APPENDIX A
Charter Review Committee Report
TOWN MEETING MEMBER QUESTIONNAIRE RESULTS
(19 December 2011)

EXECUTIVE SUMMARY

The Charter Review Committee (CRC) developed a Questionnaire for distribution to the Town Meeting Members at the Fall Town Meeting on November 7 and 8, 2011. The intent was to solicit specific comments from each Town Meeting Member on the nine Articles in the Falmouth Home Rule Charter that will assist the CRC in the detailed review of the Charter. The Questionnaire is shown in Annex A.

A total of 76 responses were received from the 243 Members which is a 31 per cent return. In general, more than 50 per cent of the respondents indicated that six of the nine Articles in the Charter “works well”. The remaining Articles that “needs examination or needs to be addressed” based on the Questionnaire responses from the Town Meeting Members are the following:

- Article III – The Board of Selectmen,
- Article V – The Town Manager, and
- Article VII – Appointed Boards.

However, the individual comments on each Article are a valuable source of information for the deliberations of the CRC for the review of the provisions in the Charter. A summary of the responses and comments received for each Article in the Charter is presented below.

GENERAL COMMENTS

General comments on the Questionnaire include the following:

- The committee should address the adherence to the charter by town officials.
- The major thinking of the town is that they want to keep Town Meeting. With a mayor you have a council, therefore you lose town meeting. All boards need to be looked at to improve the operation of the board and of the elected offices. On the town manager it should be an executive secretary that works for the selectmen.
- It does not seem right to me when I see town meeting members voting on articles that involve their own salaries … but wonder if they should be required to refrain from voting when their contracts come up for vote. Has anyone ever looked at a Town Meeting Member list and calculated what percent of members are town employees?
- Many articles are not being followed by town officials -- these problems cannot be tolerated by the citizens of this community.
- By law needed to require posting of meeting documents of boards and commissions on web pages before meetings.
- The town manager position continues to be a problem. Having elected selectmen that cannot (by the charter) talk to department heads when constituents bring matters to their attention is bad
public administration. There's something wrong when the same elected officials have to respond to bad town manager appointments. We vote for the selectmen not the town manager.

- Term limits for elected boards and officials should be reviewed since appointed boards have term limits.
- I like having a Board of Selectmen, although I concede that the current board does not really function well. One member is unnecessarily critical and divisive, and one member is AWOL way too often (including tonight) … overall I'm not looking for much change in structure.
- I do not believe that any of the nine articles need to be amended; however, we are top-heavy with committees. The Board of Selectmen tends to, in my opinion, pass the buck or "study" things far too much and for far too long … Citizen participation, particularly in elections, is a concern.
- Minutes of board meetings need to be posted within 10 days of meetings to be in accord with MA State open meeting law.
- Have to decide on how we list the 30+ committees, boards etc. and who do they report to (i.e. oversight). Organization chart is confusing! Consider an appendix for multimember boards.
- Town is too large for this type of government. Mayor and town council might be more appropriate at this time.
- I believe the form of government and powers has led to a "Gordian knot" of departments, elected and appointed boards, often with correctly conflicting "charges" … In so far as a "new paradigm" has been suggested within current structure I would simply ask for evidence that such has worked well other places … As far as financials, I think this is obvious given our current [financial] condition … There needs to be realistic and transparent contingency planning honestly laid before Town Meeting. For example, the assumption that "Cherry Street" (an obfuscation) would provide such and such ad infinitum was simply ridiculous. This was presented over and over again to Town Meeting in considering the budget. The town manager and Finance Committee both knew that MA was losing people, jobs and income faster than any state. So wither “Cherry Street”?
- The present slow economy has revealed some areas of weakness in our Charter that could be ameliorated with relatively minor changes that do not violate the spirit of the Charter. These suggestions do not change the form of government but are intended to encourage greater voter interest and participation, and I would hope that you would at least consider them worthy of discussion.
- The Charter presently directs the Board of Selectmen to work solely through the Town Manager. They do have the right of investigation. As the chief executive of the town, they as a body should have the ability to work directly with the Department heads in seeking information especially financial information.
- Participation in our Town elections is only about 26% in the last election and has been below 20% of registered voters. In state and national election this rises to 80%. Falmouth needs to attract more voters and more candidates. Therefore, I propose that that the term of office for selectmen be set at two years and that all selectmen would have to run every two years. Our congressman, state senators, and state representative have to answer to the voters every two years, our selectmen should also. With all the selectmen running, more candidates will be encouraged to run as their chance of winning will increase or at least the perception will. Staggered terms tend to perpetuate incumbents in office. Even in the corporate world, shareholder activists have forced many to change to election of the full boards. Incumbents still have an advantage because of name recognition and their participation in events during the course of the performance of their duties. The likelihood that all incumbent would be defeated at one time is minute. The argument for staggered terms is specious.
- A change should be made that the elected selectman with the most votes will be the Chairman of the Board of Selectmen for the two year term. An alternative is that that the position of Chairman be placed on the ballot as a separate vote for those candidates that wish the position with the highest vote that also wins a seat on the Board of Selectman will be the next Chairman. This has worked well elsewhere.
• The Review Committee should consider the establishment of a License Commission to grant licenses with the right of appeal to the Board of Selectmen. This would relieve the Selectmen of spending meeting time on routine matters. The sign approval could also be transferred to the License Commission as a sign license with a small one-time fee attached.
• I believe the most important issue that you need to address is the division of powers and responsibilities between the Town Manager, the Board of Selectmen, and the Finance Committee.
• I have observed that committee chairs often used their [position by] preventing discussions of issues that they do not support. I call this the Tyranny of the Chair. Changes need to be made to the Charter to provide that all appointed and or elected members of any board or committee be given an opportunity to contribute to the agenda and initiate discussion on issues they believe important, even if the Chair disagrees. … All five members of the Board of Selectmen ought to have equal say in determining what goes on the agenda. All members are created equal! If there is disagreement, decision on a potential agenda topic needs to be made by a simple majority vote. The same standard needs to be applied to all other elected or appointed boards and committees

