



Fairhaven Town Clerk Study Committee

January 16, 2018 Meeting Minutes

Present: Chairperson Ann Richard, Kyle Bueno, Clerk Anne O'Brien, Mark Badwey, Vice Chairperson Bernard Roderick, Carolyn Hurley. Also present: Town Clerk Eileen Lowney and Finance Director Wendy Graves.

Ms. Richard called the meeting to order in the Town Hall East Room at 5:00 p.m. The meeting was video recorded by the Cable Access Department.

MINUTES

The Committee reviewed the minutes of the January 8, 2018 meeting. Mr. Bueno motioned to approve the minutes with two typographical corrections. Mr. Badwey seconded. Vote was unanimous. (6-0).

COMPARABLE COMMUNITIES

The Committee discussed the previously presented community listings provided by Ms. O'Brien at the January 8 meeting; one listing outlines all 351 Massachusetts municipalities and their designation as an elected or appointed clerk; the other listing focuses on the Cape, Islands, South Coast, and South Shore of Massachusetts, only. Mr. Roderick distributed Attachment A, which outlined ten communities in Massachusetts with similar populations to Fairhaven: five that have adopted the appointed Town Clerk, and five who have an elected Town Clerk. The Committee discussed the criteria by which it would consider a community a comparable, including per capita income, demographics, and operating budget. The Committee will continue its research and finalize its comparable listing at the next meeting. Once that listing is complete, the members will reach out to the communities to ask questions about their experiences with elected/appointed Town Clerk (questions to be agreed upon at the next TCSC meeting).

MILESTONES

The Committee agreed to the following milestones:

- January 22
 - Establish comparable communities
 - Establish set of uniform questions that will be asked of these communities
 - Establish which officials will be contacted from each community
 - Interview Ms. Lowney to get a listing of her duties and responsibilities
- February 5
 - Meeting with Mark Rees to discuss charge and milestones

- February 26
 - Public Hearing

The Committee authorized Ms. O'Brien to contact the Selectmen's Office and request a "placeholder" article for the Annual Town Meeting warrant, in case it is the will of the Committee to put forth an article to change the Town Clerk position to appointed, and in case the Selectmen are willing to place the article on the warrant. Mr. Roderick noted that there would be an opportunity for a "minority report" as well, in the event the Committee does not reach a consensus.

PRESS RELEASE

Ms. O'Brien will draft a public hearing notice and press release to share with the local newspapers and social media, to maximize turnout at the scheduled February 26 public hearing. The press release will be shared with the TCSC for review before distribution.

PROS/CONS – ELECTED VERSUS APPOINTED TOWN CLERK

The Committee worked together to create a listing of pros and cons for the elected Town Clerk position, and pros and cons for the appointed Town Clerk position. See Attachment B.

Ms. O'Brien said that she would research for the next meeting, whether or not the Town Clerk, if (s)he is not reelected, is eligible for unemployment.

The Committee went over its action items for the next meeting, which included bringing questions to ask the current Town Clerk about her job duties, questions for area communities, etc.

At 6:08 p.m. Ms. O'Brien motioned to adjourn. Mr. Roderick seconded. Vote was unanimous. (6-0).

Respectfully,

Anne O'Brien
Clerk – Human Resources Director
Minutes approved 01/22/2018

Documents appended:

Attachment A: Listing of communities with similar populations to Fairhaven and their Town Clerk designations (provided by Mr. Roderick)

Attachment B: Listing of TCSC pros and cons relative to the January 16 discussion

Attachment A

Comparable Communities Based on Population

Population

- Fairhaven- 16,074
- Communities researched all have comparable population numbers (15,000-20,000)

Elected Town Clerks

- Duxbury-15,370
- Hanover- 14,394
- Pembroke- 18,183
- Rockland- 17,747
- Westport-15,570

Average 16,279

Appointed Town Clerks

- Ashland- 17,684
- Concord- 19,809
- North Reading- 15,646
- Norton-19,569
- Sudbury- 18,897

Average 18,321

Source: MA Secretary of State

Populations based on 2010 census estimates 2016

Bernie Roderick

Attachment B

Elected Pro	Elected Con
<ul style="list-style-type: none"> • Independent and autonomous; not beholden to anyone but tax payers (KB) • Impartial and non-partisan (CH) • Leave the control of the government to the Town voters (BR) • Avoids cronyism in politics and makes direct accountability (MB) • Historical vestige of our culture as New Englanders (AO) • Knowledge of the Town – historical knowledge (AR) • Answers to all the voters instead of a board of three/TA (CH) • Recall rights of voters/vote out (CH) 	<ul style="list-style-type: none"> • The public doesn't supervise/may not be qualified to supervise the daily activities of the Town Clerk (KB) • Town Clerk has to fight for salaries and raises (CH) • Residency requirement (MB) • Public doesn't know what the job entails (MB) • Limits the pool; limits the quality of the candidate (AO) • Part of the election cycle – Town Clerk should not oversee the cycle (AR) • Average salary is lower than the Clerk's colleagues (KB) • Clerk appoints an assistant without oversight/accountability (AR) • Not a lot of challenge or competition – nervous to run (AR and AO) • HR supervision and accountability (AO) • Safety net?
Appointed Pro	Appointed Con
<ul style="list-style-type: none"> • Position becomes part of the management team and the decision making (KB) • Salaries are much higher (CH) • Candidates go through a direct interview process (MB) • Oversight and accountability and performance evaluation (AR) • Equal treatment (benefits and salary increases, etc) to other non-union employees (AO) • More competition for the position (more applicants) and a better pool of candidates (AO) • Clerk would have to answer to the TA/BOS office (KB) • Don't have to go through the campaigning process (CH) • Qualifications are known for the position (MB) • Less chance for a popularity contest (MB) • Set schedule of work hours (AO) 	<ul style="list-style-type: none"> • Conflict of interest – may feel obliged to go against law to maintain favor of appointing body (KB) • Harder to get rid of a lower performing appointed TC (CH) • Too much political power in the hands of a few (BR) • Uncertainty of the unknown of keeping it non-political (BR) • Independence of the Town Clerk may be questioned (MB) • Some people might not like that a non-resident is in a critical role (AO) • Appointed clerk is paid more (KB) • Might be considered an outsider and you would have to advertise for the position/personnel process (AR) • May not have a good knowledge of the voters of Fairhaven and its community (CH and BR) • The more positions removed from the election process, the fewer the voters and turnout