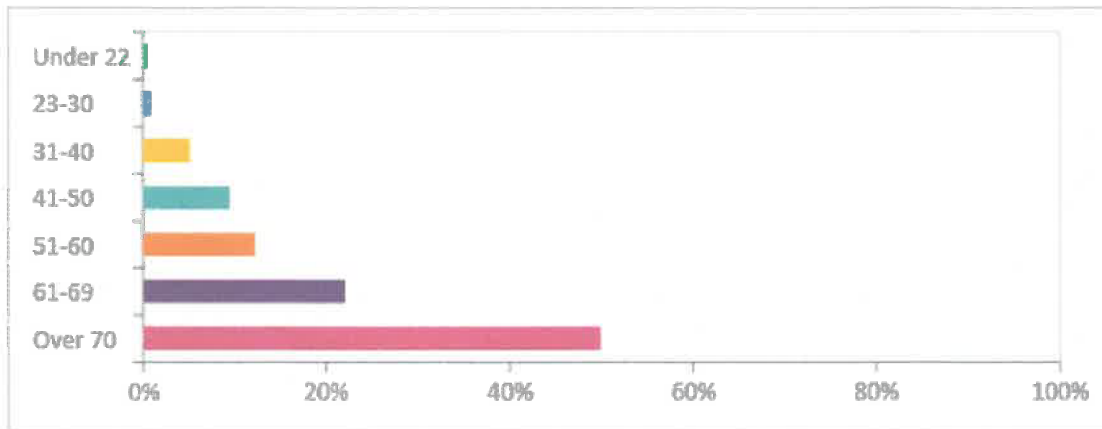
Starting in September 2022, the Committee has met on a monthly basis with the goal of being able to present its recommendations in time for action at Town Meeting in May 2024. Members have done research on a range of topics, and we have heard from The Collins Center on an overview of topics to consider, and from advocates from Voter Choice MA on Ranked Choice Voting.

Community Survey.

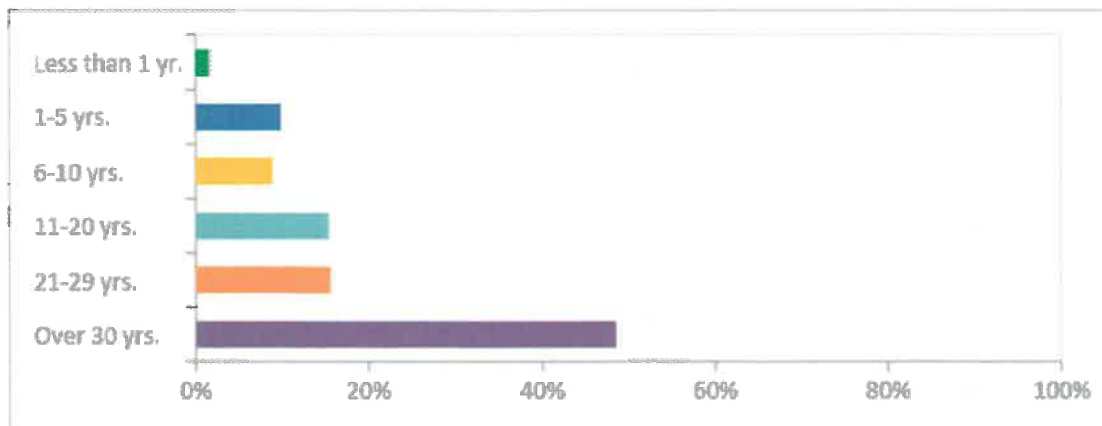
We solicited opinions from town residents by sending a survey out with about 2600 property tax bills in May 2023. Since we recognized that mailing would not reach tenants, we also mailed the survey to an additional approximately 600 probable addresses for tenants, though many of these mailings were returned as undeliverable. The survey allowed for responses to be submitted in paper to Town Hall or through an on-line portal using Survey Monkey. We received 509 responses while the survey was open.

Review of the survey responses should bear in mind that the respondents were heavily weighted towards seniors, long-time residents and homeowners.

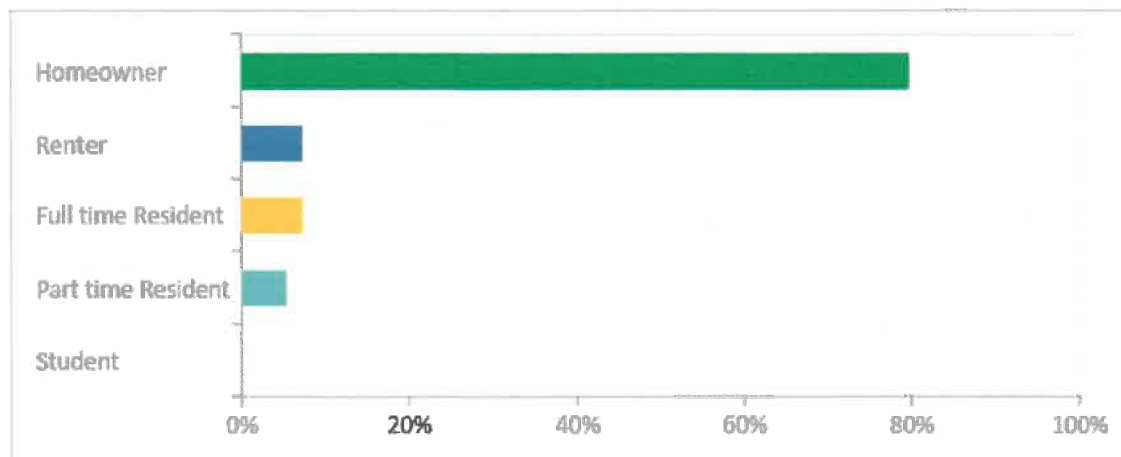
Age of respondents (507 responses)



Years resident in Williamstown (505 responses)



Residential Status (505 responses)



This demographic profile of a substantial portion of the respondents may not come as a surprise, since it resembles our observations of who votes regularly and attends Town Meeting. Nevertheless, it is a concern that younger and more recent residents, as well as tenants, were not much engaged in the survey and, perhaps, in town government.

Analysis of community survey responses by age

The committee recognizes that the respondents to the survey were heavily weighted towards older residents, with about 50% of the respondents being over 70 years old and 70% being 61 and older. In order to understand how responses may vary by age, the Committee asked for a breakdown of responses by decile of age. The results are in Appendix 3. There were only two respondents under age 22, and only four aged 22-30, which makes it hard to draw conclusions for those age ranges, but for respondents above that age there are several trends that are worth noting.

- Frequency in voting (Question 5) was above 65% across all age groups, but tended to increase with age.
- Attendance at Town meeting (Question 6) was particularly low in the 31-40 age cohort (and zero in the small 23-30 cohort), but increased with age.
- All age groups were in favor of a recall provision (Question 8).
- All age groups showed strong interest in retaining the balance of power between the Select Board and the Town Manager (Question 9), though the support among the 31-40 cohort was somewhat reduced as a much larger percent expressed no opinion.
- Opinion across all age groups was above 78% that the current prohibition keeping members of the Select Board and the Finance Committee from holding any other town office, except for allowing members to be on other committees in their official capacity as a member of the Select Board or Finance Committee, or where a statute provides for it. (Question 10).
- Respondents were clear in not being in favor of term limits, though the support for them was stronger in the 31-40 cohort and the small 23-30 cohort.
- Support for keeping open town meeting was strong overall (Question 12), and support for representative town meeting was small, though again in the 31-40 cohort support was somewhat smaller as more respondents were unsure.
- Support for Ranked Choice Voting (Question 13) was strong across all age groups, but declined with age.
- When respondents gave reasons for not attending town meeting (Question 14), respondents generally chose reasons in similar ranges, though there was a marked increase in the over 70 cohort for saying it was physically difficult to attend.

Survey of Board and Committee Members.

In addition, we surveyed current members of town boards and committees. The Committee also developed a questionnaire to be sent to all currently serving members of town boards and committees. Although we only received 17 responses, several themes stood out.

1. Training. Most board members do not get any formal training in their roles and duties, except for a course offered by the Citizens Planning Technology Collaborative that offers substantive

courses in planning and zoning. The Select Board prepared a manual of its operations, for use by new members and the public. Some committee members have an initial session with the Chair or other more experienced members about the work of the board. All members are required to take State Ethics training. They are all subject to the Open Meeting Law but do not get any formal training on it and learn it from conversations with others, which presents a risk of incorrect information being communicated. There is no formal training on how to run or participate in a public meeting. The Massachusetts Municipal Association has training available on a wide variety of topics relevant to town committee work, but this resource does not appear to be widely used.

Recommendation: Each committee should seek out more formalized training in its scope of operations, and make it available to new members. The MMA may be a resource for several topics. Part of this effort would be to find and deliver authoritative training on the Open Meeting Law and on how to run and participate in public meetings.

2. Effectiveness. Respondents generally felt their boards were effective but noted that public decision-making is slow and not often well understood outside the board itself. Boards could benefit from more cross-board communication and publicity about what they are working on. We should explore ways for more public communication of what boards do.

Recommendation: Boards should meet periodically to share information on related projects they are working on, perhaps through periodic meetings of the relevant boards.

3. Demographics and turnover. Respondents recognized that their board membership was not itself diverse, but felt they did a good job at representing the will of the town. The lack of turnover, and a mostly automatic reappointment process, meant new voices were not often added to the conversation. It was noted that it was hard to recruit residents to step up for election or appointment, but that more could be done. Elections were identified as more of an impediment to office-seekers than an appointment, and several indicated they would not take their current appointed office if it had been an elected office.

Recommendation: The Select Board and the town manager, as the primary appointing authorities, should look for more effective ways of communicating to the public about openings and do more advertising and outreach. All board members should consider affirmative efforts to promote new applicants and recruit capable diverse residents to be part of town government.

4. Term limits. Respondents had mixed answers about whether there should be term limits, noting that it often took some time to gain the expertise to do the job well. Still, there was interest in promoting more turnover, or perhaps requiring a multi-term member to break for a term before the member could re-enter the office.

Recommendation: Term limits for all boards could be a topic for further consideration.

5. Meeting time. The length of meetings, and the times between meetings, were identified as an obstacle to effectiveness and to attracting new candidates.

Recommendation: All board members, especially Chairs, should take training on how to run an effective meeting. If decision-making is slow, boards should be ready to have more frequent meetings when needed.

6. Size of boards. Respondents generally did not feel there was a need to change to size of their boards.

Recommendation: No further action.

Town Employee Survey.

Our Town Manager, Bob Menicocci, solicited opinions from Town Hall staff, including on the topics raised in the survey. We received 20 responses from staff, and those responses are discussed in this report as each topic comes up, along with the community survey responses.

Additional Outreach.

The Committee issued an Interim report in August 2023 outlining the issues and work through that time, but not making any recommendations until after there had been more opportunity for public comment. During 2023, we held public outreach events at the registration for Town meeting, the Mt. Greylock Regional School Committee, National Night Out, the Framers' Market, and the Harper Center. We also solicited comment by Facebook on the Williamstown Issues and Info page. This report is being issued in January 2024 to allow more specific discussion of recommendations and preparations of articles to be voted on at Town meeting in May 2024.

Choice of Charter or Bylaws as basis for changes.

During the Committee's work, multiple issues were identified as needing to be considered. A significant question has been which matters may best be addressed in the Charter itself, and which can more appropriately be addressed by town bylaw or policy. This matters because changes to the Charter require approval by the state legislature and Governor, whereas changes in bylaws merely require a Town Meeting vote. The legislative process causes delay, as exemplified by the fact that a June 2022 Town Meeting vote to have the Charter use gender neutral terminology was not passed by the legislature until January 2024. Wareham's 1977 Charter includes this opening comment. "This article is designed to assure that the Town of Wareham will be allowed to exercise every power it is possible for a town to have, without being required to go to the state legislature to seek special legislation." Part of the Committee's work is to determine both the best recommendations for these questions raised, and also the preferred vehicle for addressing them. In making these choices, we followed a preference for making changes in town bylaws as much as appropriate because these can be changed by Town Meeting without the need for legislative approval, which would be the case for changes in the Charter.

DISCUSSION OF ISSUES IDENTIFIED

The Committee's consideration of the questions identified, and our recommendations on them, appear as part of our discussions in this section of the report. We concluded by making several recommendations for changes to the Charter or the bylaws. Our proposed language for implementing these changes is in the conclusion of this report.

SHOULD WE RETAIN AN OPEN TOWN MEETING OR CHANGE TO A REPRESENTATIVE TOWN MEETING?

Under the Charter, Williamstown government is overseen by an elected five-member Select Board and is administered by an appointed, professional Town Manager who also oversees all of the departments in town hall. There are also various appointed boards and committees which have specific responsibilities, some mandated by State law, concerning various aspects of town governance. Town Meeting, which is generally unique to New England, serves as Williamstown's legislative body. It offers all registered voters of the community the opportunity to participate in the major decisions of the Town. Town Meeting is facilitated by an elected Town Moderator who also is responsible for appointing a nine-member Finance Committee, which in turn is responsible for advising Town Meeting on financial matters brought before it.

A threshold question for the Charter is the choice of the form of our government. Williamstown, like many Massachusetts towns, has its legislative powers vested in Town Meeting. The Town Meeting form of government began in Massachusetts with the settling of Plymouth Plantation in the early 17th Century. Williamstown's current legislative branch is in the form of an Open Town Meeting, unique to New England, wherein any registered voter can speak at, vote in, and sponsor legislation (in accordance with State law). For towns of our size, Massachusetts law also allows the option of a Representative Town Meeting form of government, wherein elected Town Meeting representatives, and not all registered voters, vote in Town Meeting sessions. In both forms of Town Meeting, an elected Select Board is the executive branch of town government, and most towns have an appointed Town Manager or Town Administrator.

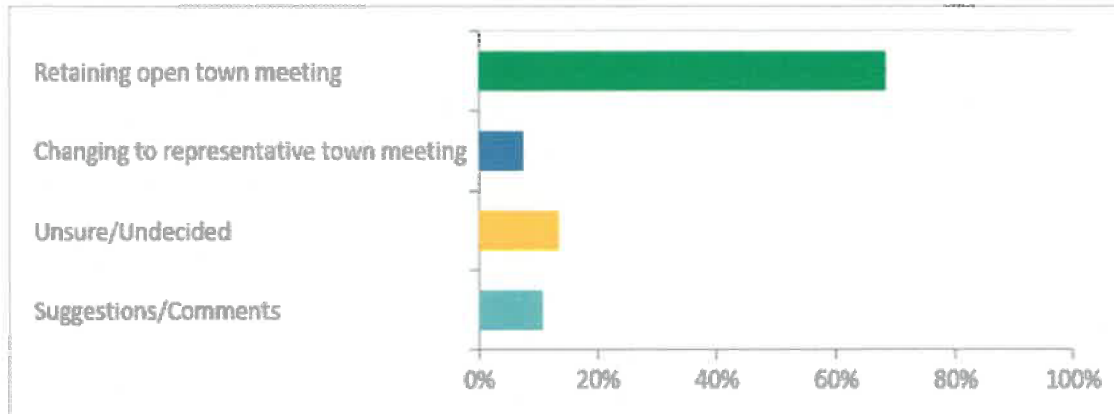
Massachusetts law allows towns and cities other basic forms of government, but those are not available to a town of our size. See Amendment Article 89, section 2 of the Massachusetts Constitution. Massachusetts law requires that any municipality with a population of 12,000 or less must be governed by Town Meeting. Williamstown's population is approximately 7,500. Towns with populations up to 6,000 must have an Open Town Meeting. Those between 6,000 and 12,000 may have either an Open or Representative Town Meeting. Some towns over 12,000 have changed to a town council-manager form of government. However, while allowed to use the term town, these are actually city forms of government. A population of at least 12,000 is required for a City government.

Representative Town Meeting government in Massachusetts features representatives elected from precincts in the town, usually elected for staggered 3-year terms. The size of Representative Town Meetings varies greatly from about 50 to 300 members. Size does not necessarily equate with population of town. We note that these sizes refer to the numbers of representatives elected, and that often far fewer actually show up to vote. By contrast, Williamstown's open town meetings draw an average of 350 registered voters.

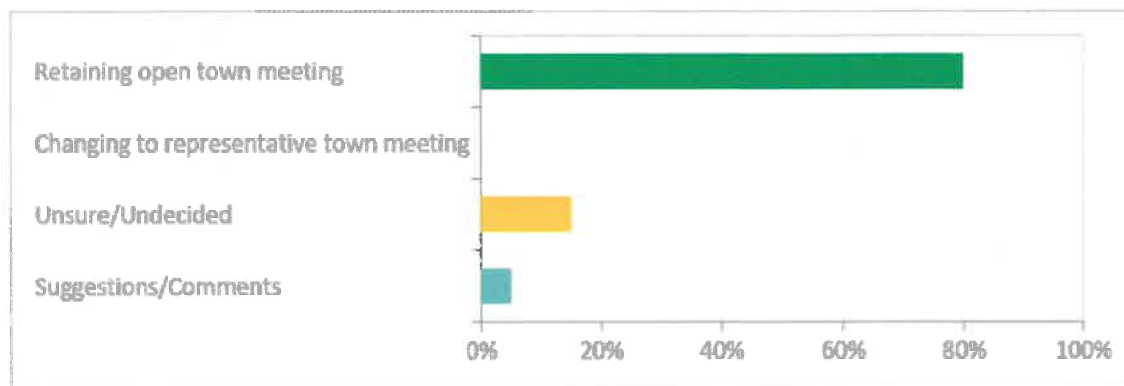
Open Town Meeting remains very popular compared to Representative Town meeting. Our survey posed the following question:

Q12: The Williamstown Town Charter, which establishes our form of government, sets our legislative body as an open Town Meeting, where any registered voter can vote. Another option is for a

Representative Town Meeting, where (often over 100) representatives are elected by the voters and only those representatives can vote at a town meeting.



Staff responses (20) were as follows:



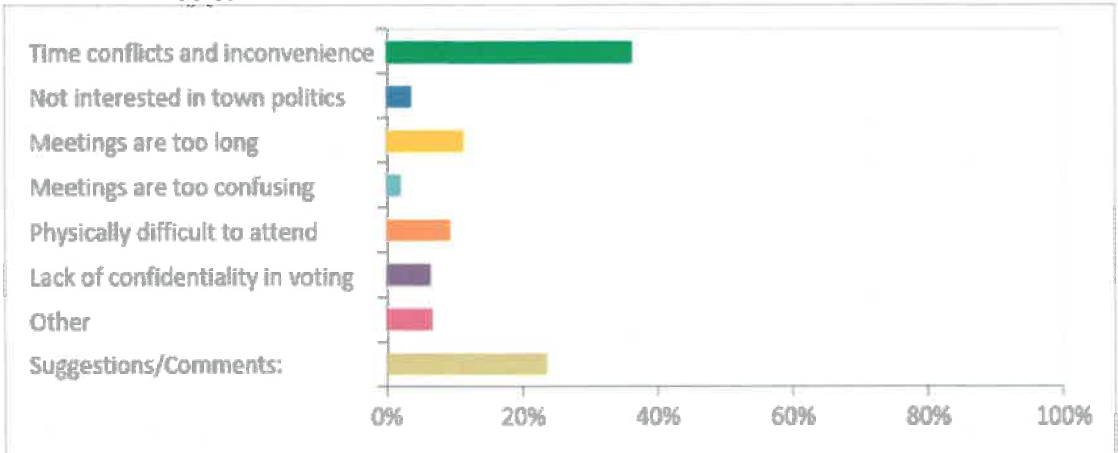
We do not recommend changing to a representative form of Town Meeting. Open Town Meeting allows for direct legislative participation by any registered voter. This system of government, unique in the entire country to the local level of government and to New England, gives voters the ability to sponsor legislation, debate, and vote without any intermediary agent. Open Town Meeting draws on the ideas, perspectives, and votes of hundreds of residents who attend. While individuals and even governing boards can have blind spots, the totality of Town Meeting generally achieves a collective wisdom uncommon to smaller elected bodies. We recognize that Open Town Meeting does include some obstacles – voters can face challenges understanding in advance what will be discussed and some find it difficult to attend in person, as discussed below. Still, Open Town Meeting ensures that the Town’s legislature operates with reasonable transparency, since debate occurs in the open and all registered voters are equally empowered to accept or reject legislation. The administration, boards and citizens have the opportunity to persuade the voters directly. It does not appear that a representative form of government, where the number of decision makers is drastically lower, could bring increased transparency and inclusion. Open Town Meeting allows residents to represent themselves or, if they do not attend, to rely on hundreds of peer residents to represent the interests of the community in a way

no representative government could. We note, and address below, that although Open Town Meeting is more inclusive than a Representative Town Meeting, it still presents barriers to those who cannot attend for a variety of reasons discussed below.

POSSIBLE MODIFICATIONS TO TOWN MEETING

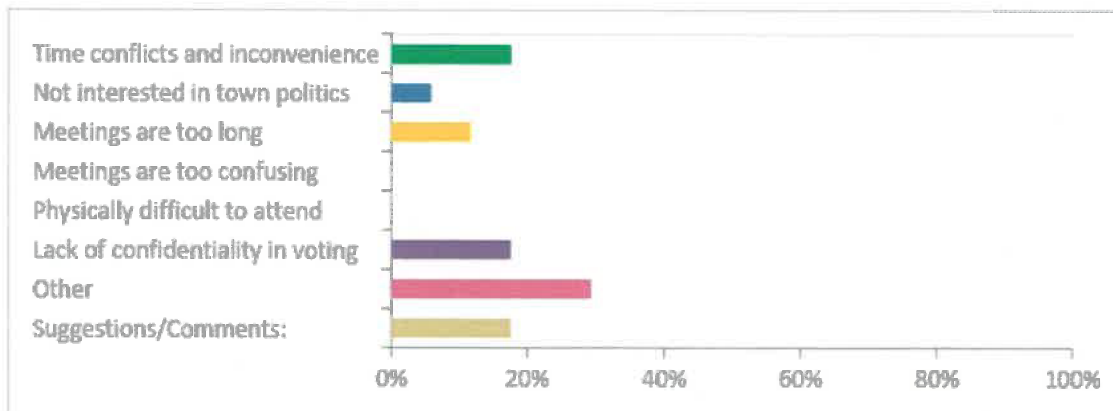
Despite the long history and open nature of town meeting itself, we recognize that only a minority of eligible voters attend town meeting. In 2023, 380 out of 5,071 registered voters attended, a ratio common in recent years. By contrast, 909 voted by ballot at the 2023 town elections. The survey by the Charter Review Committee showed that the most commonly cited reasons for not attending town meeting are time conflicts, length of meetings, physical difficulty in attending and lack of confidentiality in voting.

