

### **Call to Order**

Town Clerk Mr. Simko called the meeting to order at 2:34 p.m. TGSC members participated in-person in the Town Offices Select Board Conference Room.

### **Participants**

The following members were present for the meeting: Town Clerk Austin Simko (ex-officio); Andrew McBrien; Paula Colby-Clements; and Gail Ralston. Sandy Stapczynski and Moderator Sheila Doherty were unable to attend.

### **Discussion**

The subcommittee, as charged by the TGSC, discussed various topics relating to the appointment of committee/board/commission members, and the composition/structure/existence of committees, boards, and commissions. The subcommittee reviewed the following list of study topics remanded from the TGSC for consideration and selected by the subcommittee as appropriate for study.

<b>Appointment Process:</b>	
1	By what process should members be appointed to Boards and Committees? Election or appointment? Appointment by who? Do different Boards have different requirements?
2	Should an Appointments Committee be constituted?
3	Is the appointment process sufficiently transparent, or how could transparency be enhanced?
	Specifically, is the Talent Bank form too vague to be a basis by which appointments are made?
	Should the appointment process consider certain skillsets helpful to committees regardless of committee purview (e.g., data analysis, legal background, marketing/communication)?
	Specifically, should openings be advertised more prominently?
	Specifically, how do we ensure that the people who are appointed to committees are those who are most able to contribute?
<b>Board/Committee/Commission Existence &amp; Structure:</b>	
4	What is the optimal level of granularity of government?

5	Generally, which Boards and Commissions should be established or subsumed and what should the composition be?
	Specifically, should a Water Commission be established?
	Specifically, should the Board of Health be expanded to 5 members?
	For example, should we reduce Planning Board Terms From Five Years to Three Years?

Following the TGSC discussion on June 28<sup>th</sup>, the subcommittee refined its recommendation-articulating report. The draft was discussed in detail by the subcommittee. The draft report is appended to the end of these minutes.

In discussing the draft report, the subcommittee decided to merge certain recommendations, amend certain recommendations, and suggest to the TGSC that a single omnibus vote of approval may be acceptable if the TGSC agrees with every recommendation as presented. In particular, the subcommittee discussed how to clarify language around its recommendation for employee appointments; articulate a recommendation on diversity, equity, and inclusion goals that was both meaningful and within the subcommittee’s purview; and how to ensure that each recommendation is an actionable item and not merely a statement of opinion.

The subcommittee agreed to prepare a final report and submit to the TGSC before its July 29<sup>th</sup> meeting.

**Adjournment**

Mr. McBrien moved that the meeting adjourn, and Ms. Colby-Clements seconded. The subcommittee voted 3-0-1 in favor and the meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Austin Simko, Town Clerk

## **Subcommittee to the Andover Town Governance Study Committee**

**Paula Colby-Clements, Andrew McBrien, Gail Ralston, Austin Simko, Sandy Stapczynski, Sheila Doherty - July 11, 2021**

Recognizing the efforts of over 300 volunteers, representing over 40 working groups on Town boards, committees and commissions, and the important contributions each volunteer makes to the governance of Andover citizens, old and young, this TGSC subcommittee has taken an in-depth look at the efficiency and diversity each group exhibits, both as individual committees and as a vital part of Town operations as a whole.

To that end, the TGSC subcommittee on the study of Boards, Committees and Commissions has studied the following components of membership and how these groups may benefit from basic information flow and appointment revision. We offer the following thoughts and suggestions for consideration:

### **Part II: Appointment Process**

- 1. Consider: By what process should members be appointed to Boards and Committees? Election on Appointment? Appointment by who? Do different Boards have different requirements?**

Subcommittee Recommendation/Rationale: *The current process seems to be working well.*

The Subcommittee reviewed the list of positions that are elected and affirmed the logic behind election of those positions. The Subcommittee noted that Cornell Fund trustees, which are elected by Town Meeting, and Punchard Free School Trustees, which are elected by ballot, are selected that way by terms of the original Trust.

The subcommittee did not immediately identify any appointed positions that should instead be elected. By selecting certain positions by ballot, the Town may be turning away qualified residents who would serve if appointed but would not run for election.

However, the Subcommittee proposes the exception that the Sub-Department Head employee positions NOT be required to also be approved by the Select Board (see separate Recommendation – 3g – below).

Full Committee Vote:        Agree \_\_\_\_\_ Disagree \_\_\_\_\_

- 2. Consider: Should an Appointments Committee be constituted?**

Subcommittee Recommendation/Rationale: *At this time, the Subcommittee is NOT in favor of a separate Appointments Committee. It is believed that the current appointment point person process is working well and that a new Appointments Committee could possibly result in*

unnecessary bureaucratic delays in filling vacancies. This assumes that the point person keeps the process moving expeditiously and that long vacancies are not the norm.

