

Call to Order

Committee Chair Mr. Stumpf called the meeting to order at 4:02 p.m. TGSC members all participated remotely via WebEx, able to see and hear each other and share documents for all to see. A feed from the WebEx was broadcast live on Andover TV, by which members of the public could observe the meeting.

Participants

The following were online on WebEx for the meeting: Town Clerk & Chief Strategy Officer Austin Simko (ex-officio); Sheila Doherty (ex-officio); TGSC Committee members Paula Colby-Clements, David Floreen, Richard Fox, Andrew McBrien, Dara Obbard, Gail Ralston, Sandy Stapczynski and Jon Stumpf; and Bernie Lynch and John Petrin of Community Paradigm Associates.

1. Approval of Committee Minutes

Ms. Ralston moved that the committee accept the minutes of the February 8th meeting of the full committee, Ms. Stapczynski seconded. The TGSC voted by roll call 10 in favor, none against to accept the minutes.

2. Public Comment

Mr. Simko summarized input received by email from two residents.

Kevin Coffey, of 1, Stafford Lane, Andover, asked that the TGSC state the criteria by which the preferred form of government will be selected, and the weighting on each criterion. He further asked how the TGSC can consider Open Town Meeting with reforms before the committee decides on reforms to recommend. Mr. Simko noted that the TGSC has talked about potential reforms during at least 6 public meetings, including the three recent forums at which the key reforms under consideration were explicitly listed. Mr. Coffey's email is attached as Appendix 1.

Dick Howe, of 3, Robandy Road, Andover, has exchanged emails with State Representative Tram Nguyen. In his opinion, Ms. Nguyen's response suggests that the chances are remote that the State Legislature will ever approve remote voting for Open Town Meetings. Ms. Doherty replied that, in her opinion, any impetus to adopt remote voting will come from municipalities rather than the legislature. She further noted as an example that the Town of Wayland has an article on the warrant for this year's Annual Town Meeting to authorize their Select Board to request the legislature to grant a special act to authorize Wayland to explore the feasibility of remote voting officially (thereby providing sufficient gravitas so that Wayland may talk to vendors with credibility). She acknowledged that remote voting is not on the close horizon. Mr. Howe submitted two emails, attached as Appendices 2 and 3.

Mr. Simko clarified the distinction between the 80 topics in total relating to all aspects of Andover's governance that the TGSC identified for exploration and the 15 reforms that are

specific to Town Meeting, and that it would be the latter which would be discussed during this meeting.

3. Review of Committee's Process

Mr. Stumpf outlined the TGSC's process towards selecting a form of government to recommend as follows:

- The TGSC had previously identified two forms of government to consider as candidates for recommendation, those being Open Town Meeting with reforms and Council/Manager. During these earlier discussions, Representative Town Meeting and Council/Mayor forms were rejected.
- Residents' input on the remaining two forms has been solicited, including through the three public forums held in December 2020 and January 2021.
- The TGSC undertook a Capstone Advocacy Exercise on February 8th to aid in the final selection process by providing for strong advocacy of, and comparability between, the two forms of government.

4. Deliberation on Form of Government Options

Mr. Stumpf explained that each member of the TGSC would speak in turn for a few minutes, then the committee would collectively discuss the points raised during these talks, plus any other points that they might wish to raise. In addition, while members should state which potential reforms to Open Town Meeting (if any) influence their position, reforms should not be discussed in detail.

It is not practical to capture the richness of the discussion in anything significantly less than a full verbatim transcript, and no written record can capture the nuances and "body language" adequately. Thus, over-arching themes from the discussion will be listed here, and readers who seek further detail are referred to the recording of the meeting [here](#).