Our survey asked: ***Q14: What are the main reasons when you do not attend Town Meeting (please check all that apply):***



Within the 112 suggestions/comments responses for this question, the most frequent comments centered around childcare and work schedules creating conflicts for attendance. There was also a common theme around not believing in the concept of a town meeting and the desire to determine more by ballot vote instead of town meeting.

Staff responses (17) were as follows:



In the sections below, we discuss several ideas for structural changes to Town meeting to address this problem. The interest in examining changes is because long town meetings are one of the disincentives to voter attendance. The length of the meeting is often the result of a few particularly controversial warrant article that generate lengthy discussion, particularly zoning by law proposals. For example, the 2023 Town Meeting lasted 4 hours and 19 minutes. It covered 42 articles, and was attended by 380 voters who checked in. Based on the table of data below, compiled by Debbie Dane and Nicole Beverly, over the last 15 years town meetings have lasted from as short as 51 minutes to 4 hours and 24 minutes, with an average of 2 hours 59 minutes. See chart below

***Williamstown Annual Town Meetings Data: 2007 - 2022**

YEAR	# Checked-in	Meeting Length	# of Warrant Articles
2022-1	242	19 min Mtg Opened at WES & Continued	49
2022-2	327	4 hr 24 min /Continuation at MGRHS	
2021	367	3 hr 1 min	34
2020	360	3 hr 45 min	37
2019	278	2 hr 1 min	34
2018	213	51 min	32
2017	286	2 hr 41 min	40
2016	788	4 hr 6 min	35
2015	324	2 hr 53 min	43
2014	436	1 hr 16 min	37
2013	283	1 hr 46 min	38
2012	419	2 hr 58 min	33
2011	301	1 hr 40 min	36
2010	171	2 hr 29 min	33
2009	241	2 hr 52 min	34
2008	435	3 hr 24 min	29
2007	230	2 hr 20 min	34
Average # Checked-in: 335 aver. checked-in [total 5,701 over 17 mtgs (2@2022)]			

Lowest checked-in: 171 (in 2010)/ Highest : 788 (in 2016)

Average Length: **2 hr 59 min**

[total 3,046 min over 17 (2@ 2022) mtgs]

Shortest Mtg: 51 min (2018)/ Longest Mtg: 4 hr 24 min (2022-Continuation)

Average #of Articles: **36 Articles**

Fewest Articles 29 (2008)/ most Articles 49 (2022)

*All meetings available to stream on **willinet.org**, search "Annual Town Meeting."

We recommend that the Select Board, Town Manager and Moderator continue to consider ways to make Town Meeting more accessible to the entire community. We heard many complaints as described above, and discuss some areas for improvement below, but we believe this problem deserves ongoing attention.

SHOULD WE HOLD TWO TOWN MEETINGS PER YEAR?

A town may divide its business meeting into two meetings. For example, they can hold one meeting between April 1 and June 30, as required by state law, and would include the budgets that are required to be submitted to the state by June 30. The second business meeting could be held in the fall. It is still considered an Annual town meeting (so it falls under the 7 day posting requirement). Our research of other towns indicates this second meeting traditionally focuses on zoning, planning, bylaws, citizen petitions and budget transfers. One advantage to having a standing second meeting would be to avoid having to call a Special Town meeting, although Williamstown has had only a limited history of needing to call such meetings. One disadvantage of having a second town meeting in the Charter is that you cannot eliminate the second one if it is not needed. Alternatively, the second meeting could just be established by by-law, or just decided on an annual basis by the Select Board based on the perceived complexity of the articles. Another option would be to schedule town meeting to be held during two or more successive evenings, with a clear allocation of what articles will be discussed each evening. In addition, the Select Board could take a hard look at the proposed warrant each year and make a focused determination whether the warrant in any particular year merits more than one meeting.

We do not recommend establishing a second Town Meeting in the Charter or bylaws. Instead, we recommend that each year the Select Board, when preparing the warrant, should give focused consideration on whether the number and complexity of warrant articles could be better addressed in more than one session of Town meeting.

IS THERE AN OPTION TO EXPAND VOTING AT TOWN MEETING THROUGH USE OF BALLOTS?

Under current state law, votes on Town Meeting warrant articles are to be taken at Town Meeting itself. Without enabling legislation, votes cannot be taken at a later time. Multiple comments in the Charter survey expressed the desire to be able to vote by ballot and not have to attend in person. Here are the outlines on a couple of options for allowing voters to use ballots for voting on warrant articles without requiring the voters to attend town meeting. ***These approaches would require legislation and/or a Charter change. They would also require some logistical coordination to allow for printing of ballots***

and for absentee or early voting. They are set out to stimulate discussion on whether the town should pursue these options.

Option 1. Keep the in-person town meeting for debate but have a ballot vote on all articles at a later time.

The Select Board would prepare a warrant that presents all of the articles, but designates a subsequent day for voting by ballot. The ballot could also be used for town elections. This would reverse our current order, where ballot elections are scheduled a week before town meeting. At the in-person town meeting, full debate would still be allowed on all articles, and motions to amend would still be voted on, but the final amended version would not be voted during the meeting. Instead, the final versions of all articles as amended would be published on a ballot for subsequent voting. The ballot voting would probably be several weeks after the in-person meeting to allow time for the ballot to be printed reflecting the results of the meeting.

Some possible consequences:

- This approach keeps the debates at town meeting, so those who want to speak or attend can do so, but might decrease attendance since voters can vote by ballot later and no longer have to attend to be able to vote. It is not clear this would shorten town meeting.
- Voting by ballot would mean more people voting on warrant articles than vote at town meeting currently since it would be the regular full day of voting we have with our elections. Ballot voting at our elections normally attracts about three times as many people who attend town meeting. It may be that even more people would vote if the ballot was not just elections, but also included warrant articles.
- Voters who cannot attend town meeting have an opportunity to vote on the articles, so this would improve voter participation. This approach addresses all of the main reasons voters do not attend town meeting in person.
- Voters who do not attend town meeting, or can't watch that night, would have the chance to be better informed since they could watch tapes of town meeting at their convenience before they vote.
- Candidates for election might use the floor of town meeting to advance their campaigns in the upcoming election (which, as noted, would be after town meeting).
- Budget items must pass before June 30, per state law. If a budget item failed at the ballot, there would need to be a mechanism for a subsequent vote in time to meet the deadline.

Option 2. Keep the in-person town meeting for debate and voting on pre-designated articles, but defer all other articles for subsequent vote by ballot.

As with Option 1, the Select Board would prepare a warrant with all articles, and designate a voting date after town meeting. At town meeting, there would be full debate allowed on all articles. Different from Option 1, the warrant would designate certain articles such as the budget and finance articles, to be voted on at town meeting, and other articles, such as zoning, non-routine or controversial matters and citizens petitions to be voted by ballot at a later date.

Some possible consequences:

- As with option 1, whoever wants to attend and debate may do so. Attendance may decrease similarly or more, especially if only non-controversial items are selected for voting at the meeting.
- As with Option 1, voting by ballot would increase voter participation.
- Different than Option 1, voters who cannot attend will not have the chance to vote on the articles to be voted during the meeting, but can vote on the rest by subsequent ballot.
- As with Option 1, voters can still become informed about the ballot questions by watching the tapes of town meeting.
- As with Option 1, candidates for election will have a similar opportunity to use town meeting as a campaign platform.
- In contrast to Option 1, the necessary finance and budget articles will be passed at town meeting.
- As with Option 1, to allow for amendments from town meeting to be printed in a ballot means a several-week delay until the vote on those articles.
- The division of articles into those voted on the floor and those voted by ballot will be critical to success.
- What should we provide for absentee voting? We would have to go into the scheduling of how long will it take to prepare the ballots and allow a reasonable time for voters take advantage of absentee voting. We have parallel questions on early voting if we allow it.

Since these options are not currently available, we are not recommending them at this time. We did ask The Collins Center to do more of an examination of the obstacles and issues that would be involved in such a proposal. Their memo is attached as Appendix 4, and may be useful in guiding any future discussion of these ideas. Among other observations, it notes that there have been very few efforts by Massachusetts Towns to do anything like what we have here outlined, and even those efforts are different and appear not to be in active use. Future efforts to improve Town Meeting should include further consideration of these ideas as a way to promote a more inclusive process.

SHOULD WE HOLD TOWN MEETING ON A DIFFERENT DAY?

Some commenters suggested holding Town Meeting at a different day or time than the traditional Tuesday evening time. We learned that some towns have tried having town meeting on Saturdays, but the rate of attendance did not improve, since that time just presented different obstacles of scheduling conflicts for the voters. Lanesborough tried Saturday Town meetings for a couple of years, but recently changed back to Tuesday evenings. The committee could not determine any significant advantage in changing the scheduling of town meeting except perhaps to have it start earlier in the evening, such as at 6:00 pm.

SHOULD WE USE ELECTRONIC VOTING AT TOWN MEETING?

Given the reasons given by survey respondents to why they did not attend town meeting, the use of electronic voting at Town meeting, generally referred to as “clickers” has some appeal. During the preparation of this report, clickers were used for the first time at the May 2023 Town Meeting and, after using the clickers during the meeting, voters approved the purchase of the clickers for future use. Electronic voting would shorten vote counts when it is used, but it does not need to be used for all votes, particularly if a voice vote is clear. It is more accurate than having staff or volunteers try to count each raised hand.

It addresses the concern about being able to cast votes confidentially without having to worry about peer pressure on how you are voting. In-person electronic voting also guarantees confidentiality and privacy in voting. While some contend that voting at Town Meeting should be open and visible, the Committee heard several comments that many voters who attend Town Meeting are concerned about reprisals and some voters are even unwilling to attend Town meeting because of this fear. Therefore, it is reasonable to infer that adopting electronic voting may enfranchise voters and enhance the democratic process. A distinction needs to be made here about the greater need for public voting in a Representative Town Meeting form of government. In that case, the representatives are elected to vote on behalf of the entire electorate and so it is reasonable that the votes should be publicly identifiable. And in fact in representative town meetings they are; those that use electronic voting assign names to the ‘clickers’. Our research indicated that at least in several towns, a standing vote can be requested after an electronic one, in one case by a single person, in another by seven participants. We can discuss whether we want to establish such a process, but otherwise it technically is at the discretion of the Moderator, but can be part of any decision Williamstown makes on the use of clickers.

On the practical side, there are first of all concerns on security. Any electronic system is in principle able to be hacked. The Town must of course be concerned about security risks associated with electronic voting. Those using the system have devised various schemes to protect the integrity of the vote, and these deserve continued examination. There is a practical concern about how many clickers to buy, but the Town Clerk has arranged for a stock of 1,000, which seems to cover the vast majority of Town Meeting attendance numbers historically. We also heard, prior to the 2023 Town Meeting, that using clickers would be an unwelcome change of public voting and overall atmosphere, but the 2023 meeting seems to have allayed these concerns, so the clickers remain as a tool to be used at the discretion of the Moderator.

SHOULD WE EXPLORE REMOTE ELECTRONIC VOTING?

Remote electronic voting is not yet permissible for Open Town Meeting forms of government, so this is not an option for Williamstown at this time. State law allows it for use at Representative Town Meetings, since in that context the identities of those casting the votes remotely can be verified in advance. Although Bills have been offered in the legislature to allow remote voting at Open Town Meetings, none of those have been accepted yet. The technology, especially the security features, are not settled yet. We believe it is worth continuing to investigate the technical and legal impediments to

remote electronic voting at Open Town Meetings so as to assist in increasing voter participation in Town meeting.

SHOULD WE MODIFY THE SCHEDULE FOR SUBMITTING WARRANT ARTICLES?

It is common practice for towns to have specified dates for the opening and closing of the warrant for annual town meeting. Our bylaws do establish a deadline for submitting articles to the Select Board. Section 4-3 of the bylaws states that:

“Any article to be inserted in the warrant for the Annual Town Meeting must be submitted to the Select Board on or before the 45th day preceding said meeting, signed by the required number of petitioners who must be voters of the Town, and all such petitions shall be placed in the warrant as presented.”

Although our Charter does not specify deadlines, town practice has been for the Select Board to establish in January a schedule for elections and the warrant. At least recently, this schedule establishes a date for when proposed articles must be submitted to the board, and a date when the board expects to finalize the warrant. Recent practice indicates that the board is not receiving proposed warrants from other town boards by the deadline in the by-laws.

Although the language in the bylaw refers to ‘any article’ and is not limited to citizen petitions, perhaps some boards believe that it only applies to citizen petitions because of the language about petitioner signatures. The Select Board would be in a better position to properly finalize the warrant, deliberate on it and make its recommendations on the articles, if all proposed articles were submitted by at least 45 days before the date set for annual town meeting. Either the Charter or the bylaws can be drafted to clarify any doubt about the due date for all proposed warrant articles. Any provision should contemplate whether the Select Board has discretion to allow late filing of articles in the event of an emergency or unavoidable delay.

We recommend a modification and clarification in the bylaws. First, we recommend making warrant articles due 50 days in advance of Town meeting, which allows the Select Board to include them in an additional meeting. Second, the bylaws should clarify that the deadline applies to all articles, including from town boards, and not just citizens petitions.

SHOULD WE ADOPT RANKED CHOICE VOTING FOR TOWN ELECTIONS?

The Committee held a presentation on a proposal for Ranked Choice Voting (RCV) by representatives of Voter Choice MA. This presentation coincided with the submission by town residents of a citizens petition to have RCV on the warrant for Town meeting 2023. The petition was on the warrant, but was withdrawn at Town Meeting by the petitioners to allow for further public education about how RCV would work.

The term ranked choice voting, pertains to any voting system where voters use a rank to order candidates or options—in a sequence from first, second, third, and onwards—on their ballots. Ranked voting systems vary based on the ballot marking process, how preferences are tabulated and counted, the number of seats available for election, and whether voters are allowed to rank candidates equally. There are several counting methods to determine the winning candidate or candidates. Additionally, in

some ranked voting systems, officials mandate voters to rank a specific number of candidates, sometimes all; while in others, voters may rank as many candidates as they desire.

Basically, the method sequentially eliminates candidates in a series of rounds until a winner emerges by securing at least 50% of the vote. In this system, voters rank candidates in order of preference. If a candidate does not receive a majority of first-choice votes, the candidate with the fewest votes is eliminated, and their votes are redistributed according to the voters' next preferences. This process continues until one candidate receives a majority of the remaining votes.

RCV can be used for the election of single members using ranked votes, but a variant can be used for the election of multiple members, often using a single transferable voting system. There exist other systems applicable for single-member selection or multi-member elections. More detail and data can be found at <https://fairvote.org/resources/>

Williamstown does not have a long history of elections where the winner was significantly below the 50% level, but VoterChoice MA identified two recent traces where this happened when three candidates were running for a single seat;

2021 Planning Board race – winner 37.3%; second place 36.3%, third place 26.3%

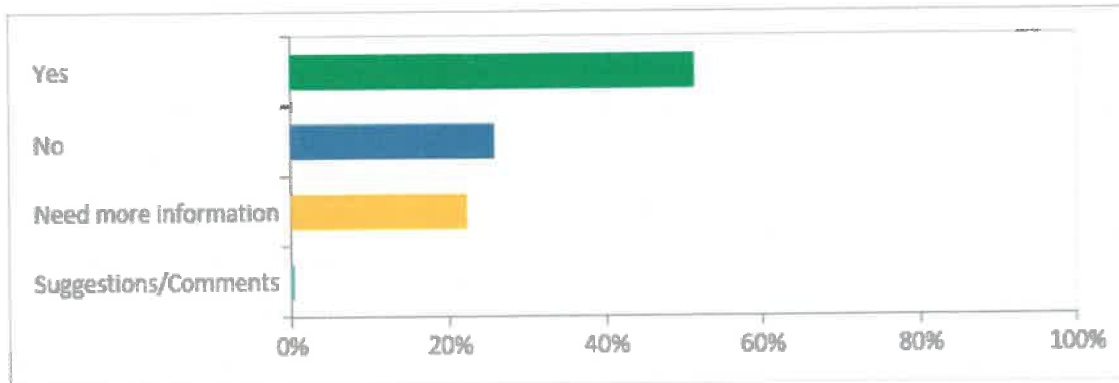
2016 Planning Board race – winner 48.8%; second place 43.8%; third place 7.4%

One question raised was how often the candidate with the highest votes in the first round became the ultimate winner in the successive rounds, or lost to a “come-from-behind” winner. Data from FairVote indicates that 6% of winners in races with three or more candidates were not the leader in the initial round; and that was true for 11% of all races that used multiple rounds of counting.

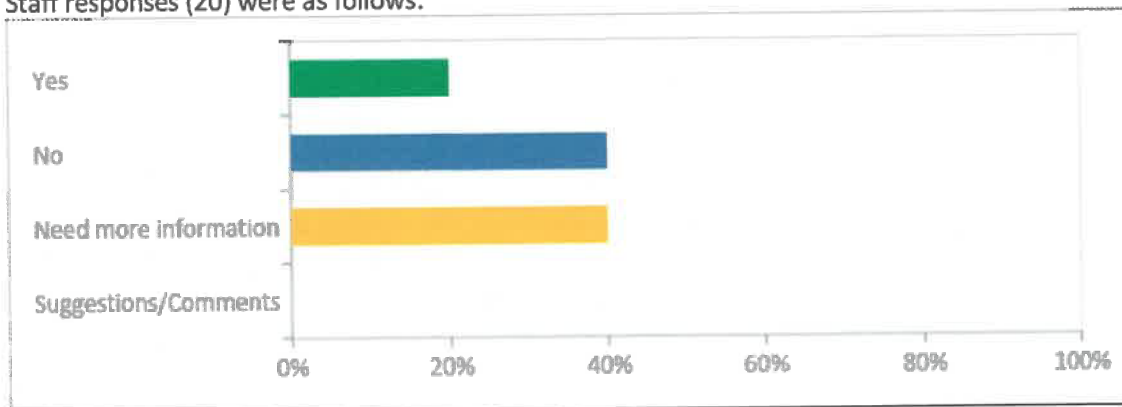
One disadvantage of RCV is the confusion it may cause when first implemented, as voters will have to be educated on how it works and how they should mark their ballots. It has also been objected to as contrary to the concept that whoever comes in first is the winner, and that looking for voter’s second or third choices in order to get over the 50% threshold undermines that approach. Still, looking at second or third choices may allow the election to get closer to the voters’ wishes.

In 2020, the state had a state ballot question as to whether RCV should be adopted for state elections. The ballot initiative lost state-wide 55%-45%, but Williamstown voted 64.5% – 35.5% in favor. One question to consider is the detail of how to implement it in the absence of state-wide acceptance. We would have to seek approval from the state legislature for using RCV, so we would want to get the details right. We would want to be sure that the algorithm for choosing winners is standardized and is consistent with our voting machines and voting software. One question we face is whether we move forward now, or whether we wait for wider implementation within Massachusetts.

Just over 50% of survey respondents favored RCV, but there was a significant percent of respondents asking for more information. **Survey Question 13 asked: Do you favor ranked-choice voting in our town elections? (we are not asking about federal or state elections)** <https://cspa.tufts.edu/our-reports/guide-massachusetts-question-2-ranked-choice-voting>



Staff responses (20) were as follows:



The Committee does not recommend RCV be adopted in town elections at this time. The Committee was persuaded that RCV would better represent the voters' preferences, but was concerned about the logistics of implementing it locally without broad statewide acceptance. We recognize that there may be appeal for RCV in state and federal elections where there might be more candidates. In Williamstown, by contrast, the small number of elections for town offices where the number of candidates exceeds the number of positions by more than one suggests this is not an urgent issue here, and not worth the voter confusion in implementing RCV. We are also mindful that it might be better for a single state-wide solution rather than developing one which may turn out to be inconsistent with the state-wide approach.

SHOULD ELECTIONS BE HELD BEFORE OR AFTER TOWN MEETING AND SHOULD THE EFFECTIVE DATE OF OFFICE BE AFTER TOWN MEETING?

Traditionally, the warrants for Town Meeting include as Article 1 the calling of an election for town offices, normally held one week before Town Meeting. Also by tradition, the newly elected officials are sworn in at the end of Town Meeting, but none if this is set out in the Charter or bylaws. State law simply provides in MGL c. 41, s. 107 that an elected official "shall enter upon the performance of his duties on the day after his election, or as soon thereafter as he is qualified". Town Counsel stated that it is his opinion that the newly elected members may be sworn in at any time and begin serving in that office, including at the conclusion of a regular or adjourned session of Town Meeting. In 2020 and 2021 there was a delay between the election and Town Meeting due to COVID precautions, and in 2023,

Town meeting was adjourned until a month later than originally scheduled. These instances highlighted the fact that newly elected officials could take office even before Town Meeting.

Although Williamstown has elections before Town Meeting, other towns have the reverse order. Our research indicates that some of the rationale for having elections after Town Meeting is so the same officials who issued the warrant are still in office at the Town meeting they called. The main concern of having the election before the ATM and being sworn in before the meeting is that the newly elected official may represent a different policy direction than the ones that led up to the multi-month process leading to the imminent town meeting. In addition, towns reported that having Town Meetings before elections, especially if there are money and hot button issues, is an opportunity for the residents to discuss merits and disadvantages of issues before voting for candidates who often run in relation to these issues.