ARTICLE I – INCORPORATION, FORM OF GOVERNMENT AND POWERS

The following summarizes the responses received on this Article:

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<table>
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<tbody>
<tr>
<td>Works well</td>
<td>64.5 %</td>
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<tr>
<td>Needs Examination</td>
<td>19.7 %</td>
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<tr>
<td>Needs To Be Amended</td>
<td>10.5 %</td>
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<td>5.3 %</td>
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Comments on Article I include the following:
• Need a specific person accountable and with executive powers.
• Too much indecision and incoherence has crept into our beautiful form of government. We need some mandatory training sessions and good governance!

ARTICLE II – THE REPRESENTATIVE TOWN MEETING

The following summarizes the responses received on this Article:

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<tr>
<td>Works well</td>
<td>79.0 %</td>
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<tr>
<td>Needs Examination</td>
<td>11.8 %</td>
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<tr>
<td>Needs To Be Amended</td>
<td>6.6 %</td>
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<td>2.6 %</td>
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Comments on Article II include the following:
• It's a social event controlled by a few.
• All town meeting members should attend [precinct meetings] to improve their preparation for town meeting.
• The moderator shall appoint a rules and procedures committee of no fewer than nine (9) town meeting members to review the town meeting rules and procedures and submit their recommendations to town meeting. The rules and procedures committee shall meet at least annually. (Paragraph C2-12C).
• The moderator shall appoint a watchman of the warrant who shall report on each passed action article of town meeting to be included in each annual report. Failure to submit such a report shall result in dismissal of the watchman of the warrant and appointment of a new one. (Article C2-14).
• Town employees who are town meeting members should not be allowed to vote on any pay issues, union or otherwise, that impact them directly.
ARTICLE III – THE BOARD OF SELECTMEN

The following summarizes the responses received on this Article:

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<th>Response</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Works well</td>
<td>36.8 %</td>
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<tr>
<td>Needs Examination</td>
<td>43.4 %</td>
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<tr>
<td>Needs To Be Amended</td>
<td>13.2 %</td>
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<tr>
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<td>6.6 %</td>
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</table>

Comments on Article III include the following:

- The board of selectmen’s member composition should increase from five to nine with the nine individuals representing each of the nine precincts … this change will give each precinct an equal representation.
- We have a good chairman for now.
- Disband.
- Board of Selectmen needs examination --- more power
- Selectmen need to have a more structured authority and responsibilities given to town staff etc.
- Rewrite Article III so the Board of Selectmen get out of the nitty-gritty of running the town. Let the town manager do it! The chief executive officer of Falmouth.
- Board of Selectmen need to focus more on strategy, vision, decision-making on significant issues and less time on dog hearings, less important issues that could be delegated to others for decisions.
- There needs to be clearer definitions of which decisions are currently made by Board of Selectmen are not goal and policy issues and should be delegated to the manager and his staff.
- Strengthen enforcement provisions especially Article C3-7A,G
- Article C3-1A Should be changed to read:
  
  “The Board of Selectmen of five (5) members shall be elected for two-year terms. The regular election for the office of Selectman shall be held in accordance with Article VI”.