- The committee believes that Open Town Meeting is, on balance, and relative to other forms of government, the most transparent, accountable, and effective government for Andover.
- The TGSC is committed to recommending a form of government that best represents individual voters in Andover. The committee does not accept that any representative form of government would intrinsically give residents more of a voice given that Town Meeting affords each resident the opportunity to represent herself and the reality of being represented by a large number of peer residents who do attend Town Meeting; that any representative form of government would intrinsically lead to "better" or "more balanced" decisions given that Town Meeting draws on the collective wisdom of an educated electorate; or that any representative form of government would lead to increased levels of participation given that Andover's Town Meeting and election participation already compare favorably to similarly-situated peer communities. In fact, the majority of the committee believes that residents are better represented by Open Town Meeting than by a representative form of government, and that Open Town Meeting leads to the "best" and most inclusive decisions for Andover.
- It was acknowledged that council/manager government can be more agile and responsive than Open Town Meeting, and imposes significantly less administrative and financial

overhead to organize. However, the committee does not believe that Andover has missed opportunities because of less frequent Open Town Meetings.

- The committee postulated that a number of reforms that might enhance Open Town Meeting attendance, efficiency, efficacy, and inclusiveness. However, those who supported the recommendation that Andover retain Open Town Meeting made clear that their position is not predicated on any of these reforms being implemented, while at the same time, noting that retaining Open Town meeting leaves the door open to potential major enhancements that are not yet legal and technically practical.
- The committee should not attempt to recommend a form of government that prejudices what a future Andover may require of its governance, and nor should the committee bind future leaders of the community to decisions that make sense in 2021 but that may not make sense in the future. The majority of the committee believe that population growth, demographic change, and other community needs are unlikely in the foreseeable future to require a fundamental change on form of government.
- Two committee members expressed that a council-manager form of government may be appropriate in the future but that, given the lack of community groundswell for change, town history, and Andover's culture, an Open Town Meeting form of government is most appropriate at this time.
- Notwithstanding, it is unrealistic to discount any possibility that changes might occur. Nor is it feasible to define in advance sets of conditions that should "automatically" trigger a change to another form of government. Thus, the committee should consider whether to recommend that a committee should be re-convened at a specific future date (e.g., 10 years hence). This matter was referred to future meetings at which the committee deliberates on reforms.
- The TGSC final report should explain why this recommendation was made (that is, the final report should document not just the decision but the thought processes that led to that decision). The report should also include discussions of the forms of government that were not recommended, so that future committees may leverage our research and thought processes.

Ms. Colby-Clements moved that the TGSC vote to recommend Andover retains Open Town Meeting as its form of government, and that the TGSC should move to discuss reforms to Open Town Meeting. Ms. Stapczynski seconded the motion. The committee voted by roll-call unanimously in favor of the motion.

5. Next Steps

The next meeting of the TGSC will be held on March 1st, 2021. During this meeting, the committee will consider reforms to Open Town Meeting which were formulated in the summer, discussed in the fall, and presented to the public in the winter. In preparation for this meeting, Mr. Stumpf asked committee members to review the recommendations of the five sub-committees and also public feedback. Mr. Simko will circulate a list of reforms that certainly need to be discussed, but the agenda will also allow for discussion of other potential reforms.

Adjournment

Ms. Colby-Clements moved that the meeting adjourn, Mr. Simko seconded. The committee voted by roll call unanimously in favor and the meeting was adjourned at 5:51 pm

Respectfully submitted,

Andrew McBrien, Clerk

Appendix 1: Email Submitted by Mr. Coffey

Andover, MA

Questions for February 22, 2021 Meeting

The agenda published for your February 22, 2021 meeting invites public questions or comments and I wish to submit the following for your consideration and response.

1. Criteria and weighting. As you deliberate form of government options, will you please make explicit Committee members' criteria for judging the options and weighting of the various criteria?