We discussed three options that towns have for holding Town Meetings in Massachusetts:

1. Election and directly taking office before Town Meeting. This has the disadvantage of having newly elected officials at Town Meeting who may be less well informed of the warrant articles and were not part of formulating them.

2. Change election to after Town Meeting. This approach avoids having newly elected officials from being uninformed at Town Meeting. It does, however, mean that holding an election after Town Meeting could inject electoral politics into Town Meeting, as candidates could use it as a campaign forum. Some voters might appreciate the opportunity to see the candidates at Town meeting before having to vote in the election. We would have to rely on the candidates' self-restraint and the authority of the Moderator to keep candidates' remarks germane to the warrant articles being discussed.

3. Keep elections before Town Meeting and make the effective date of office after the Town Meeting. Despite the exceptions noted above, this remains our current practice. It avoids newly elected officials being uninformed at Town Meeting and not being part of the warrant process. By keeping election first, it keeps Town Meeting from becoming a campaign rally for local candidates. On the other hand, elected officers who may be defeated at the election or are not running become "lame ducks" until the end of Town Meeting.

Our current practice has worked well, as we have normally been able to work around the 'lame duck' status of elected officials since in most years it is only one week. However, given the recent experiences when the delay has been for several weeks, it seems prudent to formalize the practice but addressing the issue of a delay in Town Meeting. Accordingly, we recommend a bylaw that provides that newly elected officials take office at the conclusion of Town meeting, or 20 days from the date of election, whichever is sooner.

SHOULD WE RECONSIDER WHETHER THE PLANNING BOARD SHOULD BE ELECTED OR APPOINTED?

The Williamstown Planning Board was established at the 1959 Town Meeting as a board appointed by the Select Board. It continued to be so appointed for almost 50 years until the 2007 Town Meeting. In the year prior to the 2007 vote, the Select Board had decided not to renew the appointment of one of the Planning Board members, in the wake of a controversy over a proposed water line extension down

Cold Spring Road to the high school. A group of citizens, objecting to the decision to not reappoint, filed a citizens petition to change the positions to elected positions. The measure just barely passed, by three votes, 111-108, and the positions have been elected since that time, starting with the elections of 2008. Since the Planning Board was appointed for almost 50 years, and was changed to an elected office by a thin margin of votes due to a particular controversy, this Charter review process is a timely opportunity to reconsider this question.

This history also illustrates how the choice of selecting authority makes a difference in whether board members continue to serve. As noted, after many years of the Select Board routinely reappointing members, the one time it did not do so in 2007 caused a Town Meeting reaction to change the system in 2008. The pattern of the Select Board reappointing members is historically true of how it would normally reappoint members of all other boards who wished to be reappointed. By contrast, once the Planning Board became an elected position, the voters were more likely not to re-elect incumbents who ran for reelection in contested races. Over the last 10 years, Planning Board incumbents ran for reelection four times against other candidates, and lost in three of those contests. Incumbents lost contested bids for reelection three years in a row from 2019-2021.

Our current review of the Charter is an occasion to revisit the best way to fill positions on the Planning Board, as other towns have done in their Charter review processes. In a recent Charter review done by the Town of Andover, the review committee recommended that members of the Planning Board continue to be appointed and not elected. The report gave several reasons, one of which was that qualified residents who would serve if appointed may not run for election – this would shrink the pool of residents who are willing to serve on this critical board. Second, the Planning Board operates in a quasi-judicial capacity that is inappropriate for the campaigning and fundraising that attends local elections.

We recognize that campaigning is a deterrent to public service and the town may get more candidates if the Planning Board positions were appointed. Our survey of boards, discussed above, indicated this was true in Williamstown, although in the case of the Planning Board there have generally been more candidates than open positions in recent elections. Also, electing a Planning Board member in the midst of a campaign over pending controversies may not draw candidates who may take a longer and judicious view on planning issues. Appointment by the Select Board may help promote the selection of candidates with skills and perspectives not driven by the debates pending at election time. On the other hand, there are good reasons to think that a Planning Board should be representative of the will of the community and elections may advance that goal. Keeping the positions elected may help ensure the members are responsive to the needs and preferences of the community.

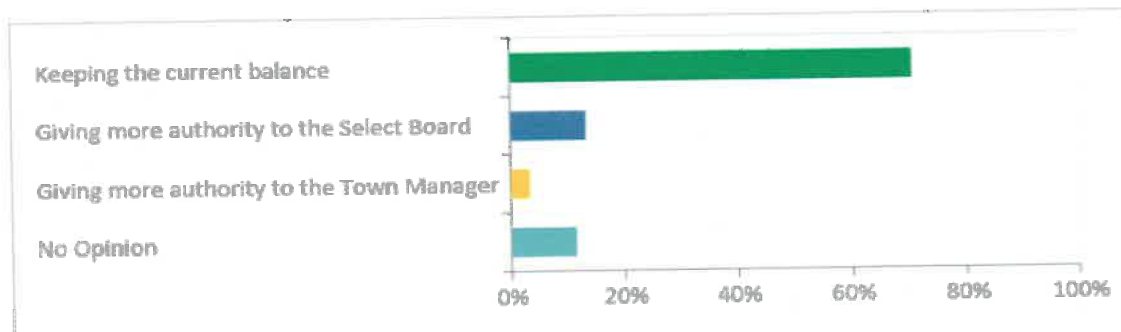
One alternative, suggested by a former Planning Board member, to having to choose between appointment and election for the Planning Board would be to have a hybrid process. Since there are positive and negative aspects of the choice between making the position elected versus appointed, the idea is to provide for both types of selection. For example, the five members could be elected or appointed in alternating years so we could, for example, imagine members elected in years 1, 3 and 5, and appointed in years 2 and 4.

We are not persuaded that any changes are needed to the current rule that the Planning Board is elected but suggest that this rule be periodically revisited since others may have a different opinion.

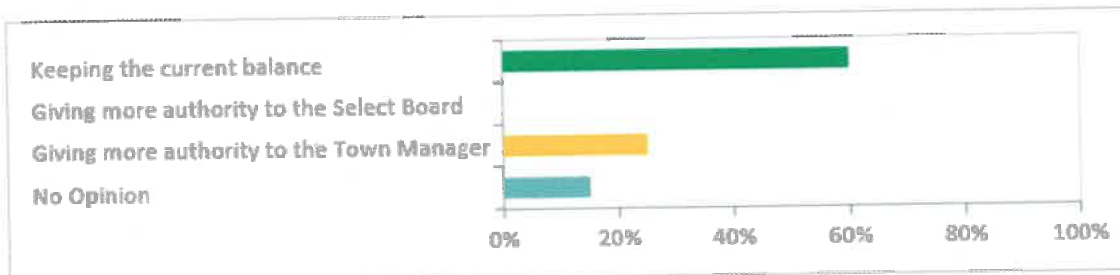
SHOULD WE MAKE ANY MODIFICATIONS TO THE STRONG TOWN MANAGER FORM OF GOVERNMENT?

The 1956 Charter gives to the Town Manager a broad range of authority over town government operations. These include the power to appoint all Town Hall personnel and members of several boards and committees. The Town Manager is in charge of preparing the budget, acting as the chief procurement officer, overseeing all Treasury, HR, DPW and Police functions and general supervision of the day-to-day management of the town. The Town Manager is responsible for the planning, construction, reconstruction, alteration, repair, maintenance, improvement, use and rental of all town property. The Select Board retains those powers, such as the preparation of the annual meeting warrant, the calling of town meetings, licensing and other items which have not been specifically removed from them. It has been explained that the Town Manager is the Chief Executive Officer and, in a sense, the Select Board acts as a Board of Directors and its responsibility is to set policy, subject to Town Meeting, and to oversee the Town Manager's performance.

Our survey indicated significant support for the current balance. Survey *Question 9 asked: The current Town Charter establishes a strong Town Manager form of government. The Select Board acts as a supervisory board. Most of the day-to-day operational and hiring decisions are made by the town manager. Do you favor:*



Staff responses (20) were as follows:



Town Manager Bob Menicocci discussed Charter issues at a staff department heads meeting in January 2023, and staff felt very strongly that the town should maintain a strong Town Manager form of

government. Staff felt there are many disadvantages with having a town run by a Select Board and Town Administrator

Given the complexities of municipal law and finance, the need for a well-trained professional competent Town manager is clear, and it would be hard to expect that a volunteer Select Board could take on these tasks as competently. There are, however, two areas where we might consider modifying some of the duties of the Town Manager, and those are: 1) the appointment process and 2) the annual budget process. In addition, we should consider clarifying the roles on litigation matters and investigations of the Town Manager.

Division of Appointment Authorities.

With two exceptions, the powers to appoint members of town boards are split between the Town Manager and the Select Board. The exceptions are the Town Moderator’s appointment of the Finance committee, and the Planning Board’s appointment of a delegate to the Berkshire Regional Planning Commission. The table below sets out which boards are appointed by the Town Manager or the Select Board.

Town Manager	Select Board
Conservation Commission	Housing Authority (2 of 5 members)
Council on Aging	Affordable Housing Trust
Historical Commission	Municipal Scholarship Committee
Agricultural Commission	Mobile Home Rent Control Board
1753 House Committee	Sign Commission
Board of Assessors	Northern Berkshire Cultural Council
Berkshire Regional Planning Commission Alternate	Delegate to Berkshire Regional Transit Authority
All town hall employees	Zoning Board of Appeals
	Planning Board Associate Member
	Representative to Hoosac Water Quality District
	Representative to Northern Berkshire Solid Waste Management District
	Mt. Greylock Advisory Council
	Mohawk Trail Woodlands Partnership
	Registrar of Voters

The allocation of appointments seems not to have been organized by a comprehensive scheme. Instead, the authority to make appointments was established for each board at the time the board was created by Town Meeting, often based on a statutory directive. Most boards are not mentioned in the Charter itself. In considering whether to make any changes (to the extent that would be allowed by statute) one could consider, for example having all boards with more of a policy focus to be appointed by the Select Board, and those with a quasi-judicial and permitting function to be appointed by the Town Manager, on the assumption they would be freer from any political biases.

One curious feature of Williamstown's appointment structure is that the three land use boards are filled by different appointment authorities. The ZBA members are appointed by the Select Board, and the Conservation Commission members are appointed by the Town Manager, with approval by the Select Board. The Planning Board is filled by election. The fact that we have three different approaches is cause for reflection as to what is the best method for filling these board positions.

Another aspect to note is that the Select Board makes all the appointments to six regional organizations, but not the position of Alternate to the Berkshire Regional Planning Commission. This could be harmonized.

We should be open to discussions whether any of these appointment authorities should be shifted, though the system seems to have worked well for many years. The Committee was aware that selecting certain positions by ballot, as opposed to via appointment, may result in turning away qualified residents who would serve if appointed but would not run for election. This could also result in popular but less qualified individuals taking office. Accordingly, we are not recommending any change in the authority for appointments.

Budget Process.

Section 17 of the Charter provides that, on or before December 15th, or such other date as the town may by bylaw prescribe, the Town Manager shall prepare and submit to the Finance Committee a budget for the ensuing year. Chapter 14 of the bylaws modified this date to February 15. Under Bylaws section 4-4 D and E, the Finance Committee is to consider all budget requirements as presented by the Town Manager and submit a budget and its recommendations to Town Meeting. Notably, this process does not include any elected officials, including the Select Board. For several years, the actual engagement of the Select Board in the budget process has been varied, generally according to the interests of those serving at the time.

We should consider formally increasing the role of the Select Board in the preparation of the budget. The Select Board is the policy-setting body supervising the town manager and it seems reasonable that the priorities of the community, as understood by the elected Select Board, should be part of the process in preparing the budget for submission to the Finance Committee. One way to accomplish this would be to create a step that requires the Select Board and the Town Manager to consult early in the budget process to make sure that whatever the Town Manager proposes to the Finance Committee reflects the Select Board's view of priorities for the town. This step could be created in a bylaw, Charter amendment or by Select Board direction to the Town Manager.

To formalize this process, we recommend a bylaw directing the Select Board to communicate its budget priorities to the Town Manager by November 15, to allow the budget to be prepared with those priorities in mind.

Litigation Authority

The allocation between the Town Manager and the Select Board for responsibility for litigation is addressed differently in Bylaw 4-9 than it is in Section 15(k) of the Charter, so these should be harmonized.

Town Bylaw 4.9 gives the Select Board the authority, "except as otherwise provided by law, to prosecute, defend and compromise all litigation or claims to which the Town is a party and to employ special counsel to assist the Town Counsel whenever in the Board's judgment necessity therefor arises."

Somewhat differently, the Charter in section 15(k) (k) provides: "The Town Manager shall, with the approval of the select board, have authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ special counsel whenever in the town manager's judgment it may be necessary."

We recommend a harmonization of these terms by an amendment to the Charter.

Investigation of Misconduct by the Town Manager

We believe it is self-evident that the Town Managers should be recused from conducting any investigation into allegations of their own misconduct. This is already addressed in the personnel handbook, but it is not in the Charter itself. To allay any doubt on this topic, we are recommending a Charter provision that confirms this approach.

SHOULD WE MODIFY THE PROCESS FOR REMOVAL OF TOWN MANAGER?

The Charter sets out a process for removal of the Town Manager that seems cumbersome, and is not available to any other town employee. It also is a topic that could be handled as a matter of the Town Manager's employment contract. Recent contracts have provided that the Charter process will be the process, unless the Select Board decides to terminate and provide six months' salary. Section 13 of the Charter provides:

"The select board, by a vote of three or more members of the Board, may remove the Town Manager. At least 30 days before such removal shall become effective, the select board shall file the preliminary written resolution with the Town Clerk setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the Town Manager. The Manager may reply in writing to the resolution and may request a public hearing. If the Manager so requests, the select board shall hold a public hearing not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if any, otherwise at the expiration of 30 days following the preliminary resolution, and after full consideration, the select board by a vote of three or more members of the Board may adopt a final resolution of removal. In the preliminary resolution the Selectmen may suspend the Manager from duty, but shall in any case cause to be paid to him forthwith any unpaid balance of his salary and his salary for the next three calendar months following the filing of the preliminary resolution."

We consulted with the Collins Center who advised that candidates for the position may want to see that there is some regularized and public process around a proposed removal from office. The manager's contract may provide for an alternative process if the parties agree, and this has been recent practice. In light of this, we are not recommending any changes on this topic.

SHOULD WE CLARIFY TOWN MANAGER AUTHORITY OVER BOARDS?

There may be an unintended grant of power to the Town Manager to reorganize, consolidate or abolish town boards and committees appointed by the Town Manager. This comes up through the interplay of two separate Charter provisions. This is because section 6 says any boards or committee the Town Manager appoints are under their supervision, and Section 15b says they can reorganize, consolidate, or abolish those boards.

Charter section 6 provides:

” Officers, boards, commissions and committees appointed by the Town Manager shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law upon them or upon officers, boards, commissions or committees having corresponding powers and duties, but in the performance thereof **they shall be subject to the general supervision of the Town Manager.** (emphasis added)”

15b of the Charter provides:

“The Town Manager, in accordance with the provisions of this Act and except as otherwise expressly prohibited by the General Laws, **may reorganize, consolidate or abolish departments, commissions, boards or offices under the town manager’s direction and supervision,** in whole or in part, may establish such new departments, commissions, boards or offices as the town manager deems necessary and, in so doing, may transfer the duties and powers, and so far as possible in accordance with the vote of the town, the appropriations of one department, commission, board or office to another.”

This seems to be a drafting glitch, as it would be very surprising to think the Town Manager can reorganize, consolidate or abolish committees such as the Conservation Commission, Historical Commission or Agricultural Commission, all of which were established by votes of Town Meeting. Therefore, we recommend a Charter change to align these authorities more specifically.

SHOULD SOME BOARD POSITIONS BE PROHIBITED FROM HOLDING POSITIONS ON OTHER TOWN OFFICES?

Section 10 of the Charter provides in part that: “A member of the select board or of the School Committee, or of the Finance Committee shall, during the term for which such member was elected or appointed, be ineligible either by election or appointment to hold any other town office”. The School Committee being referenced is the former Williamstown School Committee, which no longer exists. It is unclear whether the ban on holding multiple offices was occasioned by a concern over consolidation of power, conflicts of interest or some other reason.

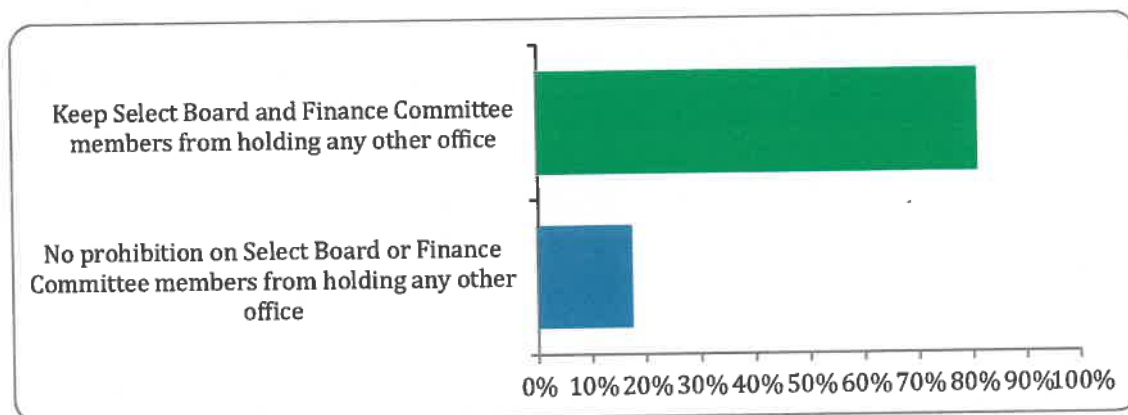
One interpretational question we should consider is what is an “other town office”? We have a practice that a member of the Select Board or Finance Committee is not considered as holding an “other town office” if they are holding that office in their capacity as a member of the Select Board or Finance Committee. This seems to be allowed in a couple of contexts and has been a longstanding practice. First, some boards are established in town bylaws or state statute as prescribing that certain members come from these two committees. The Community Preservation Committee has membership spots designated

for a member of the Finance Committee and of the Parks Commission, which is the Select Board. Similarly, the Affordable Housing Trust has a spot designated for a representative of the Select Board. A related situation would be when the Select Board or the Finance Committee forms its own subcommittee or advisory committee and puts one or more of its members on it. In all of these cases, the Select Board or Finance Committee member is not holding an "other town office"; they are holding the position in their official capacity. Town Counsel has confirmed this reading of our Charter.

Town Counsel has also advised that under our current Charter, an advisory committee with no authority is not considered a town office, so members of the Select Board and the Finance Committee may currently serve on such advisory committees.

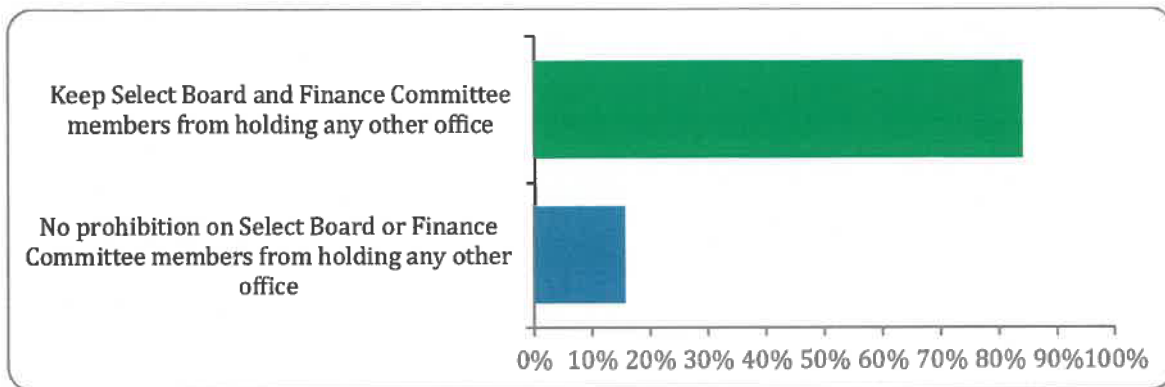
The Charter's language does not make these distinctions clear, so at a minimum we should consider clarifying language to make it more clear what the ban applies to.

Our survey showed support for the current system. **Question 10 of the survey stated: The current Town Charter prohibits members of the Select Board and the Finance Committee from holding any other town office, though this has been interpreted to allow members to be on other committees in their official capacity as a member of the Select Board or Finance Committee, or where a statute provides for it. Do you favor (check all that apply):**



33 free text responses were split consistent with the multiple choice responses. There was a theme around increasing the diversity of participation on committees, avoiding conflicts of interest, and ensuring transparency in government actions.

Staff responses (19) were as follows:



We should evaluate whether any form of ban on dual offices is appropriate. Disallowing members of the Select Board or the Finance Committee from holding an ‘other town office’, other than in their official capacity, would reduce the chances of consolidation of power and of conflicts of interest. It also would keep these other offices open for participation by residents in the community. Should the ban apply to both elected and appointed offices, or just one of those options? At least in the case of offices appointed by the Town Manager or the Select Board, it might make sense to not allow Select Board members to have those appointments, since they could have an unfair influence on the decision compared to other candidates. Since the members of the Finance Committee review the budgets of all boards and committees, perhaps it makes sense they should not serve on those other boards so as to avoid the conflict of interest.

A different question arises in the context of whether a position as the town representative to other regional organizations is covered. The town appoints representatives to entities such as the Hoosac Water Quality District, the Northern Berkshire Solid Waste Management District, the Berkshire Regional Planning Commission, the Berkshire Regional Transit Authority, the Northern Berkshire Cultural Council, the Mt. Greylock Advisory Council and the Mohawk Trail Woodlands Partnership. The Berkshire County Metropolitan Planning Organization requires regional delegates to be Select Board members. Town Counsel considers these currently to be ‘town offices’. If we want to change this, it should be addressed as a Charter amendment. One conflict of interest consideration here is the case of a regional organization that assesses financial fees on the town, and whether the town representative to that organization should be allowed to sit on the town committee to vote whether to approve payment of those fees.