  If it is decided that the Chairman of the Board of Selectmen should chosen by a separately from the foregoing article then a new paragraph might read as follows (Article C3 D):

  “Those candidates choosing to run for Chairman of the Board of Selectman may be placed on the ballot for the position on receipt by the Town Clerk of a written request by the candidate. The candidate receiving the most votes that is also elected to the Board shall be the Chairman”

  This method of electing a Chairman reduces the effect of bullet voting in the election of the Board of Selectmen.
- The board of selectmen need specific training and leadership, and perhaps also in management. Our five separately (i.e. not a slate of) elected officials are having trouble leading the town.
- The Board of Selectmen do too much micromanaging and not enough policy decisions.

ARTICLE IV - OTHER ELECTED TOWN BOARDS AND OFFICERS

The following summarizes the responses received on this Article:

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Works well</td>
<td>60.5 %</td>
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<tr>
<td>Needs Examination</td>
<td>22.4 %</td>
</tr>
<tr>
<td>Needs To Be Amended</td>
<td>9.2 %</td>
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<tr>
<td>Blank</td>
<td>7.9 %</td>
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Comments on Article IV include the following:

- Too many -- not accountable
- Some training, or at least some detailed workbooks on the duties, laws and procedures of each board and officer, might make elected boards and officers more coherent and consistent in applying the laws and policies under their jurisdiction to the specific cases and issues.
ARTICLE V – THE TOWN MANAGER

The following summarizes the responses received on this Article:

- Works well: 43.5%
- Needs Examination: 34.2%
- Needs To Be Amended: 11.8%
- Blank: 10.5%

Comments on Article V include the following:
- New town manager -- give him a chance
- Replace with Mayor or comparable official
- Develop some relief for assistant town manager for an extended period of time.
- There needs to be clearer definitions of which decisions are currently made by Board of Selectmen are not goal and policy issues and should be delegated to the manager and his staff.
- Article V works well, but unfortunately dependent on Board of Selectmen.
- Section 1 and 2 are too precise in the qualification. They are too biased toward the selection of someone with prior Town Manager experience. The benefit of this is that know many of the intricacies of government but this is also a liability as it also means they have strong disposition to their was of operation. Many of the best mayors in the country were elected with no government experience but with strong entrepreneurial and administrative qualifications.
  Paragraph C5-3A might read might be changed to describe the position as chief operating officer as this usage is more common today and better describes the job.
  Paragraph C5-5 should read “The Town Manager acting with the Director of Personnel……”
- In the present economy the Town Manager may choose to actively participate in the collective bargaining process. The present wording prohibits this action.
- Appointment of acting town manager needs to be longer possible duration … clarify vacancy provisions (Paragraph C5-13).

ARTICLE VI - CITIZEN PARTICIPATION: ELECTIONS AND RECALL

The following summarizes the responses received on this Article:

- Works well: 64.5%
- Needs Examination: 21.1%
- Needs To Be Amended: 2.6%
- Blank: 11.8%

Comments on Article VI include the following:
- Recall for elected town-wide (non-precinct level) officials should be better defined and more accessible. Perhaps limit recalls to selectmen.
- If the Town elections coincided with the State election there would be a greater turnout. When only 20 to 26% turnout, activists on any question have an influence that may not really coincide with the majority of the population.

ARTICLE VII - APPOINTED TOWN BOARDS

The following summarizes the responses received on this Article:

- Works well: 46.0%
- Needs Examination: 38.2%
- Needs To Be Amended: 10.5%
- Blank: 5.3%
Comments on Article VII include the following:

- Consider a maximum of two (2) three-year terms for most committees to increase citizen participation.
- Some town boards are user-friendly, but others (con com) are not, costing people tremendous anxiety and lost revenue enhancements for the town. Properly "permitted" project generally increase people's taxes to some degree, little an annuity. We have a terrible reputation for being "difficult" to obtain proper and timely permitting.
- Can Historic Commission and Historic Districts Commission be combined?
- There are many committees related to housing how about one?
- People don't know which committee to go to for which issues. Please simplify.
- Too many, needs consolidation.
- Those appointed boards that do not have a fiduciary or law responsibility should not have term limits. It is difficult to get volunteers on boards and these boards (SWAC, Energy, Transportation, etc. have good members that add value).
- How do we encourage more people to volunteer? Needs to be amended to include the appointment of four at-large members of the Community Preservation Committee.
- Article VII would work better with good Board of Selectmen, they don't appoint the best applicants and don't listen to board recommendations.
- Same as for Article IV (Some training, or at least some detailed workbooks on the duties, laws and procedures of each board and officer, might make elected boards and officers more coherent and consistent in applying the laws and policies under their jurisdiction to the specific cases and issues that come before them.)
- Operations and Procedures of Committees. (I speak on the issue with more than fifteen years experience serving on ConCom and the CPC). I believe improvements could be made in this section of the charter to make our many committees more productive and efficient and responsive to the needs of the community category. The charter says only that committees should develop their own rules and procedures. This often leads to confusion and conflict. It is a bit chaotic to have our many committees each (lost count of the number!) operating with a different set of rules or guidelines. I believe the Charter ought to specifically state that all committees abide by Robert’s Rules of Order. Each primary meeting room in our various town buildings ought to have a copy of the rules in a glass fronted box on the wall as a constant reminder of proper process and as a source for reference if there is any question about same. … Members of committees ought to be charged with reading Robert’s and signing off on an affidavit that they have done so just as is currently the process with the open meeting law and conflict of interest. … Many committees do follow Robert’s in some broad fashion. I suggest it needs to be formalized so that we have consistency on all of our committees instead of conflict and confusion.

ARTICLE VIII - FINANCIAL PROVISIONS AND PROCEDURES

The following summarizes the responses received on this Article:

- Works well 52.6 %
- Needs Examination 32.9 %
- Needs To Be Amended 6.6 %
- Blank 7.9 %

Comments on Article VIII include the following:

- The finance committee seems to self perpetuate … there should be a change in how this committee is appointed and configured.
- How do we get members on the finance committee? Does the moderator pick them and then nominate them?
- Budget is out of control. No general accepted accounting principle.
Financials and expenditures should include all department responsibilities and be more transparent (i.e. travel, training, supplies).

Finance Committee too large, quarterly report of 1 or 2 pages should be distributed to TM/public prepared by committee and town manager in a standard format.

Not sure about Finance Committee procedure for serving. If town meeting or moderator appointment the most open way to select members?

There needs to be more transparency in budgeting, all funds coming into town hall must be known.

Appointments do not reflect a breath of fiscal philosophy

Add provisions regarding: (1) general principles about fees (Do they need to cover costs? Do they have requirements regarding the information and criteria for setting the fee); and (2) bargaining for salaries with unions. (Criteria for providing COLA and step raises, e.g. if the infrastructure is crumbling and there is no money to fix it, there should not be salary increases. Conduct a study of local salaries not town employees and use that info for setting the benefits and salaries).

Given that every department submitting a budget, has at least one member of the Finance Committee as a liaison, I recommend that the Finance Committee announce when they are reviewing individual items to the department head submitting those items and invite the person to sit in on the meeting [when these items] are being reviewed.

The authority and responsibility of the Finance Committee needs to be substantially increased. The Finance Committee needs to be proactive, not simply reactive. Rather than simply reviewing the budget prepared by the town manger, the Finance Committee needs to be involved in the entire process by working hand in hand with the Town Meeting in developing the budget and continuing 365 days a year to monitor and adjust as economic conditions may dictate. It may be that the FC needs to be given veto power over any budget before it reaches the floor of town meeting. Further, the Finance Committee ought to be charged with managing both sides of the town’s operating budget, i.e., revenues as well as expenses. I can name five potential new sources of revenue that do not require any Town Meeting overrides or debt or capital exclusions. They may all be controversial, but I know of no financial issues that aren’t. There are revenue opportunities but they won't be found unless someone is looking for them.

ARTICLE IX - GENERAL AND TRANSITIONAL PROVISIONS

The following summarizes the responses received on this Article:

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<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Works well</td>
<td>51.3 %</td>
</tr>
<tr>
<td>Needs Examination</td>
<td>30.3 %</td>
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<tr>
<td>Needs To Be Amended</td>
<td>3.9 %</td>
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<tr>
<td>Blank</td>
<td>14.5 %</td>
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</tbody>
</table>

Comments on Article IX include the following:

- This may be the place to add provisions to strengthen accountability and transparency regarding town business and policy.
- Should all agendas and minutes be made available in public libraries and online?
- Add provisions for some officer to ask for committee minutes to wait for the public to request minutes and find that they have not been submitted.
- Perhaps all meetings should be taped and the tape becomes the minutes if the committee does not submit written minutes with in a time frame.
PREVIOUS COMMITTEE RECOMMENDATIONS

1. The following summarizes the responses received on the question “remove the residency requirement for the town manager”:

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Reconsider</td>
<td>36.8 %</td>
</tr>
<tr>
<td>Do Not Reconsider</td>
<td>57.9 %</td>
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<tr>
<td>Blank</td>
<td>5.3 %</td>
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</table>

Comments on this issue (Paragraph C5-2B) include the following:
- Do not reconsider, this was voted down last year at Town Meeting.
- Residency requirement for the town manager, do not reconsider, needs to be enforced.
- I think town manager and department heads should live in town.
- The town manager must be a resident of the Town of Falmouth with no exceptions allowed.
- Remove residency requirement.