2. Form of government options. The agenda suggests that options remaining under consideration have been narrowed to two, Open Town Meeting with reforms and Council-Manager. Without making clear which reforms to open town meeting are both realistically achievable and being seriously considered, how can this option be judged? As an example, some have suggested remote participation as a reform to be considered even while the best current wisdom suggests that would never be permitted by the state legislature. Status quo open town meeting is a known structure which can (and should) be compared to council-manager or other options but including a "with reforms" open town meeting option without tight definition of reforms assumed to be made seems elusive and imaginary rather than purposeful and decisive. In conducting deliberations, will you please make explicit the reforms that, at least for the purpose of your deliberations, you are assuming will be made?

To any Committee member or resident wishing to conveniently continue discussion of Andover town governance, with opportunity to speak, question, and productively debate, I repeat my offer to join a private Google Group established for exactly this purpose. Only an email address is necessary, and level of participation is entirely a personal choice. For more information, please feel free to contact me via kevin@andovergovernance.org or (978) 704-1566.

Regards,

Kevin Coffey
1 Stafford Lane
kevin@andovergovernance.com
(978) 704-1566

The Committee May Contact Me to Discuss my Input

Appendix 2: Email Submitted by Mr. Howe (1 of 2)

Hi, Austin,

As there is some information in the following letter that I believe will be of interest, I hope you will forward it to members of the Town Governance Study Committee.

Thanks,

Dick

Dear Committee Members,

Since broad, diverse public participation is key to a well-functioning local government, I was glad to hear that your committee was exploring the possibility of remote participation and voting at our Open Town Meeting.

Unfortunately, the chances of legislative approval for that reform are very, um,..remote, if not non-existent. Last week I contacted State Representative Tram Nguyen, who was on the Legislature's Municipalities and Regional Governments Committee last session.

Tram wrote that "we had extensive conversations about remote voting in the committee and with the MMA [Massachusetts Municipal Association] as well as with local officials. Remote participation was approved for town councils and representative town meetings because they have specifically named people who could be verified and trained to do remote voting and such. In speaking with the MMA and local officials in municipalities with open town meetings, concerns were raised as to how to confirm the identity and eligibility of voters as well as train voters to participate remotely. As you know, for our town meetings, any voter can show up at any time during the town meeting to sign in and vote, and voters can decide at the very last minute to show up. In order to allow for remote participation for open town meetings, voters would be required to sign up beforehand and be trained on remote participation, which I imagine could cause some voters to feel disenfranchised. I don't necessarily disagree with remote participation for open town meetings, but I wanted to highlight the discussions we had with regard to this issue."

When I checked with John Robertson, the MMA's Legislative Director, he confirmed these discussions and indicated that the "Legislature has been pretty adamant about not extending remote participation to open town meeting towns."

I believe remote participation is an important reform to improve transparency and public awareness. All town boards and committees should allow remote public viewing and input at all public meetings, even after they return to in-person meetings. This should be possible with a small investment in technology, and I hope your committee will endorse this idea.

Thank you for considering this and for your service on this important committee.

Dick Howe

3 Robandy Road

978-475-4955

Appendix 3: Email Submitted by Mr. Howe (2 of 2)

Hi, Austin,

I just received another message from Tram Nguyen regarding her legislative committee's discussion of remote participation at Open Town Meetings. I hope you will share this with the Study Committee.

Thanks,

Dick

Here is the clarifying paragraph from her message:

I want to follow up on my last email to you. I know that I had some back and forth briefly with you, but given the bill filing deadline this week, I wasn't able to fully get into the discussion with you on this matter. I want to reiterate that what I mentioned to you in my first email was a discussion that we had last spring as part of the committee when we were trying to figure out what to do about remote voting for town meetings last year. As I'm sure you know, the new session just started, and we just got committee assignments last Friday so we haven't had any discussion about this issue for this session. I have been reappointed to the municipalities committee and I know that this discussion will certainly come up again. We welcome creative solutions as to how to make remote voting work for open town meetings. It was very difficult for us to figure out a way to make remote voting work for open town meetings last year given the short timeline, but a lot has changed since last spring, and we look forward to a robust discussion to figure out how to best support municipalities with local elections and meetings going forward.