We recommend a modification of the Charter language to clarify what it covers. Specifically, the bar will apply to offices established by Town Meeting, except where Town Meeting has authorized members of the Finance Committee or Select Board to hold the other office in their capacity as a member of the Select Board or Finance Committee. It would also provide they can serve on advisory committees, and as representatives to intergovernmental bodies.

SHOULD WE ESTABLISH TERM LIMITS?

The Williamstown Charter currently does not have any limits on number of terms a person can hold an office. We identified the following benefits and drawbacks to term limits:

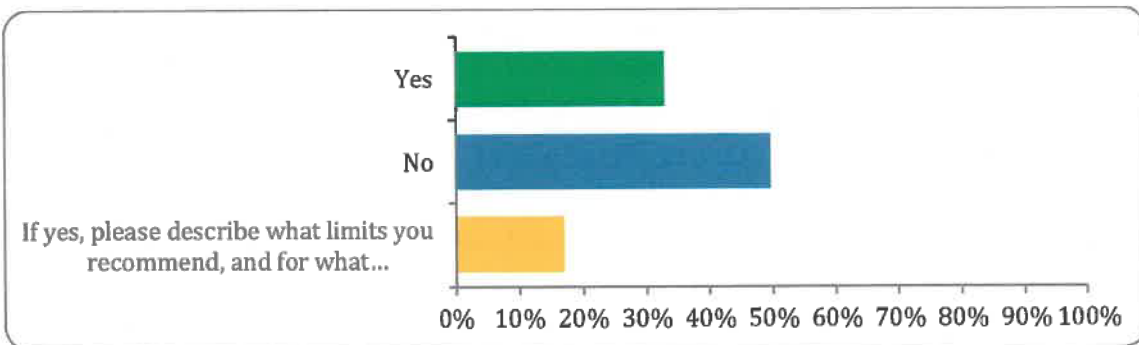
Benefits to Term Limits

- Allows for turn-over of elected officials potentially increasing new ideas, nurturing new community leaders, and community involvement.
- Likely encourages more people to run for election because open seats more often draw multiple candidates. Often incumbent seats are not contested.
- May encourage diversity by enabling more opportunities for women and minorities.
- Potentially focuses elected official to plan an agenda and accomplish initiatives within a certain timeline.

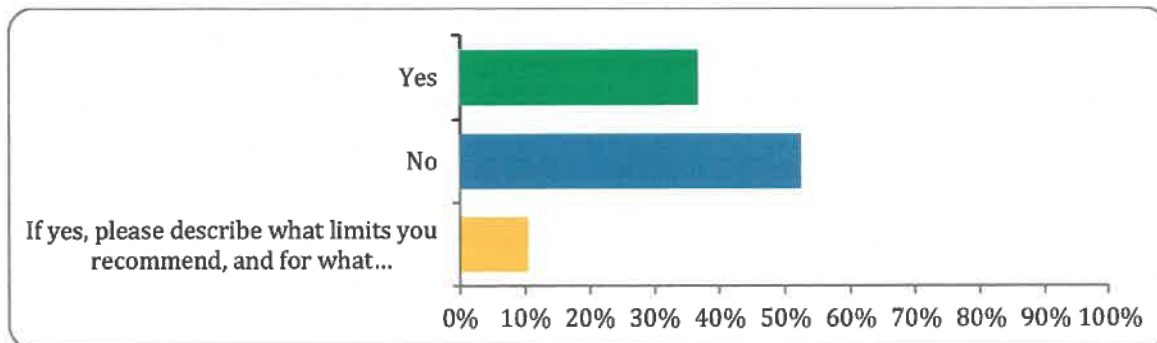
Drawbacks to Term Limits

- Potentially forces popular leaders to give up their positions even if they are popular with the voters.
- Potentially forces those with institutional knowledge to leave office.
- May cause “lame duck” periods where officials do not have the same incentives as when they expect to run for office.
- Can result in a large number of vacancies in a body at the same time, then with a large number of elected officials being new at the same time (with steep learning curves).
- Without term limits voters already have an opportunity to limit office holding with elections.

Our survey showed overall opposition to term limits, but with a significant percentage in favor of them. Within the respondents in favor of term limits, most indicated 2-3 terms as their preferred limit. **Survey question 11 asked: The Charter currently has no term limits on office holders. Do you favor imposing term limits?**



Staff responses (19) were as follows:



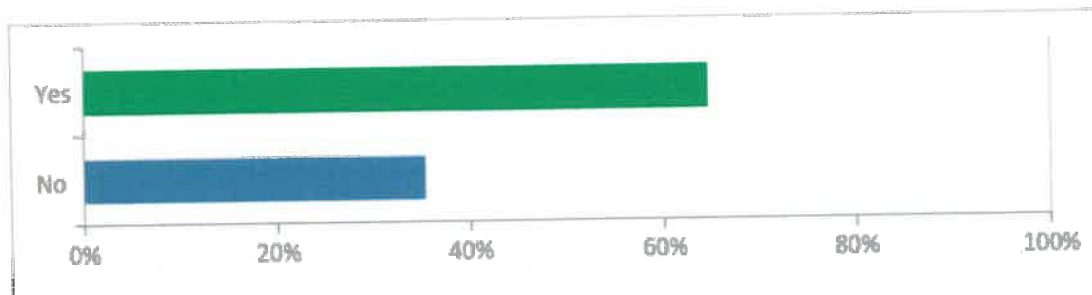
We do not recommend the establishment of term limits in our town government. Although we desire that our town boards and committees should comprise the best talent available and that sufficient opportunities should exist for a qualified resident to serve, it is not clear that term limits are the best mechanism to achieve those goals. Limits may force removal of experienced, knowledgeable volunteers who have learned over time how best to function on boards or who might have spent many years learning the technical areas of their respective boards' work. We cannot assume that replacements would be found who would make a similar contribution to high-performing incumbents. Finally, limits might force removal of key contributors or committee leadership at inopportune or even critical junctures in a board's work.

SHOULD WE HAVE A PROVISION TO RECALL ELECTED OFFICIALS?

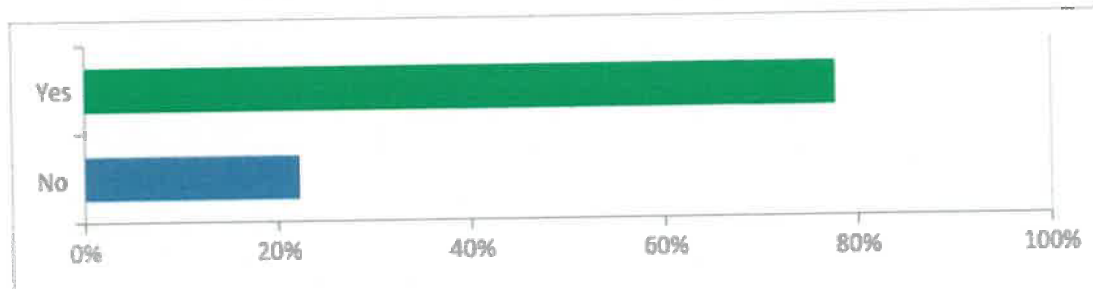
Our Charter contains no recall provision, and we were not aware of any past matters where one might have been an appropriate tool. The Collins Center advised that putting recall provisions into Charters has become a more common practice, and it might be better to have the tool available before the occasion arrives where the voters might want to use it.

Any mechanism to remove elected officials could be abused for political purposes, by single-issue constituencies, or in an attempt to overturn often difficult decisions by the very officials who were elected to make those decisions. A recall provision might dissuade talented residents from seeking elected office. It might also have a chilling effect on decision-making. Williamstown has not had such a provision. Would having one promote its use, or is the lack of one unreasonably limiting the democratic process in the community? If there is has no formal mechanism, other than public persuasion, to remove an elected official even for the most egregious infractions, such as criminal offenses or significant failures to perform their duties, then the voters would be left without recourse until the next time that seat is up for election. On balance, it may be preferable that a mechanism to remove elected officials should be put in place before it is needed. The Town should not wait until a serious problem has arisen and only then attempt to develop a remedy.

Survey respondents strongly favored a recall provision. ***Survey question 8 asked: The Charter has no provision for recalling elected officials during their term of office. Do you favor adding a recall provision?***



The staff responses (18) were as follows:



Our research indicates that recall provisions have several elements:

- First, there should be time limits on how soon after, or how long before, an election will a recall petition be allowed? For example, recalls may not happen within six months before or after an election.
- The recall provision should establish a percentage or number of voters to file a petition for a recall. The number is usually set high enough to prevent petitions without strong support. Often it is 25-30 but in Stoughton it is 5% of the voters
- There may be a subsequent threshold for the petitioners to get enough signatures to get the matter onto a ballot
- Should the petition state reasons for removal, or are none required?
- Should the elected official be given notice and an opportunity to resign before the vote?
- Should the petition can be accompanied by an election of a successor if the recall is successful? While some towns have a provision whereby the recall election includes an election for a potential successor, the Collins Center indicates this is no longer a preferred method and that a special election is the preferred method
- Should there be any delineation on which officers are included or excluded
- Should there be a prohibition on holding office for a specific period of time if the recall is successful? (e.g. 1-2 years)

As an example, Andover recently enacted a recall provision with the following features:

1. To receive petition pages/provide notice of recall attempt – 50 signatures, or whatever is required under State law to become a candidate for local election. The notice must state the grounds for recall. However, there should be no limitation on which grounds can support a recall effort as any limitation would be difficult to legislate and easy to circumvent. Separate petitions are required for each elected official targeted for recall. Within business five days of certification, the Town Clerk will issue blank petition pages to petitioners.

2. To call a Special Recall Election – Certified signatures from 30% of registered voters must be provided. Petition pages must be returned by petitioners within 20 days of the pages being given to the petitioners by the Town Clerk.

3. To qualify a candidate for the ballot – The standard ballot/candidate threshold for local elections applies.

4. To recall & elect replacement official – There would be two votes on the recall election ballot: the first determines whether the elected official should be recalled; the second determines who, if a recall has been approved, should be elected to the now-open seat. A simple majority of votes is required to recall the elected official(s); and the candidate receiving the most votes is elected to serve the balance of the unexpired term. The recalled candidate remains on the ballot in the resolution of question two.

We recommend that the town adopt a recall provision, understanding it would rarely need to be used. Voters should have a remedy in case an elected official deviates egregiously from acceptable behavior. To prevent abuse, thresholds for getting a petition (we suggest 50) and for qualifying to have the recall election (we suggest 10% of registered voters) should be high. We did not think it necessary to establish a minimum number of voters to actually vote in the recall election. We recommend the election be determined by majority of those voting, and decided that a 2/3 majority was not necessary given the other procedural safeguards. We concluded that the recall should be decided on its own merits, and not be coupled with a simultaneous election of a replacement if the recall was successful. In the event the recall is successful, all elected offices already have a mechanism for filling vacancies until the next regular election.

CAN WE MODIFY PROCESSES FOR CITIZEN PETITIONS AND BALLOT REFERENDA?

We received requests to see if the town could modify processes for filing of citizens petitions or ballot referenda, or how we might use them as part of town governance. We believe these processes are governed by state law and cannot be modified by a Charter amendment, except on a limited basis as to referenda.

Citizen petitions

Citizen petitions are governed by state law and the primary ability of a town to regulate them at all is on the timing of when they must be submitted in order to be included in the warrant and be subject to public hearings, if required. The Town Meeting Warrant is developed by the Board of Selectmen and is generally composed of items, called Articles, brought forth by various Town departments and standing committees for consideration and action by Town Meeting. Individual citizens can add their own agenda items to Town Meeting through the statutory device called a Citizens' Petition.

Massachusetts General Laws, c. 39, section 10, provides, in part, as follows:

The selectmen shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters or by ten per cent of the total

number of registered voters of the town whichever number is the lesser. The selectmen shall call a special town meeting upon request in writing, of two hundred registered voters or of twenty per cent of the total number of registered voters of the town, whichever number is the lesser; such meeting to be held not later than forty-five days after the receipt of such request, and shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more distinct town meetings for distinct purposes may be called by the same warrant. The written requests of registered voters for the insertion of subjects in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any.

Please note the higher threshold number of signatories required (200 registered voters) for a Special Town Meeting. Potential petitioners for either a Special or Annual Town Meeting should confer with the Town Manager at the earliest opportunity in order to insure a timely and effective effort. Per the Town Bylaws at section 4-3, any article to be inserted in the warrant for the Annual Town Meeting must be submitted to the Select Board on or before the 45th day preceding said meeting, signed by the required number of petitioners who must be voters of the Town, and all such petitions shall be placed in the warrant as presented.

Some types of petitions will require a public hearing. For example, an article seeking a change to Zoning By-laws also requires a Public Hearing with the Planning Board, as required by MGL Chapter 40A Section 5. No zoning amendment can be adopted until after there has been a public hearing, which must be held within 65 days of submission of the petition. Similarly, Section 4-4D of the Charter provides that:

All articles in any warrant for a Town Meeting calling for the expenditure of any Town funds, or the incurring of any financial obligations by the Town, shall be referred by the Select Board to the Finance Committee for its consideration. Said Committee shall report thereon to the Town Meeting, in writing, such recommendations as it deems best for the interests of the Town and its citizens.

Ballot Referendum Questions

State law also provides the framework for non-binding ballot referenda onto a town ballot. MGL c. 53 Section 18A provides in part:

- A nonbinding public opinion advisory question may be placed on the ballot for a regular municipal election in any city or town no later than the thirty-fifth day preceding such election: by vote of the city council of such city, with approval of its mayor where so required by the city charter; by vote of the board of selectmen of a town or by vote of the town council of a town having a town council or by vote of the annual town meeting; or in conformity with the following provision of this section:
- A proposal to place a nonbinding public opinion advisory question on the ballot for a regular municipal election in any city or town may be presented to the governing body thereof on a petition signed by at least ten registered voters of the city or town. If such governing body shall

not approve said petition at least ninety days before said election, then the question may be so placed on said ballot when a petition signed by at least ten per cent of the registered voters of the city or town, but in no case less than twenty such voters, requesting such action is filed with the registrars, who shall have seven days after receipt of such a petition to certify the signatures. Upon certification of the signatures, the city or town clerk shall cause the question to be placed on the ballot at the next regular municipal election held more than thirty-five days after such certification.

- The procedures established by this section shall be available to any city or town; provided, however, that if an alternative procedure is prescribed by a home rule charter, optional plan of government, or special act applying to such city or town, relative to the placing of public opinion questions upon the local ballot, then such alternative procedure shall apply.

Note that section 18A itself says that a town can adopt an alternative procedure under its Charter. In addition, section 18B, which is only effective if the town has adopted it, sets out a procedure for putting questions on a ballot and outlining requirements for explanatory material on the question being posed. The explanatory information is to include: (1) the full text of each question; (2) a fair and concise summary of each question, including a 1 sentence statement describing the effect of a yes or no vote, which shall be prepared by town counsel; and (3) arguments for and against each question. As far as we have determined, Williamstown has not adopted section 18B.

Since the citizens petition and ballot processes are strictly regulated by state law, we are not recommending any town bylaw on these topics to avoid any issues that our bylaws would be invalid as inconsistent with state law.

SHOULD THERE BE A STANDARD PERIODIC REVIEW OF THE CHARTER?

The Williamstown town charter is the foundational document that lays out the structure of town government. As such it should be written for the long term, allowing only infrequent revisions as times change.

Williamstown enacted its charter in 1956 and many bylaws and de facto changes have occurred since then. We are the first Charter Review Committee in 67 years appointed to study our charter and consider possible changes. Should this review process occur more frequently? Should we write a required periodic review into the charter?

To explore how other municipalities deal with this question our research picked a random selection of 9 Massachusetts cities and towns, those with names beginning with "Wa" and listed on the Commonwealth's website of city and town codes.

<https://www.mass.gov/guides/massachusetts-city-and-town-ordinances-and-bylaws>

In order of ascending population, they are:

Municipality	Charter?	Form of Government	Population	Periodic Review
Warwick	None	Open TM	780	
Wales	None	Open TM	1,800	
Warren	None	Open TM	5,000	
Wayland	None	Open TM, manager	14,000	

Wareham	Home rule charter	Open TM, administrator	23,000	Every 10 years
Walpole	Home rule charter	Rep. TM, administrator	26,000	Every 10 years
Wakefield	Home rule charter	Open TM, administrator	27,000	Every 10 years
Watertown	Home rule charter	City council & manager	35,000	Every 10 years
Waltham	Charter	City council & mayor	65,000	None

Massachusetts accepted the Home Rule Amendment to its constitution in 1966 allowing cities and towns to adopt charters without state legislative action, but within certain parameters. Four of the municipalities in this small sample adopted home rule charters with many similarities, including a periodic charter review every 10 years. Here is the periodic review section from [Wareham's charter](#):

“Article 7, Section 7-1: Periodic Review - The board of selectman shall, in every year which ends in nine, appoint a committee to review the charter, said committee shall submit a report, with recommendations, to the first annual town meeting that ends in zero, concerning any proposed amendments or revisions to the charter which it believes to be necessary or desirable.”

Walpole, Wakefield, and Watertown have similarly worded provisions in their charters, perhaps based on the same template, perhaps a recommended home rule charter from an organization like the Massachusetts Municipal Association.

Andover is an interesting case that was not in the above sample of municipalities. Although their population is five times larger than Williamstown, like us they adopted their charter in 1956 prior to home rule and have an open town meeting, a select board, and a town manager. They recently completed a [charter review](#) and decided not to include a periodic review. The committee reported that they did not choose to formalize a periodic charter review for the following reasons.

- It is not possible to predict when a new review would be needed. Changes in circumstances dictate when a review should take place, not a pre-ordained timescale.
- The Select Board can empanel a committee at any time to conduct a new review, and residents can petition the Select Board at any time to do so. A formulaic approach is not required. Indeed, it was felt that the Town and/or Select Board will “know that the time is right”.
- However, it is important to note that the Committee does not believe that any conclusions we offer are definitive in perpetuity. The Committee considers this current study to have been a healthy exercise and should be repeated periodically.

On the other hand, without a formal periodic charter review we have managed to avoid considering the charter for 67 years. Instead, a 10-year review such as is described in the charters of Wareham, Walpole, Wakefield, and Watertown specifies when the review should happen, but is sufficiently flexible to allow for quick review if that proves best. It requires a periodic look at the charter, but it does not limit the town's ability to address the charter at any other time it deems appropriate. We recommend a new Charter provision for a 10-year cycle for Charter reviews, though allowing reviews at any time if the need arises.

Watertown, a city much larger than Williamstown, has a useful website describing their recent charter review process. <https://www.watertown-ma.gov/529/2020-Charter-Review-Documents>

HOW SHOULD THE CHARTER BE ENFORCED?

The Williamstown Charter does not include a specific provision as to how the Charter should be enforced. With the assistance of the Collins Center, we have reviewed options for enforcing Charters in other towns. The main tendency is that enforcement under the Charters really means a process for claims of violation to be filed, and responded to, but not with any legal consequences. The remedy here is one of public discussion and education. Legal consequences would be left to whatever remedies there are at law outside of the Charter's provisions. We recommend such an approach for Williamstown.

SHOULD WE MAKE ANY CHANGES TO HOW VACANCIES IN ELECTED OFFICES ARE FILLED?

Section 3 of the Charter establishes the procedure for filling a vacancy in the Select Board. It states:

"If for any reason a vacancy shall occur in the membership of the select board, the remaining select board members may at any time prior to the next Annual Town Election appoint a qualified person to serve as select board member until such election, at which election the voters shall elect a select board member to serve for the unexpired portion, if any, of the original term."

The Charter does not explain how vacancies in other elected offices are to be filled, though the state laws governing those boards do establish the same general procedure: the remaining members of the board having a vacancy meet with the Select Board and the combined group votes on a replacement to serve until the next regular election, when a person is elected to complete the remainder of the unexpired portion of the term.

The Library Trustee Bylaws provide:

"If a member for any reason should resign or leave office before his/her term of office has expired, the vacancy is filled pursuant to the requirements of G.L. c.41 §11. The person so appointed or elected serves until the next general election at which time s/he will, if elected, serve for the remainder of the original term and then may run for his/her own full term at the following election. If the appointment is made in the last year of the term of office, the person may run for his/her own full term at the next election. "

M.G.L. c.41 §11 referenced in the trustee bylaws states:

"Section 11. As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall

be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified.”

As to the **Planning Board** Chapter 41 section 81A provides:

“A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term,... in a town, if the members of the board are appointed, in the same manner as the original appointment. If the members of a planning board are elected, any unexpired term shall be filled by appointment by the board of selectmen and the remainder of the members of the planning board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term.”

The **Mt. Greylock Regional School District** agreement provides a parallel structure, calling for the Select Boards of both member towns to meet and chose a candidate to fill a vacancy.

Since each elected office in Williamstown already has a mechanism for filling vacancies, we are not recommending any changes for Williamstown.

ROLE OF THE FINANCE COMMITTEE

The Finance Committee occupies an unusual position in town government. It is the only committee that the Moderator appoints. The Moderator is responsible for running Town Meeting, so they appoint the Finance Committee to recommend an appropriate budget to the voters at Town Meeting. Prior to 1956 the Finance Committee both prepared the annual budget and presented it to Town Meeting for approval.

With the adoption of the Charter the town hired a Town Manager and transferred responsibility for preparing the annual budget to them. The Charter describes the budgeting process.

“Section 17. Annual budget. All officers, boards and commissions of the town shall submit to the Town Manager in writing detailed estimates of their appropriations required for the efficient and proper conduct of their respective offices and departments and such further information, in such form and at such times as the Town Manager may require. On or before the 15th day of December in each year, or such other date as the town may by bylaw prescribe, the Town Manager shall prepare and submit to the Finance Committee a budget for the ensuing year and all supplementary information in such form and detail as the town manager may deem necessary or the town may require by bylaw.”