2. The following summarizes the responses received on the question “remove the residency requirement for department heads”:

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<thead>
<tr>
<th>Option</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Reconsider</td>
<td>44.7 %</td>
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<tr>
<td>Do Not Reconsider</td>
<td>48.7 %</td>
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<td>Blank</td>
<td>6.6 %</td>
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</tbody>
</table>

Comments on this issue (Paragraph C5-4B) include the following:
- Do not reconsider, this was voted down last year at Town Meeting.
- Residency requirement for the department heads, do not reconsider, needs to be enforced.
- Town manager and department heads should live in town.
- Town manager and the department heads need to live in Falmouth to do their job effectively.

3. The following summarizes the responses received on the question of “clarify the consecutive three-year term limit for all multi-member bodies appointed by selectmen”:

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>Reconsider</td>
<td>56.6 %</td>
</tr>
<tr>
<td>Do Not Reconsider</td>
<td>32.9 %</td>
</tr>
<tr>
<td>Blank</td>
<td>10.5 %</td>
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</table>

Comments on this issue (Paragraph C7-2H) include the following:
- Do not reconsider, this was voted down last year at Town Meeting.
- Clarify … It doesn't!
- Term limits on appointed boards should be deleted. Natural attrition always occurs. Term limits cut off the experienced participants. Many positions are vacant as a result.
- 3 x 3 might not be enough, perhaps 3 x 4 instead.
- Term limits [should] apply for all multimember bodies.
ANNEX A

FALMOUTH CHARTER REVIEW COMMITTEE - 2011
TOWN MEETING MEMBERS' TAKE HOME QUESTIONNAIRE

There are nine articles in the charter, each outlining roles and procedures for the town government. The Charter Review Committee can amend and clarify articles. It cannot change the form of government. **In your opinion, are there articles that need amending and in what way? Please be as specific as possible.**

For reference; a summary of the articles in the current Charter are listed on the reverse; copies of the Charter were sent to all town meeting members, with your warrant, in November 2010. Copies are also available online at www.falmouthmass.us/charter, at all the Falmouth Libraries, and the Town Clerk's office.

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
<th>Works Well</th>
<th>Needs Examination</th>
<th><em>Needs To Be Amended</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Article I</td>
<td>The form of government and powers.</td>
<td></td>
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<tr>
<td>Article II</td>
<td>Representative Town Meeting</td>
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<tr>
<td>Article III</td>
<td>Board of Selectmen</td>
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<tr>
<td>Article IV</td>
<td>Other Elected Town Boards &amp; Officers</td>
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<tr>
<td>Article V</td>
<td>Town Manager</td>
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<tr>
<td>Article VI</td>
<td>Citizen Participation: Elections and Recall</td>
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<tr>
<td>Article VII</td>
<td>Appointed Town Boards</td>
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<tr>
<td>Article VIII</td>
<td>Financial Provisions and Procedures</td>
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<tr>
<td>Article IX</td>
<td>General and Transitional Provisions</td>
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*Please be as specific as possible on where and how you think the article(s) need to be amended.*

Comments can be made below or on attached pages.

The previous CRC made recommendations for 14 changes to the charter in 2006. 3 did not pass Town Meeting.

**Should these 3 issues be reconsidered by the current charter review committee?**

1. Remove the residency requirement for the town manager
   - reconsider __________  do not reconsider __________

2. Remove the residency requirement for department heads
   - reconsider __________  do not reconsider __________

3. Clarify §C7-2H that the three consecutive3-year term limit applies to all multi-member bodies appointed by selectmen.
   - reconsider __________  do not reconsider __________

**If you would like to be contacted to give further input to the committee please include your contact information.**

Optional: Name_________________________ Precinct_________________________

Email_________________________ Phone_________________________

Please return this questionnaire to the Charity Review Committee, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540 or email charterreview@falmouthmass.us

No later than **November 18, 2011**

THANK YOU FOR YOUR TIME AND INPUT