



Fairhaven Town Clerk Study Committee

January 8, 2018 Meeting Minutes

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

Ms. O'Brien called the meeting to order in the Town Hall East Room at 5:05 p.m. The meeting was video recorded by the Cable Access Department.

SCOPE AND CHARGE

Mr. Rees advised the group that the Board of Selectmen had formed the ad hoc group to research the Town Clerk position, and advise the Board on whether the Town should consider proceeding with creating an appointed Town Clerk position, or continue with an elected Town Clerk position. The ad hoc committee will make its recommendation to the Board of Selectmen, who will in turn make a recommendation to the Town Meeting for its consideration. Mr. Rees said that, as a seated elected official, Ms. Lowney was advised by the State Ethics Commission that she would not be able to serve on the Town Clerk Study Committee. Ms. Lowney advised that she had also asked if her assistant, Carolyn Hurley, who intends to apply or run for the Town Clerk position, could serve on the committee, and the Ethics Commission advised that she could serve. Mr. Rees said there was some question on whether or not Ms. Graves could serve on the Committee, as she is not a Town resident; Mr. Rees will research the matter and advise the committee at a later date. Mr. Rees left at 5:10 p.m.

SWEARING IN

Ms. Lowney swore in members Ms. Richard, Mr. Bueno, Ms. O'Brien, Mr. Badwey, Mr. Roderick and Ms. Hurley.

Members briefly introduced themselves to the group.

OFFICER ELECTION

Ms. O'Brien opened the meeting to nominations for Chairperson. Ms. O'Brien nominated Ms. Richard for Chair; Mr. Bueno seconded. Ms. Hurley nominated Mr. Roderick for Chair; Mr. Badwey seconded. Upon Ms. O'Brien's nomination, there were three votes in favor of Ms. Richard as Chair; upon Ms. Hurley's nomination, there were three votes in favor of Mr. Roderick as chair. Mr. Badwey suggested offering the Chairperson position to Mr. Bueno, a newcomer to Town committees, as the Committee could benefit from a new perspective; Mr. Bueno declined,

citing engagements that would prevent him from being an active Chair. Mr. Badwey requested another vote on the nomination for Ms. Richard. She was so voted Chair, (5-1).

Ms. Richard assumed the role of Chairperson. Ms. Richard requested nominations for Vice Chair. Ms. O'Brien nominated Mr. Roderick for Vice Chair. Mr. Badwey seconded. Vote was unanimous. (6-0).

Ms. Richard requested a nomination for Clerk. Ms. O'Brien nominated herself as Clerk. Mr. Badwey seconded. Vote was unanimous. (6-0).

ESTABLISHMENT OF SCHEDULE

The Committee agreed to set the next meeting dates as Tuesday, January 16 at 5 pm and Monday, January 22 at 5 pm. Whenever possible, the TCSC will meet on Mondays at 5 pm in the East Room.

COMMUNITY COMPARABLES

The TCSC will need to agree on a set of comparable communities for the purposes of making a recommendation for the Town of Fairhaven. Ms. O'Brien distributed data on the Town Clerk positions on the Southcoast, South Shore, and Cape and Islands, along with salary and charter information. See Attachment A.

Ms. Richard said that in her research, the most recent communities to adopt an appointed Town Clerk were the Towns of Ayer and Norfolk.

Ms. Hurley said that the TCSC will want to study the pros and cons of both elected and appointed Town Clerks. Ms. Richard asked the TCSC members to each come prepared to the next meeting with a set of five (5) pros and cons for both elected and appointed Town Clerks. The group was also asked to engage in some individual research, to collect data and articles on how other communities have addressed the issue of appointed versus elected Town Clerk. The members were also asked to bring three (3) milestones for inclusion in the TCSC proposed milestones collaborative.

Mr. Roderick provided Attachment B, which included some of the roles and administrative functions of Town Clerks.

At 6:01 p.m. Ms. O'Brien motioned to adjourn. Mr. Bueno seconded. Vote was unanimous. (6-0).