In 1974 the town passed a bylaw changing the date for submitting the budget to the Finance Committee to February 15. The Charter simply says that the Town Manager shall submit a budget to the Finance Committee. Bylaws Chapter 4, Section 4 (amended in 1961 and 1964) elaborates on the role the Finance Committee.

“D. All articles in any warrant for a Town Meeting calling for the expenditure of any Town funds, or the incurring of any financial obligations by the Town, shall be referred by the Select Board to the Finance Committee for its consideration. Said Committee shall report thereon to the Town Meeting, in writing, such recommendations as it deems best for the interests of the Town and its citizens.

E. It shall be the duty of the Finance Committee annually to consider the estimated budget requirements for the ensuing year of the several boards, officers and committees of the Town, as prepared by the Town Manager. The Committee shall submit a budget at the Annual Town Meeting with such recommendations and explanations relating to the proposed appropriations as it may deem expedient, such budget to be printed and available to the voters seven days at least before the Annual Meeting.”

Note that Paragraph D requires the Select Board to refer “the incurring of any financial obligations by the Town” to the Finance Committee. Also Paragraph E clearly states that Finance Committee submits its budget to Town Meeting. In practice the Finance Committee relies heavily on the Town Manager and often recommends most, if not all, of the Manager’s budget. Nevertheless, if the Town Manager and the Finance Committee disagree on part of the budget, the Finance Committee’s version is what should be presented to Town Meeting.

Bylaws Chapter 4, Section 4 goes on to address long-range financial planning.

“F. It shall also be the duty of the Finance Committee to make an annual report of its doings, and to make such recommendations as its studies may indicate to be desirable, relative to long-range financial planning and the conduct of the Town business. The Committee shall work closely with the Planning Board in trying to achieve a priority for needed major capital outlay improvements consistent with the present and estimated future ability of the Town to pay.”

Prior to 2011 the Town had a separate Capital Planning Committee that included the Town Manager, the Director of Public Works, the Superintendent of the Williamstown Elementary School, and a representative from the Finance Committee. The bylaw establishing that committee was amended substantially in 2011 giving the duties of that committee to the Finance Committee. The amended Bylaws Chapter 20 reads in part:

“§ 20-1. Composition.

The Finance Committee shall also serve as the Capital Planning Committee (the "Committee").

§ 20-2. Consideration of anticipated and proposed projects.

A. The capital expenditure budget shall include all proposed appropriations for which sealed bids or proposals are required under Massachusetts General Law and for which borrowing is permissible under MGL c. 44, § 7 or § 8, whether or not such borrowing is anticipated, except those expenditures whose only Town funding is from the Massachusetts Community Preservation Act (MGL c. 44B).

B. On or before the 15th of February in each year, the Town Manager shall prepare and submit to the Committee a capital expenditure budget for the ensuing fiscal year, and projections for not less than the following five fiscal years, and all supplementary information in such form and detail as the Committee may deem necessary or the Town may require by bylaw.

C. The Committee shall consider the relative need, impact, timing, and cost of these expenditures and the effect each will have on the financial position of the Town.

D. No appropriation shall be voted for a capital expenditure unless the proposed capital expenditure is considered in the Committee's report, or the Committee shall first have submitted a report to the Select Board explaining the omission.

[Amended 5-17-2022 ATM, Art. 32]

§ 20-3. Preparation and submission of annual report.

The Committee shall submit its approved capital expenditure budget to the Annual Town Meeting for adoption by the Town.”

Thus the Bylaws require the Town Manager to prepare a 5-year capital plan and submit it to the Finance Committee. The Charter and that bylaw give the Finance the mandate to do long-range financial planning for Town expenditures.

It should also be noted that Williamstown taxpayers also finance various districts that control their budgets independently, in particular the Mount Greylock Regional School District, the Hoosic Water Quality District, and the Williamstown Fire District. The Town and these entities all have capital needs that may require borrowing and will impact Williamstown taxpayers. Cooperation in the planning and the timing of major projects is necessary to ensure the quality of all the services and facilities that serve Williamstown residents. The Town Charter and the Town Bylaws can encourage cooperation, but cannot easily mandate it.

Recommendations:

The Charter makes brief mention of the Finance Committee and the Bylaws elaborate on the Committee's duties and authority. That division between Charter and Bylaws is appropriate because it gives Town Meeting the flexibility to change the Committee's responsibilities as the Town's circumstances evolve. No change to the Charter regarding the Finance Committee is necessary, except that we may want to remove the date in the Charter for submitting the budget to the Finance Committee, and keep the date of February 15 as it exists in the Bylaws.

Bylaws Chapter 4, Section 4 and Chapter 20 together describe the Finance Committee's duties thoroughly and give it the authority to do its job. While those Bylaws do not need revision at this time, it would be helpful for members of the Committee and others in Town government to reread them to remind themselves of what the Committee does. As always the success of the Committee depends on the experience and the hard work of its leaders and members.

It should be noted that the membership of the Finance Committee is not as diverse as the population of the Town. Although more than half of the funds voted at Town Meeting are spent on the schools presently no member of the Committee has school-aged children. Also members are routinely reappointed to new three-year terms and several members have served for more than a decade. There is a long learning curve to become an effective member of the Committee and some long-term members bring important institutional knowledge. Nevertheless, the Committee would benefit from some turnover. We do not advocate a term limit, but believe that the Moderator should not make automatic reappointments and should prioritize diversifying the membership of the Committee.

Finally, the appropriate time for the Select Board to influence the annual budget is when the Town Manager begins to prepare their budget. The Select Board and the Town Manager are the executive branch of town government and the Manager's budget should reflect their priorities. Town Meeting is the legislative branch. The Moderator and the Finance Committee serve Town Meeting. Effectively the executive branch hands off its budget to the legislative branch on February 15. While it is not codified in the Charter or the Bylaws, a joint meeting of the Select Board and the Finance Committee at that time can promote harmony between the two branches of town government. In addition, we recommend elsewhere in this report that the Select Board should give its budget priorities to the Town Manager by November 15, for inclusion in budget considerations.

RELATIONSHIP WITH THE FIRE DISTRICT

The CRC did not consider the merits of whether or not the Fire District should be consolidated into Town government, but recognized this topic has arisen informally over the years. The CRC believed that it was not in a position to make a recommendation on this question since it was of sufficient magnitude that it would be better discussed in a separate forum. The voters of the Town and the voters of the Fire District are co-extensive and any discussion of this topic would ultimately be decided by them.

By way of historical background, we note that the Williamstown Fire District was created by state law in 1912, which established a geographical scope of jurisdiction, as well as a defined subject matter. Both of these have been changed by subsequent events. The Fire District's geographical scope was initially established by a state law in 1912 which delineated the geographical boundaries of the district as an area surrounding the downtown residential districts, but not the entire town. The 1912 statute defined the subject matter as consisting of "hydrants, water tanks for fire purposes, sidewalks, common sewers, main drains, lamps, street sprinkling and police protection". Acts of 1912, Chapter 69. There were originally three members of the Prudential Committee, though that was enlarged to five in 2019. Acts of 2019, Chapter 32.

The fire district's subject matter was reduced in 1948 to take out 'sidewalks, common sewers, main drains, lamps, street sprinkling and police protection' and put in place –street lamps." Accordingly, the revised scope was for hydrants, water tanks for fire purposes, and street lamps. Acts of 1948, Chapter 349. The Town had responsibility for the rest of the water and sewer infrastructure and policing. In 1988, the geographical boundary was enlarged to be same as the boundaries of Williamstown. Acts of 1988, Chapter 44. Finally, the Prudential Committee and the Town of Williamstown agreed in February 2021 in an inter-municipal agreement that the Town would take over responsibility for street lighting (although the Fire District's statute was not amended), and the Fire District's operations were left to focus on fire infrastructure and operations.

The CRC recognizes there are a variety of considerations whether consolidation makes sense, and that there are opposing views on the question. We leave it to others to decide how to proceed, but feel that a focused discussion would be appropriate.

One recommendation we do propose is to rewrite a section of the Charter on cooperation with the Fire District to broaden it to cover a wider range of entities. Section 9 of the Charter provides:

"Powers of the Fire District. Nothing in this Act shall be construed to affect the powers and duties of the Fire District, as provided by law; provided, however, that the Prudential Committee, on behalf of the district, and the select board on behalf of the town, may provide by a written agreement for the

performance by the Town Manager of such services for the District as may be appropriate to the duties of the town manager's office, and for the reimbursement of any expense incurred therefor."

We propose the following as a replacement:

Section 9. Services provided to other government entities. The Select Board on behalf of the town may provide by written agreement for the performance by the Town Manager of such services for other government entities as may be appropriate to the duties of their office and for the reimbursement of any expense incurred.

MISCELLANEOUS UPDATES TO REFLECT ORGANIZATIONAL CHANGES AND SUBSEQUENT EVENTS

Section 15(c) of the Charter refers to a Welfare Agent, a position that no longer exists, so this reference can be deleted.

Sections 5, 7 and 15(h) of the Charter refer to the school committee, which was the school committee as it existed in 1956, before the establishment of the Mt. Greylock Regional School District and the subsequent consolidation of the Williamstown Elementary School, so these provisions should be modified or deleted.

The Charter in section 17 requires the Town Manager to submit the annual budget to the Finance Committee by December 15th of each year, unless the town prescribes otherwise by bylaw. The town did pass a bylaw in 1974 changing the date to February 15. See Bylaw 14-1. We should harmonize these provisions by deleting the date in the Charter and keeping the date in the bylaws.

The Charter states that elected and appointed officials take office upon being qualified, but the meaning of that term is not expressed. It generally means taking an oath. The current listing of persons qualified to give the oath is limited and it might be helpful to broaden the list of persons allowed to give oaths of office. We recommend a technical modification to clarify and expand who may administer the oath requirement.

FURTHER WORK ON THE USE OF TECHNOLOGY IN MUNICIPAL OPERATIONS

The Committee also recognized that town government operations were dependent on various technologies and that there were opportunities of further development. The choice and use of technology are not topics we believe need to be addressed in the Charter itself, but they are discussed here to provide a basis for further discussion in more appropriate contexts.

The Town currently uses multiple technology providers for a variety of services and has recently hired its first IT coordinator. Current vendors include Wordpress, Mungy, OpenGov, ViewPoint, Cloud, Tyler Technologies, Google Unibank, AxisGIS / ArcGIS, ONSOLVE, and CodeRED.

The range of technology service is quite broad and includes:

- Marketing the town to: visitors, people moving to town, and for retaining people in town
- Government transparency

- Positions and committees
- Who they are, what role they play, how they are elected/appointed
- Meeting schedules, agendas, packets, and products of work (where applicable)
- Important decisions (both past and upcoming)
- Evolving role of news outlets like WilliNet, iBerkshires, and others
- Data lookup (ArcGIS, solar energy production, etc.)
- Transactional items
- Submission of forms related to permits, licenses, applications, etc...
- Faster renewals
- Management of profile information / subscriptions to content
- Payments related to fees and taxes
- Important and timely information
- "Push" information like road closures, emergencies, important events
- Email, text, robo calls, social media channels (Twitter, Facebook, Instagram)
- Services offered, requirements, etc...
- Schedules
- Contact information
- Evolving role of town halls, libraries, chambers of commerce, and non-profits as information hubs (events, assistance with navigating processes, etc.)
- Communication related to town services and responses (reporting safety issues, concerns, etc...)
- Running town services: payables, payroll, accounting, management of operations
- Technology services outside of the above
- Internet (both to the home and wi-fi around town)
- EV Charging
- Parking

We recommend that further discussions be held on the Town's use of technology and identifying opportunities for further enhancement and efficiencies. We recognize that municipal software and legal requirements move more slowly than much of the world and that transitions take time and attention as a resource. They all will need some degree of training and/or dedicated staff to achieve the desired improvements and functionality. In addition, cost is always a factor and some types of technology require greater scale to make them more economically attractive.

CONCLUSION AND DRAFT WARRANT ARTICLES

Our draft language for warrant articles to implement the recommendations for changes in the Charter or Bylaws are as follows:

1. Bylaw modification of deadline to submit warrant articles

Bylaw § 4-3 Insertion of articles in warrant.

Current text: Any article to be inserted in the warrant for the Annual Town Meeting must be submitted to the Select Board on or before the 45th day preceding said meeting, signed by the required number of petitioners who must be voters of the Town, and all such petitions shall be placed in the warrant as presented.

Proposed new text: Any article to be inserted in the warrant for the Annual Town Meeting must be submitted to the Select Board on or before the 50th day preceding said meeting. All citizen petitions must be signed by the required number of petitioners who must be voters of the Town, and all such petitions shall be placed in the warrant as presented.

2. Bylaw and Charter modification of budget preparation process

Bylaw § 14-1 Submission of annual budget.

Current text: On or before the 15th day of February in each year, the Town Manager shall prepare and submit to the Finance Committee a budget for the ensuing fiscal year and all supplementary information in such form and detail as the Finance Committee may deem necessary or the town may require by bylaw.

Proposed new first sentence: On or before the 15th day of November in each year, the Select Board shall meet and discuss with the Town Manager priorities to be included in the budget for the ensuing fiscal year.

Change the second sentence of section 17 of the Charter to read as follows: On or before such date as the town may by bylaw prescribe, the Town Manager shall prepare and submit to the Finance Committee a budget for the ensuing year and all supplementary information in such form and detail as the Finance Committee may deem necessary or the town may require by bylaw.

3. Charter Clarification of Litigation Authority

Current provisions: Town Bylaw 4.9 gives the Select Board the authority, "except as otherwise provided by law, to prosecute, defend and compromise all litigation or claims to which the Town is a party and to employ special counsel to assist the Town Counsel whenever in the Board's judgment necessity therefor arises."

Somewhat differently, the Charter in section 15(k) provides: "The Town Manager shall, with the approval of the select board, have authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ special counsel whenever in the town manager's judgment it may be necessary."

Proposed new text for Charter: The Select Board has the authority, except as otherwise provided by law, to prosecute, defend and compromise all litigation or claims to which the Town is a party and to employ special counsel to assist the Town Counsel whenever in the Board's judgment necessity therefor arises. The Select Board may delegate such authority, in whole or in part, to the Town Manager who shall keep the Select Board informed of the progress of all such litigation and claims.

4. Charter modification of Town Manager Authority over Boards

Charter section 6 provides:

" Officers, boards, commissions and committees appointed by the Town Manager shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law upon them or upon officers, boards, commissions or committees having corresponding powers and duties, but in the performance thereof **they shall be subject to the general supervision of the Town Manager.** (emphasis added)"

15b of the Charter provides:

"The Town Manager, in accordance with the provisions of this Act and except as otherwise expressly prohibited by the General Laws, **may reorganize, consolidate or abolish departments, commissions, boards or offices under the town manager's direction and supervision,** in whole or in part, may establish such new departments, commissions, boards or offices as the town manager deems necessary and, in so doing, may transfer the duties and powers, and so far as possible in accordance with the vote of the town, the appropriations of one department, commission, board or office to another."

Proposed new 15b: The Town Manager, in accordance with the provisions of this Act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under their direction and supervision and not established by Town Meeting, in whole or in part, and may establish such new departments, commissions, boards or offices as they deem necessary and, in so doing, may transfer the duties and powers, and so far as possible in accordance with the vote of the town, the appropriations of one department, commission, board or office to another. The Town Manager may not make any such changes to boards and committees established by Town Meeting except upon approval of Town Meeting

5. Charter modification of dual office restrictions

Section 10 of the Charter provides in part that: "A member of the select board or of the School Committee, or of the Finance Committee shall, during the term for which such member was elected or appointed, be ineligible either by election or appointment to hold any other town office".

Proposed new text: A member of the Select Board or of the Finance Committee shall, during the term for which they were elected or appointed, be ineligible either by election or appointment to hold any other town office established by vote of Town Meeting except they may hold such office in their capacity as a member of the Select Board or the Finance Committee if the Town Meeting vote so provides. Such members may serve on advisory committees and as town representatives to intergovernmental bodies.

6. Charter new provision on periodic Charter review

Proposed new text on periodic review: The Select Board shall, by July 31 of every year which ends in four after 2024, appoint a committee to review the charter. Said committee shall submit a report, with recommendations, to the Select Board concerning any proposed amendments or revisions to the charter which it believes to be necessary or desirable. The Select Board may appoint a committee to review the charter at other times if it deems it appropriate.

7. Charter - deletion of out of date references and technical modification of administration of oaths

Section 15(c) of the Charter refers to a Welfare Agent, a position that no longer exists, so this reference can be deleted.

Sections 5, 7 and 15(h) of the Charter refer to the school committee, which was the school committee as it existed in 1956, before the establishment of the Mt. Greylock Regional School District and the subsequent consolidation of the Williamstown Elementary School, so these provisions should be deleted.

To clarify that being qualified for office means by taking the oath for office, and to broaden the number of parties eligible to administer oaths, change the last sentence of Section 6 of the Charter to be a new paragraph that reads as follows:

All appointed and elected officials shall be sworn to the faithful performance of their duties by the Chairperson of the Select Board, Town Clerk, Justice of the Peace, notary or any other officer qualified to administer oaths.

8. Charter Clarification of when elected terms end

To confirm past practice that newly elected officials are sworn in at the conclusion of town meeting, Charter section 7 could be modified by deleting the current text (about the former school committee), and replacing it with:

7. Terms of elected offices. The term of office of all elected town officials shall end when their successors are elected and qualified, provided, however, that if annual town elections are held prior to annual town meeting, then in addition such terms shall end either at the conclusion of town meeting or within 20 days of the election, whichever is sooner.

We could also add a corresponding change to Charter section 3 on the Select Board elections.

9. Charter recall provision

SECTION XX. Recall of elected officials

(a) Application -- Any holder of a town elected office in the town, including vocational school district representatives, with more than 6 months remaining in the term of office for which the officer was elected, may be recalled therefrom by the voters of the town in the manner provided in this section. No recall petition shall be filed against an officer within 6 months after taking office.

(b) Recall Petition -- A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall, provided that the affidavit is signed by at least 50 voters. The town clerk shall thereupon deliver to those voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the town clerk shall keep available. The blanks shall be issued by the city clerk, with signature and official seal attached thereto. The blanks shall be dated, shall be addressed to the Select Board, and shall contain the names of all the persons to whom the blanks are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit. A copy of the

petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within 28 days after the filing of the affidavit, and shall have been signed by at least 10 percent of the voters of the town registered as of the date of the petition is filed. Within two business days of receipt of the petition, the town clerk shall submit the petition to the registrars of voters and the registrars shall, within 5 days of their receipt of the petition, certify thereon the number of signatures which are names of voters.

(c) Recall Election -- If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with such certificate to the Select Board within 5 days, and the Select Board shall give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter, order an election to be held on a date fixed by the Select Board not less than 64 days and not more than 90 days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within 120 days after the date of the certificate, the Select Board shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.

(d) Office Holder - The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If recalled, the officer shall be deemed removed and the office vacant. The vacancy created thereby shall be filled under Chapter 41 of Massachusetts General Laws (or by other charter designated method). A person chosen to fill the vacancy caused by a recall shall hold office until the next regular town election. Should the person be a candidate in the subsequent election, that person will not be allowed to have "candidate for re-election" appear on the ballot at such election.

(e) Ballot Proposition - The form of the question to be voted upon shall be substantially as follows:

"Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?" Yes No

If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled.

(f) Repeat of Recall - In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until at least 270 days after the election at which the officer's recall was submitted to the voters of the town.

(g) Office Holder Recalled - No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be

appointed to any town office within 2 years after such recall or such resignation.

10. Charter enforcement

Section XX. Compliance with the Charter

(a) The Town Manager, as the administrative officer of the Town, shall be responsible to ensure that all Town Departments, Boards, Officers and Employees comply with the Charter. Whenever the Town Manager determines that any Town Department, Board, Officer or Employee may be failing to comply with the Charter, it is the responsibility of the Town Manager to meet with them to discuss the matter.

(b) Whenever the Town Manager determines that any Town Board may be continuing to not be in compliance with the Charter after that potential failure has been discussed with them, the Town Manager shall refer the matter to the Select Board to determine the appropriate response.

(c) The Select Board shall be responsible to ensure that the Town Manager complies with the Charter.

(d) Any registered voter of the Town may petition the Town Manager to ensure faithful compliance with the Charter by any Town Department, Officer or Employee, except with respect to matters related to employment, or to petition the Select Board to ensure faithful compliance with the Charter by the Town Manager or a Town Board. The petition shall be filed with the Town Clerk and shall state the person or government body that may not be in compliance, the section of the Charter involved and the time of the potential failure to comply. The Town Clerk shall deliver a copy of the petition to such person or government body, the Town Manager and the Select Board within three business days of receipt. Such person or government body shall file with the Town Clerk a written response within thirty days of their receipt of the petition, with copies to the Town Manager, Select Board and the petitioners.

(e) Following receipt of a petition by a registered voter, the Town Manager and the Select Board shall take such action with respect to the petition as is deemed appropriate.

(f) The foregoing sections shall not limit the right to seek enforcement of this Charter as otherwise provided by law.

11. Broaden scope of authority to cooperate with other government entities

We propose a rewrite of Section 9 of the Charter on cooperation with the Fire District to broaden it to cover a wider range of entities. Section 9 of the Charter provides:

“Powers of the Fire District. Nothing in this Act shall be construed to affect the powers and duties of the Fire District, as provided by law; provided, however, that the Prudential Committee, on behalf of the district and the select board on behalf of the town, may provide by a written agreement for the performance by the Town Manager of such services for the District as may be appropriate to the duties of the town manager’s office, and for the reimbursement of any expense incurred therefor.”

We propose the following as a replacement:

Section 9. Services provided to other government entities. The Select Board on behalf of the town may provide by written agreement for the performance by the Town Manager of such services for other government entities as may be appropriate to the duties of their office and for the reimbursement of any expense incurred.