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**3a. Consider: Is the appointment process sufficiently transparent, or how could transparency be enhanced?**

Subcommittee Recommendation/Rationale: The Subcommittee agrees that the process should be inclusive, equitable and designed to get the “best people.” However, the appointment process varies from committee to committee and *it would be difficult to make a generic statement to define that process.* (See “Talent Bank Recommendation” document for a suggested reference to Interviews at end of document.) An expanded effort to advertise Vacancies may be a place to start. (see below 3e).

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**3b. Consider: Is the Talent Bank form too vague to be a basis by which appointments are made?**

Subcommittee Recommendation/Rationale: Refer to “Talent Bank Recommendations” document and potential edits/additions. While *the Talent Bank form alone is not enough to make appointment, the discussions with the committee Chair and staff and the Interview Process should complete the loop and lead to “the best people.”*

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**3c. Consider: Are there ways the Talent Bank form could be improved?**

Subcommittee Recommendation/Rationale: In addition to the suggestions on the “Talent Bank Recommendations” document:

- Advance the diversity, equity and inclusion of the public body appointment process by enhancing outreach to different communities within Andover. As an example, seek out the opinion of the DEI Commission on ways in which to do this
- Enhance useability of the Talent Bank form, including the access to it on the website. Consider linking the Talent Bank form to additional information about each body, including a members profile or committee’s work information.
- Enhance the access to and clarity of vacancies including an alert to re-appointment considerations in June.

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**3d. Consider: Should the appointment process consider certain skill-sets helpful to committees regardless of committee purview (e.g. data analysis, legal background, marketing / communications experience?)**

Subcommittee Recommendation/Rationale: A suggestion to the “Talent Bank Recommendations” document is that *two questions be asked: Indicate your skills “specific to the committee” and indicate other skills or expertise “useful to committee work.”* The Town Manager’s Office has indicated that during Interviews it does try to identify other “talents” and may ultimately suggest another committee better suited to the applicant’s skill-set.

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**3e. Consider: Should Vacancies be advertised more prominently?**

Subcommittee Recommendation/Rationale: *Yes, when possible!*

Lengthy vacancies should be avoided if at all possible! A vacancy remains to the detriment of the remaining committee members and may inhibit the committee’s ability to gather a quorum. This is why a tracking of all vacancies - the date they occurred noting the current length of the vacancy – is vital. *Tracking, should be maintained by the appointing authority, and the possibility of keeping the Select Board Liaison informed, should be considered.* Vacancies should stay on the radar!

Therefore, *vacancies should be listed as soon as they occur on the website and an interview conducted as soon as possible with someone from the applicant pool.* Should there be no applicant in the pool or when no suitable applicant be found, the committee chair should be informed of the reason and all efforts made to re-advertise for the specific vacancy. In this case, a pop-up capability, in addition to the Vacancies link on the Home Page, could be added to the Boards/Committees Home Page, if not to the Town Home Page itself.

*It would be expected that any Vacancy be filled within three months.*

Vacancies in the case of Elected positions vary in the way they may be filled; the Town Charter should be consulted in these cases.

The Town has recently formed a Diversity, Equity and Inclusion Commission (statement of purpose found elsewhere in the report). *As this refers to the appointment interview process, consider that included should be a “taking the temperature” of the applicant’s racial sensitivity or, in another way, how does the applicant demonstrate sensitivity to defined anti-racist goals.*

The DEI Commission should be consulted as to suggesting potential questions and defining what such questions can mean to the Town’s commitment to anti-racist behaviors. The DEI Commission should also be consulted as to how to reach out to those citizens not represented in

today's board membership. While a greater board diversity may not always happen, that can be a goal and, at the very least, a demonstration of sensitivity can be a factor when considering an applicant for membership on any Board and Committee in the Town of Andover.

Currently, vacancies are posted on the Town Website (easier navigation to these openings is suggested). In addition, the Town Manager's Office has scheduled FaceBook to put out a general, monthly solicitation of individual Boards and Committees by request on anticipation of a vacancy or when the office knows of a current Vacancy. Other options is a regular article in the *Townsmen*, on PATCH, and on various group FaceBook sites (i.e. Andover Moms).

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**3f. Consider: How do we ensure that the people who are appointed to committees are those who are most able to contribute?**

Subcommittee Recommendation/Rationale: (*refer to 3d above*). In addition (I'm adding this suggestion here so we don't forget this resource – Gail), *the results of early TGSC interviews with Committee/Board/Commission chairs should be reviewed*. This may provide additional considerations not only on "getting the best people" but provide an insight into improvements to the appointment process and support needs of the specific committee.