Respectfully,

Anne O'Brien
Clerk – Human Resources Director
Minutes approved 01/16/2018

Documents appended:

Attachment A: Proposed comparable communities and their Town Clerk data

Attachment B: Sample duties and charges for Town Clerks

Municipality	Status	Pop	Salary (top)	Charter?
Acushnet	Elected	10,415	70,000	
Aquinnah	Elected	329	30,310	
Barnstable	Elected	44,487	93,371	Y
Bourne	Elected	19,739		Y
Brewster	Appointed	9,947	101,232	Y
Carver	Elected	11,573	83,502	
Chatham	Appointed	6,138	76,502	Y
Chilmark	Appointed	916		
Dartmouth	Elected	34,564	73,812	Y
Dennis	Elected	14,025	74,460	
Duxbury	Elected	15,370		
Eastham	Elected	4,923		Y
Edgartown	Appointed	4,297		
Fairhaven	Elected	16,074		
Falmouth	Elected	31,503	90,417	Y
Halifax	Elected	7,761	53,036	
Hanover	Elected	14,349	58,509	
Hanson	Elected	67,187		
Harwich	Elected	12,192	76,905	Y
Kingston	Elected	13,117		
Marion	Elected	5,064		
Marshfield	Elected	25,620		Y
Mashpee	Elected	14,048		Y
Mattapoissett	Elected	6,216	59,000	
Middleborough	Appointed	23,980		Y
Nantucket	Elected	10,821		Y
Norwell	Elected	10,870		Y
Oak Bluffs	Elected	4,689		
Orleans	Appointed	5,858		Y
Pembroke	Elected	18,183		
Plymouth	Appointed	58,310		Y
Plympton	Elected	2,893		
Provincetown	Appointed	2,980		Y
Rochester	Elected	5,439		
Rockland	Elected	17,747		Y
Sandwich	Elected	20,513	78,227	Y
Tisbury	Elected	4,117		
Truro	Appointed	2,009		
Wareham	Elected	22,464		Y
Wellfleet	Appointed	2,751		Y
Westport	Elected	15,750	66,300	
West Tisbury	Elected	2,895		
Yarmouth	Appointed	23,552		Y

Specific Duties and Responsibilities of the Town Clerk

Purpose: The detail of specific duties and responsibilities of the Town Clerk varies from community to community. This section provides information extracted from survey respondents and submitted job descriptions. An individual Town Clerk may have duties and responsibilities not listed. The specifics presented here are for reference and to assist the Town Clerk with the development of a presentation of specific duties and responsibilities peculiar to the position in his/her community.

Summary: The Town Clerks fulfill five discreet administrative roles. Legislative Administrator, Chief Elections Officer/Clerk Officio of the Board of Registrar, Chief Public Information Administrator, Public Records and Licensing Administrator and Census/Voter Registration Administrator. The duties in each area are directed by the 73 chapters and 451 statutes described in the Massachusetts General Laws which are further amplified by specific By-Laws.

Legislative Administrator

Summary – The Town Clerk administers the legislative process by maintaining responsibility of records management for all formal arms of town government, performing all functions related to elections, receiving and disseminating information pertinent to the formal arms of town government and local citizenry.

Specifically these duties are to:

- Identify and recommend changes in the law
- Review State Acts and Resolves as they are published and notifies proper office or department of the changes
- High degree of contact with the Secretary of State's Office
- High degree of contact with Town Counsel
- Undertake research and prepare answers for Federal, State, and Town Government Officers
- Administer and maintain records of the Oath of Office for all town officials
- Disseminate Open Meeting Law and State Ethics Code and guidelines of municipal officials
- Check in Town Meeting Members
- Call Town Meetings in the absence of the selectmen or town administer
- Prepare any secret or paper ballots
- Attest to other elected officials signatures
- Attest to and maintain files of appointed and elected Town officials

- Issue certificates of the votes at Town Meeting as required by law or upon request
- “Keeper of the Seal”
- Seal and attest, by signature, to By-Laws, resolutions and contracts, easements, deeds, bonds and other documents requiring town certification
- Make Policy recommendations to Town Government

Chief Elections Officer/Clerk Officio of the Board of Registrar

Summary: The Town Clerk is the Chief Elections Officer for the administration of fair and impartial elections, and is responsible for managing all details and procedures for the local execution of Federal, State and Local elections.