12. Ensuring Town Managers are recused from investigating allegations of their own misconduct

We propose a new sentence to be added at the end of section 19 of the Charter:

If any claim or allegation is made against the Town Manager, the Town Manager shall recuse themselves from the investigation and promptly refer the matter to the Select Board.

APPENDICES

1. Charter as amended through January 2024
2. Select Board Charge to the Charter Review Committee, August 8, 2022
3. Community Survey Responses by Age
4. Collins Center memo on voting by ballot after town meeting, January 3, 2024

CHARTER

[HISTORY: 1956 Acts and Resolves of the Commonwealth of Massachusetts, Chapter 55; approved 2-9-1956. Town meeting voted in June 2022 to make two modifications to the original 1956 Charter, both of which were subsequently approved by the legislature. The first was to amend section 11 to remove a residency requirement for the Town Manager and a ban on prior employment. See Acts of 2022, chapter 362, January 4, 2023. The second change was to convert to a gender neutral phrasing throughout. See Acts of 2023, chapter 84, January 3, 2024.]

Section 1. Acceptance. This Act shall be submitted for acceptance to the qualified voters of the Town of Williamstown at the Annual Town Election or the biennial state election following the passage of this Act, whichever occurs first. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the following question which shall be placed upon the ballot to be used at said election: "Shall an act passed by the General Court in the year nineteen hundred and fifty-six, entitled 'An Act establishing the Selectmen-Manager form of government in the Town of Williamstown,' be accepted?" If a majority of the voters voting on this question vote in the affirmative, this Act shall take effect immediately in so far as it relates to the ensuing Annual Town Election, and shall take full effect upon the qualification of a majority of the select board members first elected as provided in this Act.

If this Act is rejected by the qualified voters of the town when first submitted it shall again be submitted to the said voters at the next following Annual Town Election, and if accepted by a majority of voters voting thereon it shall take effect as hereinbefore provided. If the majority of voters voting on this question when so further submitted shall vote in the negative, this Act thereupon shall become void.

Section 2. Bylaws. All laws, bylaws, votes, rules and regulations in force in the Town of Williamstown of the effective date of this Act, not inconsistent with its provisions, whether enacted by authority of the town, or any other authority, shall continue in full force and effect until otherwise provided by law, bylaw or vote; all other laws, bylaws, votes, rules and regulations, so far as they refer to the Town of Williamstown, are hereby repealed and annulled, but such repeal shall not revive any preexisting enactment.

Section 3. Election of Select Board members. At the first annual town meeting following the acceptance of this Act, the voters shall elect by ballot five select board members, of whom two shall serve for terms of three years, two for terms of two years and one for a term of one year. At each annual election thereafter there shall be elected, in place of those select board members whose terms are about to expire, a like number of select board members, each to serve for a term of three years. The select board members shall receive such compensation, if any, as the town may by vote determine. They shall serve until their successors are elected and qualified. If for any reason a vacancy shall occur in the membership of the select board, the remaining select board members may at any time prior to the next

Annual Town Election appoint a qualified person to serve as a select board member until such election, at which election the voters shall elect a select board member to serve for the unexpired portion, if any, of the original term.

Section 4. Powers of the select board. The select board shall appoint and may remove a Town Manager, as hereinafter provided, the Registrars of Voters other than the Town Clerk, election officials, the Board of Appeals and the Clerk of the select board unless otherwise provided by the vote of the town.

Section 5. Other elected officials. The town shall continue to elect a Moderator, School Committee and Library Trustees, and unless otherwise provided by law or bylaw, the Moderator shall continue to appoint a Finance Committee and such special committees as the voters may designate. The term of office of any officer, board or commission so continued shall not be interrupted.

Every other elective office, board or commission shall be terminated as hereinafter provided, any other provision of law to the contrary notwithstanding.

The term of office of any person elected to any office, board or commission existing at the time of such acceptance and terminated hereunder shall continue until such first town election and until the appointment and qualification of a successor, if any, and thereafter the said offices, boards and commissions shall be abolished, and all powers, duties and obligations conferred or imposed thereon by law, except as provided by this Act, shall be conferred and imposed upon the select board and exercised by the Town Manager to the extent hereinafter provided. They shall be sworn to the faithful performance of their duties by the Chairperson of the select board or by a Justice of the Peace.

Section 6. Membership, terms, powers, duties and responsibilities. The number of members of boards, commissions and committees appointed under this Act, the length of the term of each member thereof and of officers so appointed and the powers, duties and responsibilities of the same shall be as now or hereafter provided by any applicable law, bylaw or vote of the town, except as herein otherwise provided. Upon appointment and qualification of the various officials as provided in this Act, the term of office and all powers and duties of each person theretofore holding each such office shall cease and be terminated.

Officers, boards, commissions and committees appointed by the Town Manager shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law upon them or upon officers, boards, commissions or committees having corresponding powers and duties, but in the performance thereof they shall be subject to the general supervision of the Town Manager. They shall be sworn to the faithful performance of their duties by the chairperson of the select board or by a Justice of the Peace.

Section 7. Powers of the School Committee. All the powers rights, duties and liabilities now or hereafter conferred or imposed by law upon the School Committee shall be exercised and performed by the School Committee; provided, however, that said Committee may request in writing, to the select board, the services of the Town Manager in the purchase of any supplies, materials or equipment, in the construction, repair or maintenance of buildings, structures, grounds or equipment, or in any other capacity appropriate to the duties of the town manager's office.

Section 8. Powers of the Library Trustees. All the powers, rights, duties and liabilities now or hereafter conferred or imposed by law upon the Library Trustees shall be exercised and performed by the Library Trustees; provided, however, that the said Trustees may request in writing, to the select board, the services of the Town Manager in the purchase of any supplies, materials or equipment, in the construction, repair or maintenance of buildings, structures, grounds or equipment, or in any other capacity appropriate to the duties of the town manager's office.

Section 9. Powers of the Fire District. Nothing in this Act shall be construed to affect the powers and duties of the Fire District, as provided by law; provided, however, that the Prudential Committee, on behalf of the district, and the select board on behalf of the town, may provide by a written agreement for the performance by the Town Manager of such services for the District as may be appropriate to the duties of the town manager's office, and for the reimbursement of any expense incurred therefor.

Section 10. Multiple offices. A member of the select board or of the School Committee, or of the Finance Committee shall, during the term for which such member was elected or appointed, be ineligible either by election or appointment to hold any other town office. Any person appointed by the Town Manager to any town office under the provisions of this Act or of any general or special law shall be eligible, during the term of said office, to election or appointment to any other town office, except that the Town Accountant shall not be eligible to hold the position of Town Treasurer or the position of Town Collector. The Town Manager, with the approval of the select board, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office which the town manager is authorized to fill by appointment, but shall receive no additional compensation therefor.

Section 11. Appointment of Town Manager. The select board, elected as provided herein, shall appoint, as soon as practicable, a town manager, who shall be a person especially fitted by training and experience to perform the duties of the office. The town manager shall be appointed without regard to their political beliefs. The town manager need not be a resident of the town during the term of their office. Before entering upon the duties of their office, the town manager shall be sworn to the faithful and impartial performance thereof by the chairperson of the select board, the town clerk or a justice of the peace. The town manager shall execute a bond in favor of the town for the faithful performance of their duties in such sum and with such surety as may be fixed or approved by the select board.

Section 12. Appointment of Temporary Manager. Any vacancy in the office of Town Manager

shall be filled as soon as possible by the select board. Pending appointment of a Town Manager or the filling of a vacancy, the select board may appoint a suitable person to perform the duties of the office.

Section 13. Removal of Town Manager. The select board, by a vote of three or more members of the Board, may remove the Town Manager. At least 30 days before such removal shall become effective, the select board shall file the preliminary written resolution with the Town Clerk setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the Town Manager. The Manager may reply in writing to the resolution and may request a public hearing. If the Manager so requests, the Board of Selectmen shall hold a public hearing not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if any, otherwise at the expiration of 30 days following the preliminary resolution, and after full consideration, the select board by a vote of three or more members of the Board may adopt a final resolution of removal. In the preliminary resolution the select board may suspend the Manager from duty, but shall in any case cause to be paid to the manager forthwith any unpaid balance of the manager's salary and the manager's salary for the next three calendar months following the filing of the preliminary resolution.

Section 14. Compensation of the Manager. The Town Manager shall receive such compensation for their services as the select board shall determine, but it shall not exceed the amount appropriated therefor by the town.

Section 15. Powers and Duties of the Manager. In addition to the specific powers and duties provided in this Act, the Town Manager shall have the following powers and duties:

(a) The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices of the town, except those elected by the voters, or appointed by the select board or by the Moderator.

(b) The Town Manager, in accordance with the provisions of this Act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under the town manager's direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as the town manager deems necessary and, in so doing, may transfer the duties and powers, and so far as possible in accordance with the vote of the town, the appropriations of one department, commission, board or office to another.

(c) Except as otherwise provided by this Act, the Town Manager shall appoint upon merit and fitness alone and, subject to the provisions of Chapter 31 of the General Laws where applicable, may remove a Town Accountant, a Town Clerk, a Town Collector, a Town Treasurer who may act as a Town Collector, a Town Counsel, a Welfare Agent and Assessors.

The town manager may in like manner appoint and remove such other officers and employees as the town manager deems necessary to carry out the powers and duties imposed upon the town

manager by this charter. Permanent officers and employees not subject to Chapter 31 of the General Laws shall not be removed by the Town Manager except on ten days' notice in writing setting forth the cause of such removal.

(d) The Town Manager shall fix the compensation of all town officers and employees appointed by the town manager, subject to any applicable provisions of MGL C. 31 or of MGL C. 41, § 108A.

(e) It shall be the duty of the Town Manager to attend regular meetings of the select board, except meetings at which the town manager's removal is being considered.

(f) The Town Manager shall keep full and complete records of the town manager's office, and shall render as often as may be required by the select board a full report of activities under the town manager's supervision.

(g) The Town Manager shall keep the select board fully advised as to the needs of the town and shall recommend to the select board for adoption such measures requiring action by them or by the town as the town manager may deem necessary or expedient.

(h) The Town Manager shall have jurisdiction over and be responsible for the planning, construction, reconstruction, alteration, repair, maintenance, improvement, use and rental of all town property except as hereinbefore provided with respect to schools and library and except as otherwise specifically voted by the town.

(i) Except as otherwise provided by this Act, the Town Manager shall purchase all supplies, materials and equipment and shall award all contracts for all departments and activities of the town.

(j) The Town Manager shall administer, either directly or through a person or persons appointed by the town manager in accordance with this Act, all provisions of general and special laws applicable to the town, all bylaws and all regulations established by the select board.

(k) The Town Manager shall, with the approval of the select board, have authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ special counsel whenever in the town manager's judgment it may be necessary.

(l) The Town Manager shall perform such other duties consistent with the town manager's office, as may be required of the town manager by the bylaws or by vote of the select board.

(m) The Town Manager shall have access to all town books and papers for information necessary for the proper performance of the town manager's duties, and may without notice cause the affairs of any department or activity under the town manager's control or the conduct of any officer or employee appointed by the town manager to be examined.

Section 16. Acting Manager. The Town Manager shall, by a letter filed with the Town Clerk, designate a qualified officer of the town subject to the approval of the select board, to perform the town manager's duties during the town manager's temporary absence or disability. In the event that the Town Manager should fail to make such a designation, the select board shall so designate a qualified town officer to perform the duties of the Town Manager until the town manager shall return or the town manager's disability shall cease.

Section 17. Annual budget. All officers, boards and commissions of the town shall submit to the Town Manager in writing detailed estimates of their appropriations required for the efficient and proper conduct of their respective offices and departments and such further information, in such form and at such times as the Town Manager may require. On or before the 15th day of December in each year, or such other date as the town may by bylaw prescribe, the Town Manager shall prepare and submit to the Finance Committee a budget for the ensuing year and all supplementary information in such form and detail as the town manager may deem necessary or the town may require by bylaw.

Section 18. Approval of warrants. The Town Manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds, prepared by the Town Accountant, in a accordance with the provisions of MGL C. 41, § 56, shall be submitted to the Town Manager. The approval of any such warrant by the Town Manager shall be sufficient authority to authorize payment by the Town Treasurer, but the select board shall approve all warrants in the event of the absence of the Town Manager or a vacancy in the office of the Town Manager.

Section 19. Investigation of claims. Whenever any payroll, bill or other claim against the town is presented to the Town Manager, they shall, if the same seems to the town manager to be of doubtful validity, excessive in amount, or otherwise contrary to the interests of the town, refer it to the select board, who shall immediately investigate the facts and determine what payment, if any, should be made. Pending such investigation and determination by the select board, payment shall be withheld.

Section 20. Certain officers not to make contract with the town. It shall be unlawful for any select board member, the Town Manager or any other elective or appointive official of the town, directly or indirectly, to make a contract with the town, or to receive any commission, discount, bonus, gift, reward or contribution, or any share in the profits of any person or corporation making or performing such a contract, unless the official concerned, immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify the select board in writing of the contract and of the nature of their interest therein and shall abstain from doing any official act on behalf of the town in reference thereto. In case such interest exists on the part of an officer whose duty it is to make such a contract on behalf of the town, the contract may be made by another officer of the town duly authorized thereto by vote of the select board. Violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the town.

Section 21. Existing contracts and proceedings. No contract existing and no action at law or suit in equity or other proceeding pending at the time this Act is accepted or at the time of revocation of such acceptance shall be affected by such acceptance or revocation.

Section 22. Investigations or surveys. For the purpose of making investigations or surveys, the select board or the Town Manager may expend such sums for the employment of experts, counsel and other assistants, and for other expenses in connection therewith, as the town may appropriate for such purpose.

Section 23. Revocation. At any time after the expiration of three years from the date of acceptance of this Act, a petition signed by not less than 10% of the registered voters of the town may be filed with the select board, requesting that the question of revoking the acceptance of this Act be submitted to the voters at the following Annual Town Election. The select board shall thereupon direct the Town Clerk to cause the said question to be printed on the official ballot to be used at the next annual town election in the following form:

“Shall the acceptance by the town of Williamstown of an act passed by the General Court in the year nineteen hundred and fifty-six entitled ‘An act establishing the selectmen-manager form of government in the town of Williamstown,’ be revoked?” If such revocation is favored by a majority of the voters voting thereon, this Act shall cease to be operative on and after the next Annual Town Election, except as hereinafter provided. All General Laws respecting town administration and town officers, and any special laws relative to Williamstown, the operation of which has been suspended or superseded by the acceptance of this Act, shall be revived forthwith for the purposes of the next following election and shall be revived in their entirety on and after said election. Bylaws in force when such revocation takes effect, so far as they are consistent with General Laws respecting town administration and town officers and with special laws relating to said town, shall not be affected thereby, but any other bylaws inconsistent with such general or special laws shall be annulled. If such revocation is not favored by a majority of the voters voting thereon, no further petition therefor shall be filed under this section oftener than once in every three years thereafter.

Charge to Williamstown Charter Review Committee

Approved August 8, 2022

Background: Williamstown government structure is established in a combination of state laws, the Town Charter, several Town bylaws and by Town Meeting votes that may not be reflected in the bylaws. There has been no comprehensive review of the structure of Town government since at least 1956 when Charter was adopted. The Select Board is initiating this review with the goal of reviewing the structure of Town government, analyzing the effectiveness of that structure and, if areas for improvement are identified, to make recommendations for changes. This review should not prejudice that any changes are necessary, but should be open to analyses and suggestions that changes are warranted.

Scope of Review: The review should identify the primary features of Town government as it is currently structured. The review should include the Charter, relevant state laws, town bylaws and past town meeting votes that establish the current structure. The review should include discussions of how well the structures are working and identify options for modifying the structure that might improve the functions of government. The charter review process seeks to comprehensively review the town's current charter and to recommend changes to ensure Williamstown's government meets the current and anticipated needs of our residents and is responsive to the challenges of today and tomorrow.

Areas for discussion should include, but not necessarily be limited to, the following:

- Type of town meeting – open or representative
- Selection of town board and committee members – which elected; which appointed; and by who?
- Selection of town hall personnel - which elected; which appointed; and by who?
- Size of boards and committees, length and staggering of terms, which positions cannot be held by same person
- Division of authorities between Town Manager and Select Board
- Budgeting and finance processes
- Consideration of new provisions, such as for referendums, recalls and periodic reviews of government structure
- What structures should be in Charter (requires legislature to change) versus in bylaws (no legislature involvement).
- What should Charter continue to say about relationship to Library Trustees, Fire District and (former) school committee

The Select Board recognizes that other town committees, such as the Planning Board, the Comprehensive Plan Committee and the DIRE Committee are addressing such issues as diversity, inclusiveness, equity, sustainability, housing and climate change. The Charter Review Committee should refer issues on such matters to those other committees, except to the extent the issue is directly critical to the structure of town government.

Timing issues: The Select Board plans that the committee to conduct the review will be named and commence work in September 2022. The committee should ensure public outreach and communications throughout the process, including to town boards, committees and staff, and give

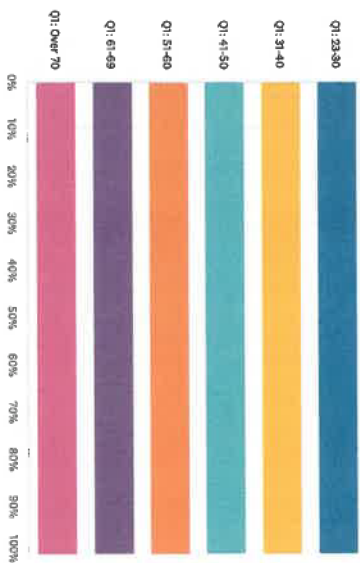
status reports to the Select Board at least quarterly. The goal is to have a draft report with any recommended changes by the end of January 2024, followed by further public outreach during February-April 2024, and to have the final report and any recommended changes ready for inclusion in the warrant for the May 2024 Town Meeting.

Funding: The Select Board has funding available to support the work of the review committee. If the committee identifies needs for funding, it should submit a request to the Select Board.

Charter Review Committee Survey

Q1 What is your age range?

Answered: 520 Skipped: 0

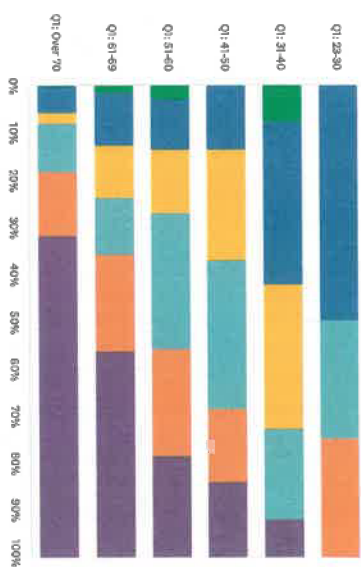


Question ID	Under 22	23-30	31-40	41-50	51-60	61-69	Over 70	TOTAL
Q1: 23-30 (A)	0	4	0	0	0	0	0	4
Q1: 31-40 (B)	0	0	27	0	0	0	0	27
Q1: 41-50 (C)	0	0	0	51	0	0	0	51
Q1: 51-60 (D)	0	0	0	0	67	0	0	67
Q1: 61-69 (E)	0	0	0	0	0	117	0	117
Q1: Over 70 (F)	0	0	0	0	0	0	254	254
Total Respondents	0	4	27	51	67	117	254	520

Charter Review Committee Survey

Q2 How many years have you resided in Williamstown?

Answered: 518 Skipped: 2

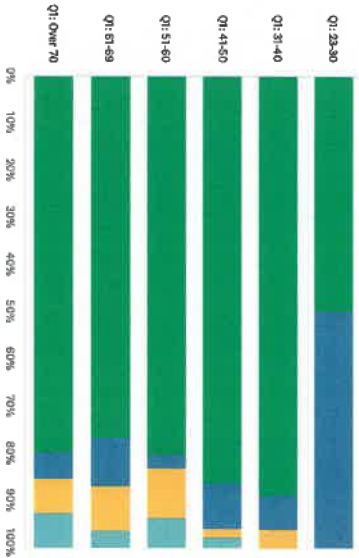


Question ID	Less than 1 yr.	1-5 yrs.	6-10 yrs.	11-20 yrs.	21-29 yrs.	Over 30 yrs.	TOTAL
Q1: 23-30 (A)	0	2	0	1	0	0	3
Q1: 31-40 (B)	7.69%	34.62%	30.77%	18.23%	0.00%	7.69%	51.02%
Q1: 41-50 (C)	0	13.73%	23.53%	31.37%	15.69%	15.69%	93.01%
Q1: 51-60 (D)	3.03%	10.61%	13.64%	28.79%	22.73%	21.21%	121.00%
Q1: 61-69 (E)	1.71%	11.11%	11.11%	11.97%	20.51%	43.59%	117.00%
Q1: Over 70 (F)	0.39%	5.51%	2.39%	10.26%	13.39%	68.11%	117.00%
Total Respondents	7	52	48	81	82	248	518

Charter Review Committee Survey

Q3 Residential status, please check all that apply:

Answered: 519 Skipped: 2

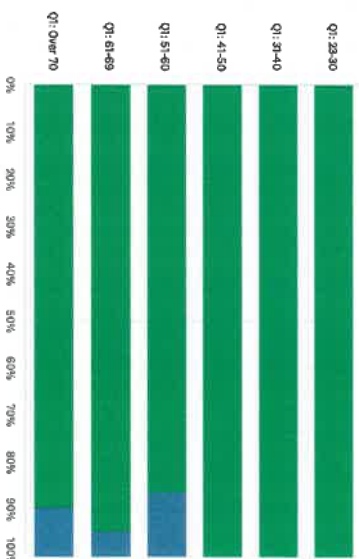


	HOMEOWNER	RENTER	FULL-TIME RESIDENT	PART-TIME RESIDENT	STUDENT	TOTAL
Q1: 23-30 (A)	50.00% 2	50.00% 2	0.00% 0	0.00% 0	0.00% 0	0.77% 4
Q1: 31-40 (B)	88.89% 24	7.43% 2	3.70% 1	0.00% 0	0.00% 0	5.21% 27
Q1: 41-50 (C)	86.27% 44	9.80% 5	1.89% 1	1.89% 1	0.00% 0	9.85% 51
Q1: 51-60 (D)	80.39% 53	3.03% 2	10.51% 7	6.03% 4	0.00% 0	12.74% 66
Q1: 61-69 (E)	79.72% 89	10.34% 12	9.48% 11	3.45% 4	0.00% 0	22.99% 116
Q1: Over 70 (F)	79.92% 203	5.51% 14	7.48% 19	7.09% 18	0.00% 0	49.05% 254
Total Respondents	415	37	39	27	0	518

Charter Review Committee Survey

Q4 Are you a registered voter in the Town of Williamstown?