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**3g. Consider: Would appointment efficiency be enhanced if the numbers of Town Manager employee appointments confirmed by the Select Board were reduced?**

Subcommittee Recommendation/Rationale: *Sub-department head employees, who are appointed by the Town Manager, should not also be confirmed by the Select Board*. The subcommittee believes the status quo practice where the Select Board confirms all employees improperly obscures the line between policy-making by the Select Board and Administration by the Town Manager, is at odds with the School Committee's non-involvement in personnel confirmations within its purview. This seems to create the odd arrangement where hirings are confirmed by the Select Board while no other personnel decisions, including terminations, are governed by the Select Board.

However, the subcommittee did recommend, due to the job descriptions and functions, *only the following employees should be confirmed by the Select Board: Deputy Town Manager, Police Chief, Fire Rescue Chief, and Finance Director*.

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**(cont. to Part II)**

**Part II: Board/Committee/Commission Existence and Structure**

**4. What is the optimal level of granularity of government?**

Subcommittee Recommendation/Rationale: (Andy – could you offer a recommendation?)

Full Committee Vote:        Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**5. Consider: Generally, which Boards and Commissions should be established or subsumed, and what should be composition be?**

Subcommittee Recommendation/Rationale: See below those committees considered by the Subcommittee.

**5a. Consider: Should a Water Commission be established?**

Subcommittee Recommendation/Rationale: *Currently the Select Board acts as the Water Commission and the Subcommittee feels that this arrangement makes sense for several reasons: first, it raises the profile of important water issues; the current management of the Town’s water mains is responsible and aggressive in terms of the replacement schedule; and allowing the Select Board to set water rates brings those rates into coordination with the tax rates (which the Select Board also sets).*

The Town currently has a competent and professional Department of Public Works and Water Treatment Plant, and creating a separate water commission may be destabilizing.

Full Committee Vote:        Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**5b. Consider: Should the Board of Health be expanded to 5 members?**

Subcommittee Recommendation/Rationale: *The Subcommittee agreed with the recommendation of the Public Health Director that the Board of Health should be expanded to five members, which is consistent with what other communities do. This will allow the board to do its important work, and ease the challenge of convening a quorum for its meetings.*

Full Committee Vote:        Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**5c. Consider: The One-Year Term for the Moderator**

Subcommittee Recommendation/Rationale: Moderator terms in the state are usually one year but can go up to three. *No change was seen necessary for changing the status quo.*

Full Committee Vote:        Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**5d. Consider: Whether the Finance Committee be Elected or continue to be Appointed by the Moderator?**

Subcommittee Recommendation/Rationale: The Subcommittee felt comfortable *retaining the current method of appointment for Finance Committee members* for the following reasons:

- Research by the Moderator in Andover, showed that municipalities can choose to elect Finance Committee members or choose them by appointment by the Moderator or a panel comprised of multiple stakeholders (e.g. Town Manager, School Committee, Select Board, Town Clerk).
- In Andover, the Moderator makes these appointments due to the Moderator's and the Finance Committee's shared role in Town Meeting: the Moderator manages Town Meeting and its deliberations; the Finance Committee functions solely to advise Town Meeting on the financial articles on the Warrant.
- The Moderator appoints Finance Committee members because the Moderator is an objective individual and in the best position to appoint the Town's financial watchdog. The Moderator, unlike the Select Board, School Committee or other Town officials, has no stake in Town Meeting decision.
- To the extent the Moderator's appointment power in this regard appears unchecked, the Moderator is unique in Town government in that voters select the Moderator each year through the Annual Town Election. Therefore, any given Moderator can only appoint three members of the nine-member committee before voters have the opportunity to elect or "un-elect" the Moderator.

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**5e. Consider: Should we reduce Planning Board Terms from 5 years to 3 years?**

Subcommittee Recommendation/Rationale: *The Planning Board should retain its five-year terms, and not adopt three-year terms*, given the large amount of time members require to learn their work and given that permit applications often take many months, or even years, to resolve.

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**5f. Consider Should the Planning Board members be Elected?**

Subcommittee Recommendation/Rationale: *Members should continue to be appointed and not elected* for three reasons:

- Qualified resident 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;
- The Planning Board operates in a quasi-judicial capacity that is inappropriate for the campaigning and fundraising that attends local elections;



- The entire “ecosystem” of land use boards and commissions is appointed and not elected – making the Planning Board an outlier in this regard would put it at odds with the Zoning Board of Appeals, the Conservation Commission, the Zoning Bylaw Study Committee and the Design Review Board.