Specifically these duties are to:

- Serve as Chief Election Official, and as such, arrange details of all Local, State, and Federal elections in accordance with the requirements of the Secretary of State’s Office and local By-Laws
- Prepare the opening of the Warrant for Selectmen’s signatures
- Post the election and town meeting warrants
- Manage all on-site activity at Polls
- Arrange for physical setup of Polls
- Staff polls in accordance with General Laws, including Police Officers
- Transport ballots and ballot boxes to and from the polling locations
- Prepare tally sheets
- Interview, hire and supervise election officers and poll workers
- Oversee and announce final election results to the media, local officials and residents
- Administer and is a member of the Board of Registrar

Chief Public Information Administrator

Summary: The Town Clerk is responsible for the dissemination of information to all relevant groups regarding statutory regulation, from the Federal, State and Local levels concerning the adherence to and changes of policy in a timely fashion.

Specifically these duties are to:

- Issue Conflict of Interest Law and Certificate of Completion from municipal employees, boards and committee members
- Inform the public of the access mechanism to Governmental individuals, agencies and action

- Provide the public with information as requested from files, reports or requisite research
- Serve as a general information center to the public

Public Records Officer/Licensing Administrator

Summary: The Town Clerk is responsible for the maintenance, filing and issuance of vitals, business certificates and legal records for all formal arms of government, and adhering to records management schedules, thereby providing a legal and historically accurate record of Town actions.

Vital Records

Specifically these duties are to:

- Record and Index all birth, marriage and death certificates
- Report statistics to the State
- Maintain archival information and accessibility
- File amendments to birth, marriage and death certificates as required
- Correct and amend certificates as directed by court action from Massachusetts and all other states
- Establish birth records for foreign born adopted children upon request

Business Records

Specifically these duties are to:

- Keep records of municipal and State Licenses and Permits, including Telephone Pole Locations, Common Victualer Licenses, underground storage gasoline, Dog Licenses, Raffle & Bazaar Licenses
- Issue business certificates and maintain files of both valid and expired certificate (retain for five years)

Legal Records

Specifically these duties are to:

- Serve as the Custodian of official Town Records and public documents
- Receive and file all claims and actions against the town and communicates pertinent information to the appropriate persons
- Maintains Conflict of Interest and Open Meeting Law release files on public officials
- Receive, hold for twenty day appeal period, then file all decisions from the Planning Board and Board of Appeals
- Record and file all Annual Town meeting minutes
- Accept and file all boards and committee minutes

- File By-Laws and resolutions of the Town Meetings and oversee the codification of By-Laws into the municipal code book
- Submit By-Laws from Town Meeting to Attorney General with the necessary documentation for approval and records approval with effective dates
- Perform certification and recording for the Town as required on legal documents and others requisite records

Records Management

Specifically these duties are to:

- Manage the organization and access to files
- Control and maintain the condition of office storage
- Manage the retention schedules
- Develop systematic procedures for the disposal of obsolete records
- Maintain the physical condition for records preservation

Census and Voter Registration Administrator

Summary: The Town Clerk is responsible for the administration of the Voter Registration Information System on the local level, as well as the related Census activities

Specifically these duties are to:

- Arrange for and maintain the Annual Census of each resident of the Town
- Interview, hire and supervise the activities of census staff
- Prepare and print the Annual Street List
- Verify and certify residency of individual's upon request
- Transmit census information to Jury Commission for jury list according to Jury Commissioners format
- Manage residency verification each year
- Publicize and arrange voter registration sessions
- Daily manage the voter list and associated interactions with the State Voter Registration Information System
- Verify and certify the signatures of voters on petitions and nomination papers
- Manage and maintain Absentee Balloting lists for all Elections
- Certify voter status and issue Absentee Ballots for residents with physical disabilities and out of Town residents