Answered: 519 Skipped: 1

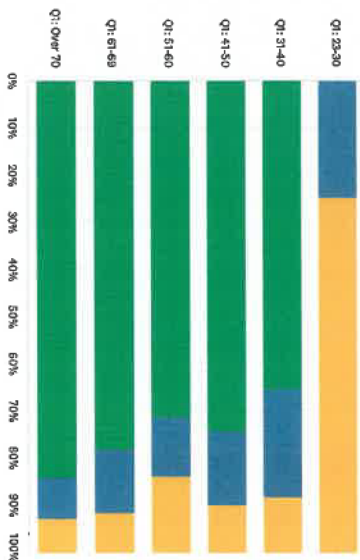


	YES	NO	TOTAL
Q1: 23-30 (A)	100.00% 4	0.00% 0	0.77% 4
Q1: 31-40 (B)	100.00% 27	0.00% 0	5.20% 27
Q1: 41-50 (C)	100.00% 51	0.00% 0	9.83% 51
Q1: 51-60 (D)	98.57% 59	13.43% 9	12.91% 67
Q1: 61-69 (E)	94.87% 111	5.13% 6	22.54% 117
Q1: Over 70 (F)	89.72% 227	10.28% 26	48.75% 253
Total Respondents	478	41	519

Charter Review Committee Survey

Q5 If registered, how often do you vote in Town elections?

Answered: 464 Skipped: 36

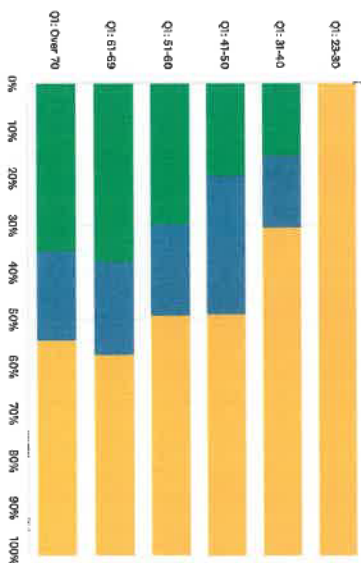


Question Range	Almost Always	Half the time	Rarely or Not at All	TOTAL
Q1: 23-30 (A)	0.00% 0	25.00% 1	75.00% 3	0.83% 4
Q1: 31-40 (B)	65.39% 17	23.09% 6	11.54% 3	5.37% 26
Q1: 41-50 (C)	74.51% 38	15.69% 8	9.80% 5	10.54% 51
Q1: 51-60 (D)	71.43% 45	12.79% 8	15.87% 10	13.02% 63
Q1: 61-69 (E)	78.39% 37	13.51% 15	8.11% 9	22.93% 111
Q1: Over 70 (F)	84.29% 193	8.73% 20	6.99% 16	47.33% 229
Total Respondents	390	59	46	464

Charter Review Committee Survey

Q6 How often do you attend Town Meeting?

Answered: 506 Skipped: 14

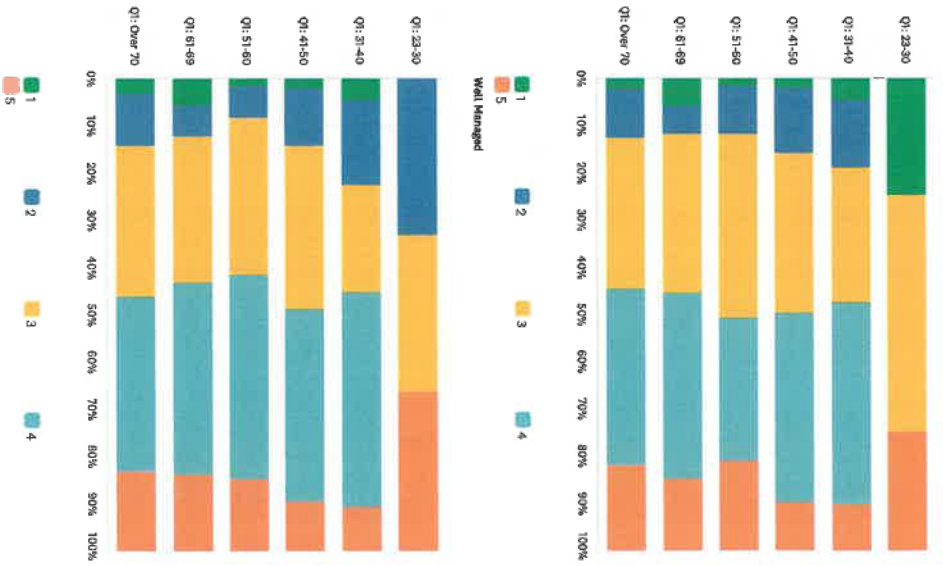


Question Range	Almost Always	Half the time	Rarely or Not at All	TOTAL
Q1: 23-30 (A)	0.00% 0	0.00% 0	100.00% 4	0.79% 4
Q1: 31-40 (B)	15.38% 4	15.38% 4	69.23% 18	5.14% 26
Q1: 41-50 (C)	19.51% 10	29.41% 15	50.89% 26	10.09% 51
Q1: 51-60 (D)	29.85% 20	19.40% 13	50.75% 34	13.24% 67
Q1: 61-69 (E)	37.93% 44	19.83% 23	42.24% 49	22.92% 116
Q1: Over 70 (F)	35.54% 86	19.01% 46	45.45% 110	47.83% 242
Total Respondents	164	101	241	506

Charter Review Committee Survey

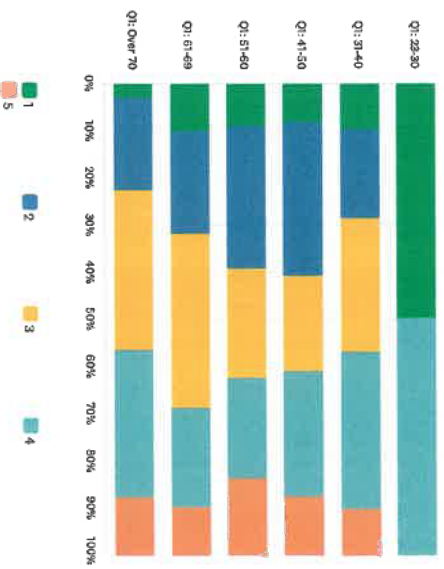
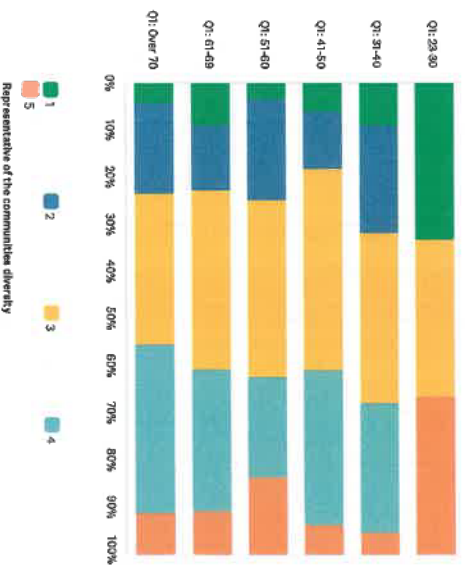
Q7 Using the scale below, how do you rate Williamstown's government on the following areas: Scale: 1-Poor 2-Needs improvement 3-Good 4-Very Good 5-Excellent

Responses to resident's needs
 Answered: 470 Skipped: 50



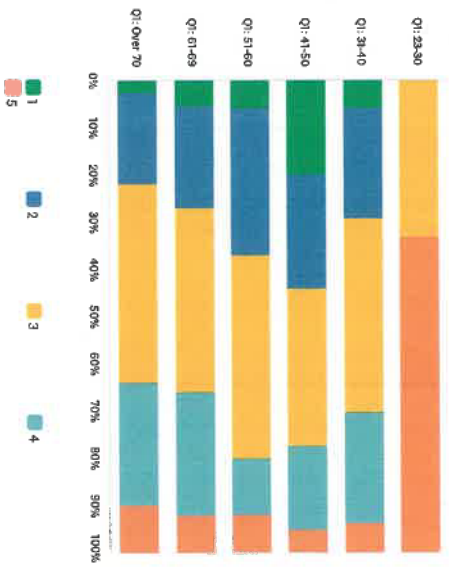
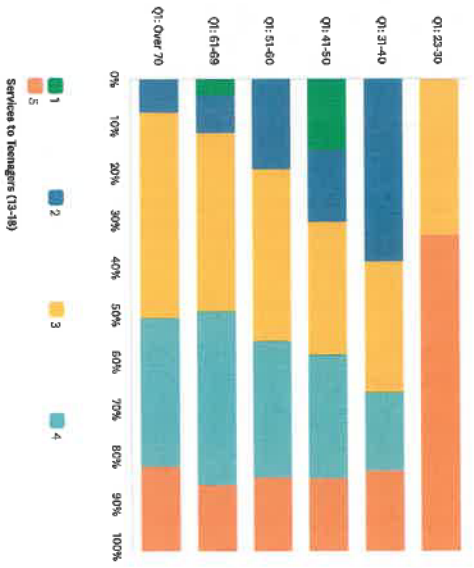
Charter Review Committee Survey

Transparent



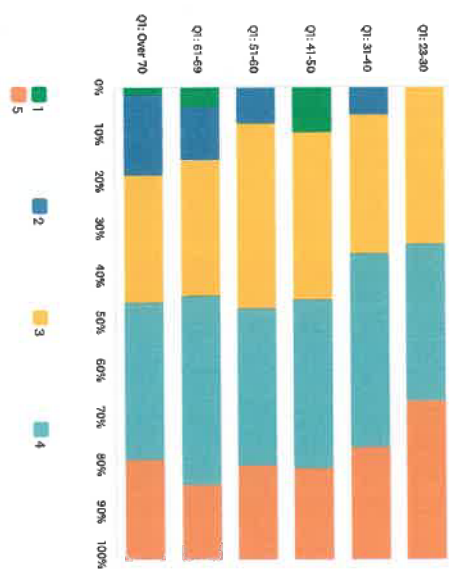
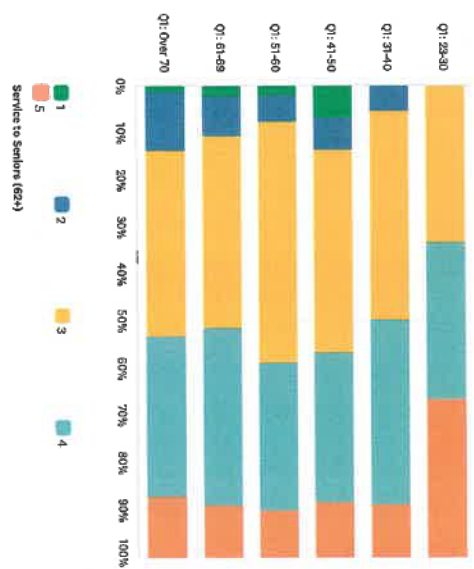
Charter Review Committee Survey

Services to Families/Children(Birth-12)



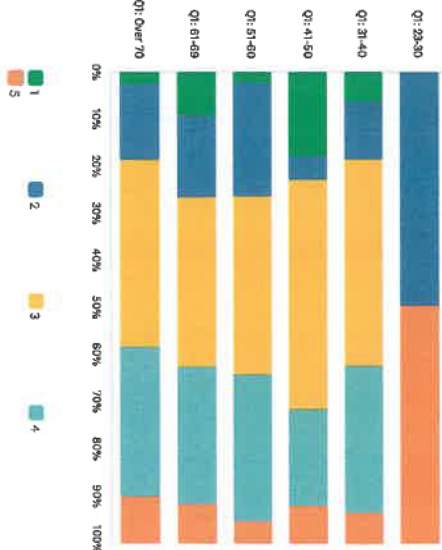
Charter Review Committee Survey

Services to Adults (18-69)



Charter Review Committee Survey

Service to individuals with disabilities



Response to residents' needs	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	25.00%	0.00%	50.00%	0.00%	25.00%	0.85%
Q1: 31-40 (B)	4.79%	14.29%	28.57%	42.86%	9.52%	4.47%
Q1: 41-50 (C)	2.00%	14.00%	34.00%	40.00%	10.00%	10.64%
Q1: 51-60 (D)	1.69%	10.17%	38.89%	30.51%	18.64%	12.55%
Q1: 61-69 (E)	5.94%	5.94%	33.68%	39.60%	14.85%	21.49%
Q1: Over 70 (F)	2.34%	10.28%	32.28%	37.36%	17.76%	45.59%
Well Managed	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	0.00%	33.33%	33.33%	0.00%	33.33%	0.64%
Q1: 31-40 (B)	4.55%	18.18%	22.73%	45.45%	9.09%	4.80%
Q1: 41-50 (C)	2.04%	12.24%	34.69%	40.82%	10.20%	10.43%
Q1: 51-60 (D)	1.67%	6.67%	33.33%	43.33%	15.00%	12.77%
Q1: 61-69 (E)	5.66%	6.60%	31.13%	40.57%	18.04%	22.55%
Q1: Over 70 (F)	3.21%	11.01%	32.11%	37.16%	16.51%	46.38%

Charter Review Committee Survey

Transparent

Transparent	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	33.33%	0.00%	0.00%	33.33%	0.00%	33.33%
Q1: 31-40 (B)	9.09%	22.73%	36.36%	27.27%	4.55%	4.69%
Q1: 41-50 (C)	6.12%	12.24%	42.86%	32.65%	6.12%	10.43%
Q1: 51-60 (D)	3.57%	21.43%	37.50%	21.43%	16.07%	11.91%
Q1: 61-69 (E)	9.00%	14.00%	38.00%	30.00%	9.00%	21.26%
Q1: Over 70 (F)	4.29%	19.34%	32.09%	35.85%	8.49%	45.11%
Representative of the communities diversity	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	50.00%	0.00%	0.00%	50.00%	0.00%	0.69%
Q1: 31-40 (B)	9.52%	19.05%	28.57%	33.33%	9.52%	4.47%
Q1: 41-50 (C)	8.16%	32.65%	20.41%	26.53%	12.24%	10.43%
Q1: 51-60 (D)	8.93%	30.38%	23.21%	21.43%	16.07%	11.91%
Q1: 61-69 (E)	10.00%	22.00%	37.00%	21.00%	10.00%	21.26%
Q1: Over 70 (F)	3.03%	19.70%	33.64%	31.31%	12.12%	42.13%
Services to Families/Children (Birth-12)	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	0.00%	0.00%	33.33%	0.00%	66.67%	0.64%
Q1: 31-40 (B)	0.00%	38.69%	27.79%	16.67%	16.67%	3.83%
Q1: 41-50 (C)	15.22%	15.22%	28.26%	26.09%	15.22%	9.79%
Q1: 51-60 (D)	0.00%	19.23%	36.54%	28.85%	15.38%	11.09%
Q1: 61-69 (E)	3.48%	8.69%	37.69%	36.79%	13.79%	18.51%
Q1: Over 70 (F)	0.00%	7.19%	43.79%	31.37%	17.65%	32.55%

Charter Review Committee Survey

Services to Teenagers (Q3-18)	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	0.00%	0.00%	33.33%	1	0.00%	66.67%
Q1: 31-40 (B)	5.88%	23.53%	41.18%	7	23.53%	5.88%
Q1: 41-50 (C)	20.00%	24.44%	33.33%	15	17.78%	4.44%
Q1: 51-60 (D)	5.88%	31.37%	43.14%	22	11.70%	7.94%
Q1: 61-69 (E)	5.43%	21.74%	39.13%	36	26.09%	7.61%
Q1: Over 70 (F)	2.60%	19.48%	42.21%	65	25.67%	9.74%
Services to Adults (18-67)	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	0.00%	0.00%	33.33%	1	33.33%	33.33%
Q1: 31-40 (B)	0.00%	5.59%	44.44%	8	38.89%	11.11%
Q1: 41-50 (C)	6.82%	6.82%	43.18%	19	31.82%	11.36%
Q1: 51-60 (D)	1.86%	5.89%	50.89%	26	31.37%	9.80%
Q1: 61-69 (E)	2.15%	8.60%	40.86%	38	37.63%	10.75%
Q1: Over 70 (F)	1.33%	12.67%	33.33%	59	34.00%	12.67%
Services to Seniors (62+)	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	0.00%	0.00%	33.33%	1	33.33%	33.33%
Q1: 31-40 (B)	0.00%	5.88%	28.41%	5	41.18%	23.53%
Q1: 41-50 (C)	9.52%	0.00%	35.71%	15	35.71%	19.05%
Q1: 51-60 (D)	0.00%	7.94%	39.22%	20	33.33%	19.05%
Q1: 61-69 (E)	4.12%	11.34%	28.87%	28	40.21%	15.45%
Q1: Over 70 (F)	1.59%	17.19%	27.08%	52	33.33%	20.83%

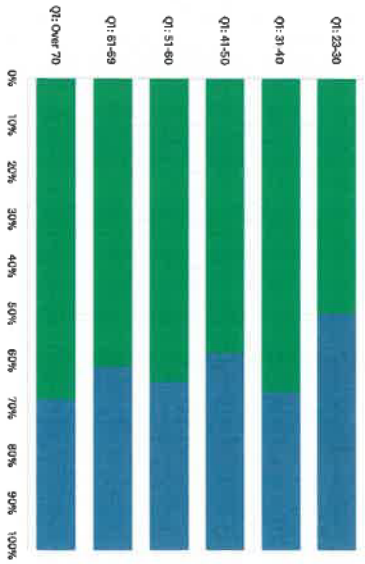
Charter Review Committee Survey

Service to Individuals with disabilities	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	0.00%	50.00%	1	0.00%	0.00%	50.00%
Q1: 31-40 (B)	6.25%	12.50%	2	43.75%	31.25%	6.25%
Q1: 41-50 (C)	17.86%	5.13%	48.72%	19	20.51%	7.69%
Q1: 51-60 (D)	2.22%	24.44%	11	37.78%	31.11%	4.44%
Q1: 61-69 (E)	9.30%	17.44%	36.05%	31	29.07%	8.14%
Q1: Over 70 (F)	2.60%	16.23%	25	38.61%	31.82%	9.74%
Services to Individuals with disabilities	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	0.00%	50.00%	1	0.00%	0.00%	50.00%
Q1: 31-40 (B)	6.25%	12.50%	2	43.75%	31.25%	6.25%
Q1: 41-50 (C)	17.86%	5.13%	48.72%	19	20.51%	7.69%
Q1: 51-60 (D)	2.22%	24.44%	11	37.78%	31.11%	4.44%
Q1: 61-69 (E)	9.30%	17.44%	36.05%	31	29.07%	8.14%
Q1: Over 70 (F)	2.60%	16.23%	25	38.61%	31.82%	9.74%
Services to Individuals with disabilities	1	2	3	4	5	TOTAL
Q1: 23-30 (A)	0.00%	50.00%	1	0.00%	0.00%	50.00%
Q1: 31-40 (B)	6.25%	12.50%	2	43.75%	31.25%	6.25%
Q1: 41-50 (C)	17.86%	5.13%	48.72%	19	20.51%	7.69%
Q1: 51-60 (D)	2.22%	24.44%	11	37.78%	31.11%	4.44%
Q1: 61-69 (E)	9.30%	17.44%	36.05%	31	29.07%	8.14%
Q1: Over 70 (F)	2.60%	16.23%	25	38.61%	31.82%	9.74%

Please give us your comments on how you think town government can be improved by adding them here or sending an email to: mericcoci@willamstonema.gov and selectboard@willamstonema.gov

Q8 The Charter has no provision for recalling elected officials during their term of office. Do you favor adding a recall provision?