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**5g. Should changes be made to the Zoning Board of Appeals and the Board of Registrars of Voters?**

Subcommittee Recommendation/Rationale: The ZBA and BOR are exceptions to the appointment norm in that, with these boards, the Select Board controls the appointment completely. (With almost all other appointed boards, the Town Manager makes the appointment and the Select Board takes a confirmatory vote.) These two outliers follow appointment procedures prescribed by State Law. Therefore, *it is not within the power of the Town to treat ZBA or BOR appointments as other Town Boards.*

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**5h. Consider: Due to the compartmentalization effected by the existence of the Elder Services Task Force, the Council on Aging, and the Elderly and Disabled Tax Fund Committee, should these three groups be consolidated?**

Subcommittee Recommendation/Rationale: The committee recommends that *the relevant stakeholders consider whether consolidation of these three bodies may be prudent.* Consolidation of some or all may serve administrative efficiency and the potency of these bodies.

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

Further Subcommittee Recommendation/Rationale on Compartmentalization of Town Boards and Committees (Andy): The Subcommittee does believe that over-compartmentalization of boards and committees is likely to reduce the overall effectiveness and efficiency of government and therefore should, in general, be avoided. Any organizational boundary introduces hand-offs and inefficiency, and while work process improvements might mitigate the adverse effects, every boundary exacerbates any problem. Furthermore, it is not unlikely that any board or committee will attempt to maximize outcomes or issues within its remit, at best leading to local optima rather than one global optimum, and potentially to unhealthy conflict (as opposed to constructive tension) between boards and committees. The latter is particularly likely if boards are elected, as the members of each are incentivized to act in the interest of their own board to maximize re-election chances.

The Subcommittee believes that these principles should be adopted as a lens during the Subcommittee’s own consideration of which boards and committees should be retained and/or

created, and also by the full TGSC when they review the Subcommittee’s thoughts. The Subcommittee recommends that the final report of the TGSC should reflect on the efficacy of this principle to encourage its application in the future. *However, the Subcommittee does not recommend that the TGSC should recommend that this principle be formally adopted. It is not thought practical to define “over-compartmentalization” sufficiently precisely to allow the principle to be codified.*

Full Committee Vote:           Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**6. Should there be term limits for committee members?**

Subcommittee Recommendation/Rationale: *The Subcommittee does not support Term Limits nor any change in current length of appointment for any of the boards and committees. Such restrictions would exclude experienced volunteers who often spend year learning to contribute to technical areas or the practical areas that experience brings.*

Full Committee Vote:           Agree \_\_\_\_\_ Disagree \_\_\_\_\_

However, in order to give others the opportunity to serve on a board, the Subcommittee *does not support automatic reappointments.* When the Town Manager’s Office notifies the member (usually in April) that the member’s term is ending and the member wishes to be considered for reappointment, that member should respond with a statement (written or oral) of this hope and, thus, be evaluated in the context of other applicants. This strikes an appropriate balance between retaining qualified, experienced and enthusiastic volunteers with the understand that no one is entitled to automatic reappointment and must demonstrate reasons why they should retain their positions.

Full Committee Vote:           Agree \_\_\_\_\_ Disagree \_\_\_\_\_

We reiterate that any new appointment interview or statement for reappointment be conducted with an eye toward assessing that individual’s ability to demonstrate sensitivity to social issues as defined by the Equity, Balance, and Inclusion Commission.

Full Committee Vote:           Agree \_\_\_\_\_ Disagree \_\_\_\_\_

**7. Should there be a special “Volunteer Recognition” following a member’s time of service? (Gail Recommendation)**

Committee Recommendation/Rationale: *Any volunteer appointed to a Town Board, Committee or Commission should receive heartfelt recognition and thanks at the end of his/her term, no matter how long – or how short. A suggestion may be to have the appointing authority present (or send) a “Volunteer Recognition Certificate”, signed by the appointing authority and the Town Select Board. Individual Boards and Committees should also have a way in which to recognize*

the time commitment of retiring members. No volunteer should leave a board or committee without recognition! Let the last gesture for one's service be a positive one!

Full Committee Vote:            Agree \_\_\_\_\_ Disagree \_\_\_\_\_

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We hope these potential changes will improve access to information, increase transparency in the appointment process, and ensure that citizens appointed to committees are those most able to contribute to Andover's stated goals. While these suggestions may seem "not practical" or "to take too much of a staff person's time," we believe that the new process may not vary greatly in some aspects from the old process, but rather enrich the membership of our standing and ad hoc committees and make for better and more inclusive governance in the Town of Andover.