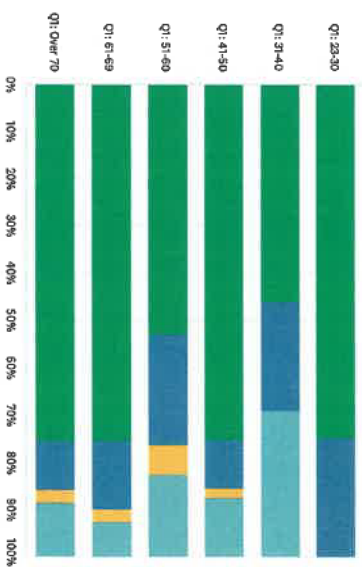
Answered: 488 Skipped: 34



Question Range	YES (%)	NO (%)	TOTAL
Q1: 23-30 (A)	50.00%	50.00%	2
Q1: 31-40 (B)	66.67%	33.33%	9
Q1: 41-50 (C)	59.33%	41.67%	20
Q1: 51-60 (D)	64.52%	35.48%	22
Q1: 61-69 (E)	61.26%	38.74%	43
Q1: Over 70 (F)	69.38%	31.62%	74
Total Respondents	316	170	486

Q9 The current Town Charter establishes a strong Town Manager form of government. The Select Board acts as a supervisory board. Most of the day-to-day operational and hiring decisions are made by the town manager. Do you favor:

Answered: 493 Skipped: 27



Question Range	KEEPING THE CURRENT BALANCE (%)	GIVING MORE AUTHORITY TO THE SELECT BOARD (%)	GIVING MORE AUTHORITY TO THE TOWN MANAGER (%)	NO OPINION (%)	TOTAL
Q1: 23-30 (A)	73.00%	25.00%	0.00%	0.00%	4
Q1: 31-40 (B)	46.15%	23.08%	30.77%	0.00%	8
Q1: 41-50 (C)	75.51%	10.20%	12.24%	2.04%	6
Q1: 51-60 (D)	53.13%	23.44%	17.19%	6.25%	11
Q1: 61-69 (E)	75.68%	14.41%	7.21%	2.70%	8
Q1: Over 70 (F)	73.73%	10.46%	11.30%	2.51%	27
Total Respondents	351	68	14	60	493

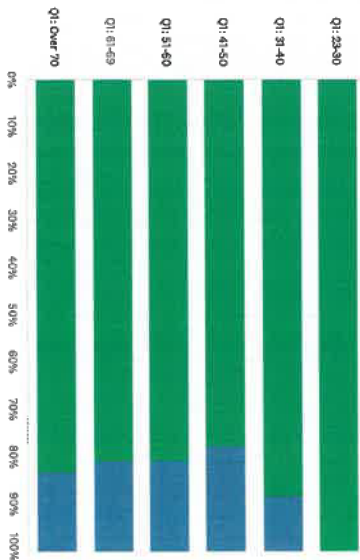
IF YOU FAVOR A CHANGE NOT OFFERED, PLEASE INDICATE WHAT YOU RECOMMEND:

Question Range	NO OPINION	TOTAL
Q1: 23-30 (A)	0	0
Q1: 31-40 (B)	4	4
Q1: 41-50 (C)	3	3
Q1: 51-60 (D)	5	5
Q1: 61-69 (E)	7	7
Q1: Over 70 (F)	17	17

Charter Review Committee Survey

Q10 The current Town Charter prohibits members of the Select Board and the Finance Committee from holding any other town office, though this has been interpreted to allow members to be on other committees in their official capacity as a member of the Select Board or Finance Committee, or where a statute provides for it. Do you favor (check all that apply):

Answered: 479 Skipped: 41

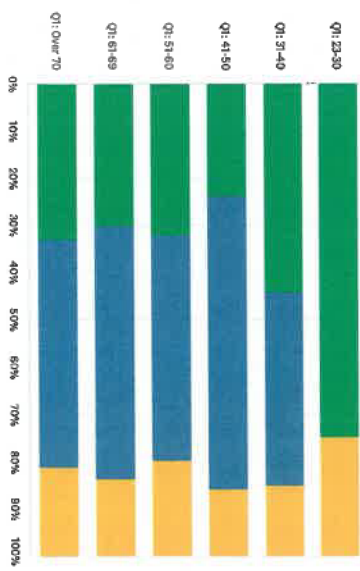


Question	KEEP SELECT BOARD AND FINANCE COMMITTEE MEMBERS FROM HOLDING ANY OTHER OFFICE	NO PROHIBITION ON SELECT BOARD OR FINANCE COMMITTEE MEMBERS FROM HOLDING ANY OTHER OFFICE	TOTAL
Q1: 23-30 (A)	100.00%	0.00%	4
Q1: 31-40 (B)	88.46%	11.54%	23
Q1: 41-50 (C)	78.00%	22.00%	39
Q1: 51-60 (D)	80.95%	19.05%	51
Q1: 61-69 (E)	80.95%	19.05%	89
Q1: Over 70 (F)	83.19%	16.81%	188
Total Respondents	394	85	479

Charter Review Committee Survey

Q11 The Charter currently has no term limits on office holders. Do you favor imposing term limits?

Answered: 490 Skipped: 30

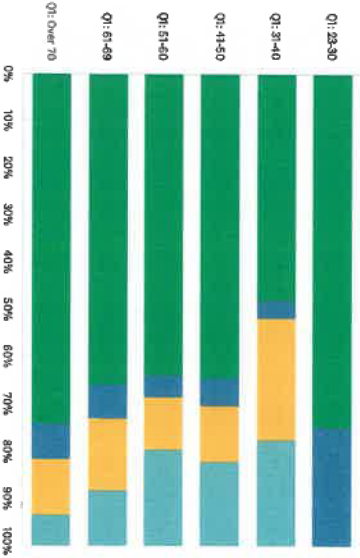


Question	YES	NO	I yes, please...	TOTAL
Q1: 23-30 (A)	75.00%	0.00%	25.00%	4
Q1: 31-40 (B)	44.44%	40.74%	14.81%	27
Q1: 41-50 (C)	32.31%	47.69%	20.00%	50
Q1: 51-60 (D)	30.36%	53.57%	15.07%	85
Q1: 61-69 (E)	33.19%	48.29%	18.53%	112
Q1: Over 70 (F)	33.19%	48.29%	18.53%	232
Total Respondents	159	245	86	490

Charter Review Committee Survey

Q12 The Williamstown Town Charter, which establishes our form of government, sets our legislative body as an open Town Meeting, where any registered voter can vote. Another option is for a Representative Town Meeting, where (often over 100) representatives are elected by the voters and only those representatives can vote at a town meeting.

Answered: 495 Skipped: 25

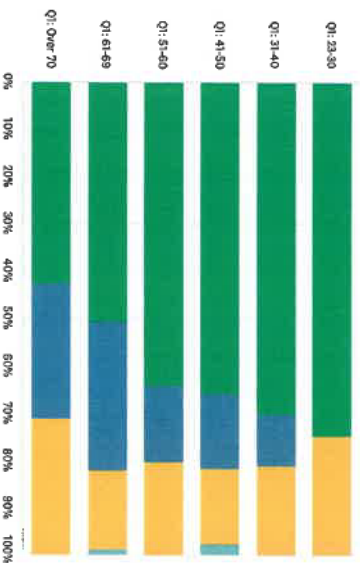


Time Period	Retaining o...	Changing L...	Unsure/Un...	Suggestion...	SUGGESTIONS/COMMENTS	TOTAL
Q1: 23-30 (A)	75.00%	0.00%	25.00%	0.00%	0.00%	0.81%
Q1: 31-40 (B)	48.15%	13	3.70%	25.93%	22.22%	5.45%
Q1: 41-50 (C)	64.71%	33	5.88%	11.76%	17.65%	10.30%
Q1: 51-60 (D)	64.09%	41	4.69%	10.94%	20.31%	12.93%
Q1: 61-69 (E)	66.07%	74	7.14%	15.19%	11.61%	22.63%
Q1: Over 70 (F)	74.29%	176	7.59%	11.81%	6.33%	47.88%
Total Respondents	340	34	45	56	15	237

Charter Review Committee Survey

Q13 Do you favor ranked-choice voting in our town elections? (we are not asking about federal or state elections) <https://cspsa.tufts.edu/our-reports/guide-massachusetts-question-2-ranked-choice-voting>

Answered: 491 Skipped: 29

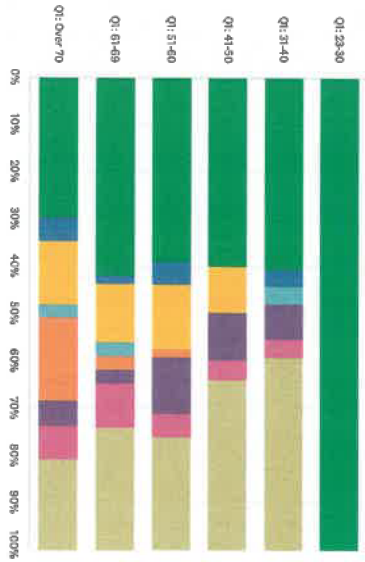


Time Period	Yes	No	Need more information	SUGGESTIONS/COMMENTS	TOTAL
Q1: 23-30 (A)	75.00%	0.00%	25.00%	0.00%	0.81%
Q1: 31-40 (B)	70.37%	11.11%	18.52%	0.00%	5.50%
Q1: 41-50 (C)	65.00%	16.00%	16.00%	2.00%	10.18%
Q1: 51-60 (D)	64.52%	16.13%	19.25%	0.00%	12.65%
Q1: 61-69 (E)	50.89%	31.59%	16.67%	0.89%	23.22%
Q1: Over 70 (F)	42.74%	29.63%	28.63%	0.00%	47.66%
Total Respondents	253	124	112	2	491

Charter Review Committee Survey

Q14 What are the main reasons when you do not attend Town Meeting (please check all that apply):

Answered: 407 Skipped: 53



TIME SLOTS	CONFLICTS AND INCONVENIENCE	NOT INTERESTED IN TOWN POLITICS	MEETINGS ARE TOO LONG	MEETINGS ARE TOO COMPLICATED	PHYSICALLY DIFFICULT TO ATTEND	LACK OF CONFIDENTIALITY IN VOTING	OTHER SUGGESTIONS/COMMENTS
Q1: 23-30 (A)	100.00% 4	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0
Q1: 31-40 (B)	40.74% 11	3.70% 1	0.00% 0	3.70% 1	0.00% 0	7.41% 2	3.70% 1
Q1: 41-50 (C)	40.00% 20	0.00% 0	10.00% 5	0.00% 0	0.00% 0	10.00% 5	4.00% 2
Q1: 51-60 (D)	38.99% 23	5.08% 3	13.56% 8	0.00% 0	1.69% 1	11.88% 7	5.08% 3
Q1: 61-69 (E)	41.90% 44	1.90% 2	12.39% 13	2.66% 3	2.66% 3	2.66% 3	9.52% 10
Q1: Over 70 (F)	28.73% 86	4.95% 11	13.51% 30	2.70% 6	17.57% 39	5.41% 12	7.21% 16
Total Respondents	168	17	56	10	43	29	32



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Memorandum

TO: Andy Hogeland, Jeff Johnson, Co-Chairs, Williamstown Charter Review Committee
FROM: Patricia Lloyd, Associate, Collins Center for Public Management
DATE: January 3, 2024
RE: Post-Town-Meeting Participation

The Williamstown Charter Review Committee has sought technical assistance in exploring options to increase participation and foster inclusivity in local government, especially with respect to voting at town meeting.

In its Interim Report (August 3, 2023), the Committee noted that survey responses revealed that time conflicts, long meetings, and physical difficulties were among the reasons that residents did not attend town meeting. Furthermore, survey comments expressed that childcare needs and work schedules interfered with attendance.

The Committee is considering several options to increase participation, including meeting on a different day, holding a second town meeting annually, breaking up town meeting into multiple nights, and using electronic voting at town meeting. As the Interim Report indicates, remote electronic voting is not currently a permissible option for open town meetings (unlike representative town meetings where the identities of voters can be confirmed in advance.)

In order to increase the number of residents voting on warrant articles, the Committee is interested in exploring the possibility of having some or all of town meeting warrant articles subject to a vote at an election on a date subsequent to the annual town meeting. This idea was also supported by some survey responses. This memo is intended to provide additional information in order to facilitate the Committee's discussion of this concept.

I. Current Town Meeting Law

The Massachusetts General Law (MGL) relating to town meetings presumes and requires in-person voting (with recent exceptions for remote voting options for representative town meetings). For example, MGL ch. 39, §10 provides that town meeting must have sufficient space for all voters and that, if held in more than one room or building, the places must be connected by a public address system so that all voters can listen and participate. Additionally, MGL ch. 39, §15 gives the moderator the authority to preside over town meeting and decide questions of order, including publicly declaring the results of voting. The moderator also has the authority to moderate debate (MGL ch. 39, §17) and the duty to accept votes from eligible voters at town meeting (MGL, ch. 39, §18). These laws contemplate an open town meeting where all voters are given an opportunity to listen and participate in vigorous debate

while acting as the legislative branch of the town government and voting while town meeting is in session.¹

Because state law currently requires votes to be taken during town meeting itself, any post-town-meeting vote option would require legislative approval by special legislation and would likely be incorporated into the town's charter, if successful.

II. Vermont's "Australian ballot"

In 1892, the state of Vermont adopted the "Australian ballot" system of allowing towns to opt into voting on some or all warrant articles at an election held after discussing the issues at town meeting.² Most Vermont towns have adopted a combination of voting in person at town meeting and by Australian ballot. Some topics may be voted at traditional town meeting, and others, such as certain votes on borrowing and electing town officers, are voted by Australian ballot.³ Printed absentee ballots are made available 20 days before town meeting, which is usually held on the first Tuesday in March, a.k.a. "Town Meeting Day." In towns that have adopted the Australian ballot, each town selects a date for an election on warrant articles at an all-day polling location. There are also opportunities for early voting and votes by mail.

One key distinction between the two methods of voting is that articles may be amended on the floor for in-person town meeting votes. In contrast, for the Australian ballot votes, no amendments are permitted, as the ballots are prepared before town meeting in anticipation of a yes or no vote.

Because Vermont has built the infrastructure for post-town-meeting votes for more than a century, it has honed its process and has kept data on its use.⁴ The Australian voting method with absentee ballots increases voting turnout on warrant articles over town meeting alone. However, virtual town meeting information sessions and in person town meeting attendance has declined.⁵

¹ The Massachusetts Office on Disability has issued guidance on providing reasonable accommodations for making town meetings accessible to people with disabilities. (<https://www.mass.gov/news/memo-reasonable-accommodations-at-town-meetings>) The guidance memo indicates that remote participation as an accommodation for people with disabilities is an option, despite "the general rule that Open Town Meetings must be held in person." The project team encourages the Town to explore all options for accommodating residents with disabilities so that they may participate fully in town meeting.

² <https://sos.vermont.gov/elections/town-clerks/faqs/#13>

³

https://cms5.revize.com/revize/middlebury/government/town_clerk/docs/A%20Citizens%20Guide%20to%20Vermont%20Town%20Meeting.pdf

⁴ <https://sos.vermont.gov/elections/election-info-resources/town-meeting-local-elections/>

⁵ <https://www.uvm.edu/cas/vermontresearch/town-meeting-project-0>

III. Massachusetts examples and alternatives

In contrast to Vermont, Massachusetts currently does not have the history and infrastructure in place to support post-town-meeting voting. There is very little precedent for attempts to establish post-town-meeting warrant votes.

A. Manchester-By-The-Sea

The team found one example of a special act, passed in 1991, that allowed Manchester-By-The-Sea, by bylaw or town meeting vote, to send warrant articles to an election.⁶ The election was to occur between 30 and 60 days after town meeting. However, the town clerk is unaware of any elections where this special act has been implemented, and attempts to require such elections by bylaw have been discouraged.

For example, there was a recent citizen petition attempt in Fall 2023 to require that zoning changes must be approved by subsequent ballot, but the attempt failed.⁷ The town's attorneys had opined that state zoning law precluded such a process and that it would not likely be approved by the Attorney General.

In 2012, DLS recommended in a Financial Management Review that the town reconsider the unclear requirement of voter approval for borrowing more than \$250,000.

Manchester-by-the-Sea's general bylaws contain a 1991 special act and a pre-existing bylaw whose terms seem to delay the effectiveness of certain town meeting actions until confirmation by town-wide vote. The bylaw requires town voter approval on bond authorizations of \$250,000 or more. The language of the special act is confusing at best, but it appears intended to supersede the bylaw by requiring voter approval before the authorization of any incurrence of indebtedness tied to a general bylaw. It also seems to require a town-wide vote before the validation of any other town meeting action specified in general bylaws.

While we defer to town counsel on interpreting the exact meaning of the special act, generally, this type of restriction is rare in towns today. In some communities, we have seen local provisions that allow residents to challenge certain town meeting actions by forcing a town-wide vote through a signature petition process. However, such mechanisms have fallen out of favor because they can produce insurmountable obstacles to achieving town goals. They are particularly onerous when, as in Manchester-by-the-Sea, the ballot approval margin is a two-thirds vote, making town meeting actions reversible by a very small number of residents voting in opposition.

⁶ <https://archives.lib.state.ma.us/items/c6d5ec67-d97f-473b-b320-dace85a93d55>

⁷ [STM 11/13/2023 RESULTS](#)

The process is also in a sense redundant. Ballot voters have equal opportunity to attend the open town meetings where the initial decisions are made. Lastly, the requirement necessitates additional costs for special elections. For these reasons, we recommend that the town reconsider the merits of the town-wide vote requirement.

After this DLS report, the bylaw was changed from requiring voter approval to simply requiring a printed ballot vote at town meeting. While the Manchester-By-the-Sea Special Act is still on the books, the record is not clear on whether any actual post-town-meeting elections have been held.

B. Longmeadow

While there is little to no precedent for allowing post-town-meeting votes on warrant articles, Massachusetts does have some precedent in providing for a referendum process to overturn certain town meeting votes. In towns with representative town meetings, there is a statutory right to petition for an election for voters to weigh in on certain town meeting decisions.⁸ Some representative town meeting charters have expanded this right to additional issues decided by town meeting, and at least one open town meeting charter has adopted such a referendum to allow residents to petition for a vote on matters decided by town meeting.

In Longmeadow, which is an open town meeting form of government, the town has created a town meeting referendum process in its charter.⁹

Section 2-9 Referendum Procedures on Town Meeting Votes

(a) Effective Date of Final Votes: No final vote of a town meeting on any warrant article, except: (1) a vote to adjourn or dissolve or; (2) votes appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the then current fiscal year or; (3) votes for the temporary borrowing of money in anticipation of revenue or; (4) a vote declared by preamble, by a two-thirds vote of the town meeting, to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town; or (5) any final vote that failed to be approved at town meeting, that would have required, by general law or town by-law, a super majority vote at town meeting; shall take effect until after five days from the dissolution of the town meeting. If a petition seeking a referendum vote on any article is not filed with the select board within the said five days, the votes of the town meeting shall then take effect.

(b) Non-Final Votes - Any article disposed of by a vote to lay on the table or to postpone indefinitely, or by other dilatory vote, shall be deemed to have been rejected in the form in which it was presented or amended.

(c) Referendum Petition - If within said five days a petition signed by not less than three percent of the voters, containing their names and addresses, is filed with the select board requesting that any question, not yet operative, as defined in (a) above be submitted to the voters, then the operation of such vote shall be further suspended pending its determination as provided below. Upon the petition's being certified by the registrars of voters, the select board shall, within ten days after the filing of such petition, call a special election that shall be held within thirty-five

⁸ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43A/Section10>

⁹ <https://www.longmeadowma.gov/DocumentCenter/View/1549/Town-Charter?bidId=>

days after issuing the call, for the purpose of presenting the question or questions to the voters. If, however, a regular or special town election is to be held within sixty days following the date the petition is filed, the select board may put the question, or questions, to the voters at that same election.

(d) Referendum Election - *All votes upon any question so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this section. Any question so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the town meeting shall be reversed unless at least twenty percent of the voters participate in the election.*

(e) Format of Questions - *Any question so submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the moderator to the town meeting, as appears in the records of the clerk of the meeting.*

(f) Changing the Referendum Procedure - *The percentage of voters enabling the valid filing of a referendum petition and/or the percentage of voters who must participate in the election at which the referendum is on the ballot may be changed by town bylaw.*

The referendum process has the advantage of giving a voice to residents who may not have attended town meeting or those who disagreed with town meeting's decisions. However, this advantage must be balanced against potential delays of time-sensitive decisions that have been approved by town meeting.

IV. Election law for ballot questions

The committee has asked the Collins Center to provide some information about potential election requirements for post-town meeting votes on warrant items. Because there is no precedent for these types of votes, it is unclear how the Secretary of State would treat this type of election.

Because of the complexity of election law and the uncertainty of its application to such an unprecedented process, the project team believes this question is best answered by town counsel in conjunction with the town clerk. It may be helpful to reference the legal requirements set out for placing local questions on the town ballot in MGL ch. 53, § 18B.¹⁰ Additionally, state election law is compiled by the state on its website. (<https://www.mass.gov/info-details/massachusetts-law-about-elections-and-voting#massachusetts-regulations->)

Furthermore, the Committee should be aware that any system of voting on town meeting warrant articles by ballot may, at some point, implicate campaign finance laws. While campaign finance laws have not traditionally applied to groups campaigning to influence town meeting articles, legislation has been filed in an effort to end this exception.¹¹

V. Challenges and benefits of implementing post-town-meeting voting

The Committee has asked the Collins Center to provide some discussion of the challenges of implementing this option and how the option could change town meeting. The following are just some

¹⁰ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVIII/Chapter53/Section18B>

¹¹ <https://malegislature.gov/Bills/193/SD2804>

of the factors that can be weighed against the Committee's important goal of increasing participation in town decision-making at town meeting.

In its Interim Report, the Charter Review Committee has already identified some of the challenges and benefits of implementing a post-town-meeting ballot process in Massachusetts. For example, the option to vote without attending town meeting might increase the number of residents who vote on warrant articles but decrease attendance at town meeting. This could reduce the number of residents who participate in a robust discussion on the floor of town meeting, resulting in fewer compromises and amendments. Even though voters would have an opportunity to watch any debates and educate themselves through online and video presentations, they may not choose to do so, and instead may vote without the benefit of hearing both sides' arguments. Some of these concerns would be alleviated by having some of the warrant article votes held on town meeting floor. However, if the more contentious items are reserved for a post-town-meeting ballot, this may not incentivize residents to attend town meeting to vote on the less controversial items.

Additionally, the Interim report contemplates a system where amendments could be made on the floor of town meeting in order to encourage dialogue. The election would be held at a later date – likely at least one month after town meeting to account for notice of the election and printing of ballots. This timeline would likely increase to account for early voting or absentee voting processes. This could result in delays in making time-sensitive decisions.

Finally, as illustrated in the case of Longmeadow, the town would need to analyze each article to determine if the subject of the article could be placed on the ballot or if state law would preclude the ballot question. Drafting special legislation that does not conflict with state law would require careful consideration of the types of warrant articles that would be submitted to voters and the specific procedures that would be followed.

VI. Conclusion

Increasing participation and engagement in local government is essential to preserving a healthy local government. The issue of pursuing a subsequent election to vote on town meeting warrant articles is complex and novel. Whether or not the Committee decides to move forward with a charter change to allow this practice, the Committee may wish to consider recommending that the town appoint a study committee to focus on encouraging broader participation in local government.