

Presentation to Annual Town Meeting
Monday May 2, 2022

Article 28
Citizens' Petition to Study and Consider
Increasing Board of Selectmen from
3 Members to 5 Members

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

• The Issue

- The **workload** on the 3 Selectmen is substantial. We are appreciative of the service, time and personal sacrifices the Selectmen have made.
- However, the BoS with 3 members is **not as effective** as it could be.
- It is **a challenge to find candidates** for the Board of Selectmen.
- The function that the Selectmen do is **important**.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

• The Issue *(cont'd)*

- Open Meeting Law forces some **constraints** on the operation of a 3-person board that **limit its effectiveness**.
- The town will be **considering possible governmental changes** that could be better explored with a larger board.
- The **Warrant Committee (majority opinion)** recommends the **approval** of this article.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- Rationale

- Preserve strong sense of **community** in Dover through increased participation, input, debate and transparency.
- Greater **efficiency** through workload- and responsibility-sharing and greater, more efficacious delegation.
- Provide more **effective debate** and discussion and greater ability to explore policy and operational proposals and changes.
- Make BoS **role more appealing** and increase the pool of interested candidates by lessening the individual burden and sharing of the workload.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- Rationale

- Additional members of the BoS could provide the **capacity to lead and coordinate initiatives** such a comprehensive periodic (e.g., decennial) review and update of Town Bylaws.
 - **Example: Bylaw reviews** are, largely, now done by individual committees on an ad-hoc basis.
 - **Another Example:** Initiate longer term town finances financial review.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Open Meeting Law**

- OML effectively limits discussions among committee members outside of a Open BoS meeting as
 - - if **2 of 3** members (a quorum) were to discuss it could be considered a “deliberation.”
 - This is good for transparency (and good government) but stifles progress when it comes to effectively exploring and deliberating policy and alternatives.

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Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Open Meeting Law**

- A 5-person BoS would allow 2 of the 5 members (a quorum would be 3 of 5) to meet as a sub-committee
 - And research and more fully explore a wide-range of topics, opportunities and alternatives for policy implementation.
 - The BoS subcommittee could then present its findings to the larger BoS in a BoS open meeting.
- It will provide for better, more open and considered governmental policy and operations.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Open Meeting Law** *(cont'd)*
 - The BOS would still be subject to Open Meeting Law and the expectation is that a 5-member BOS would fully comply with OML.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Moving to 5 BoS – How would process work**
 - Study Committee to be Appointed by the BoS
 - Made up of Citizens with Town Board/Committee and government experience
 - Committee hires a consultant experienced in MA governance issues to advise the committee (but not to make the decisions)
 - The Collins Center at UMass is an example of one that has broad experience in both Municipal governance and operational issues.
 - Cost would be approximately \$7,500, or less. We are asking for \$7,500.
 - Committee would explore the pros, cons, and pathways and if decided to recommend, would make recommendation to Town for ATM '24.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen from 3 Members to 5 Members

- Other Towns – 3 vs 5 person boards
 - Approximately 145 towns in MA have 5-member BOS
 - approximately, 150 have 3-member BOS (source: MMA).
 - Smaller towns generally have 3 and larger towns tend to have 5.
 - But, that is not always the case.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Comparable Towns**

- When considering changes Dover often compares itself to a group of 10 other Massachusetts towns with somewhat similar size populations and demographics.
 - Ashland - Sherborn
 - Lincoln - Sudbury
 - Medfield - Wayland
 - Millis - Weston
 - Norfolk - Westwood

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

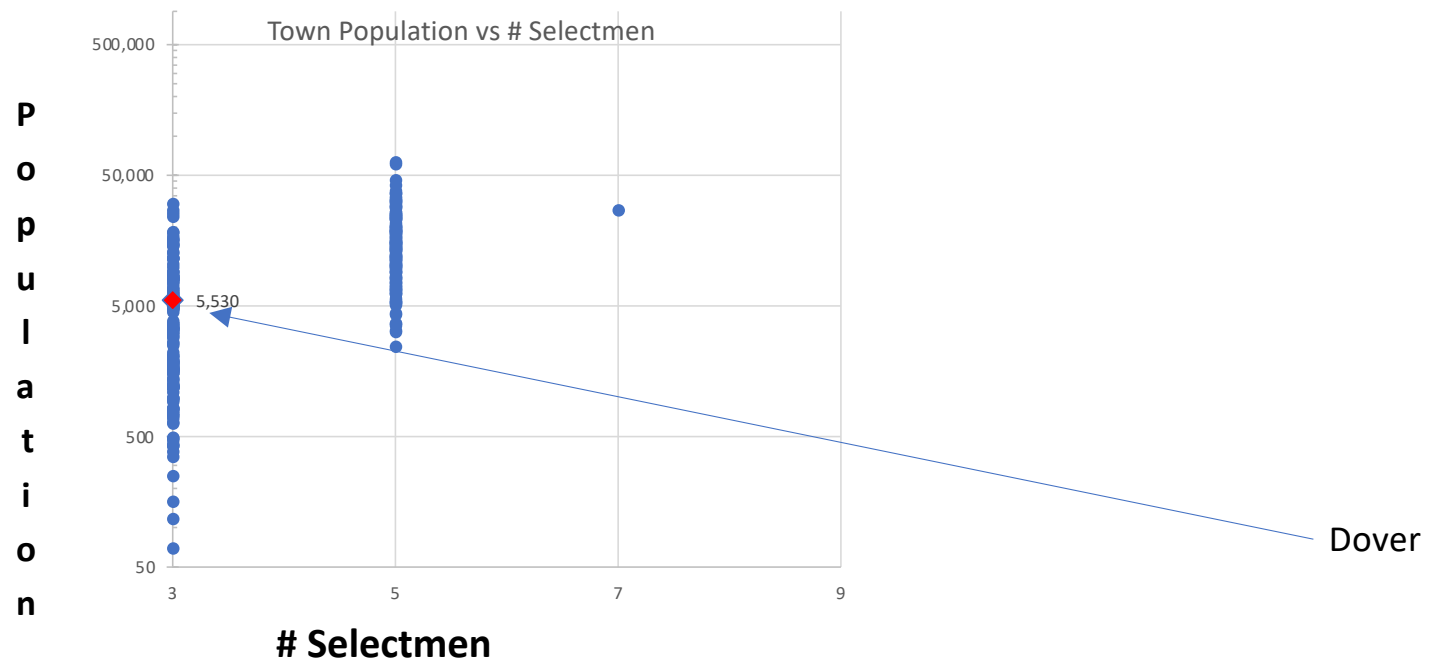
- **Comparable Towns (4 with 5 selectmen, 6 with 3)** *(MMA data)*

<u>Town</u>	<u># of Selectmen</u>
Ashland	5
Lincoln	3
Medfield	3
Millis	3
Norfolk	3
Sherborn	5
Sudbury	5
Wayland	5
Weston	3
Westwood	3

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen from 3 Members to 5 Members

- MA Towns – 3, 5, 7 Selectmen *(MMA, MA DOR data)*



Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Moving to 5 BoS – Other Towns**
 - Sherborn voted to move to 5 selectmen from 3 in 2014
 - Generally very positive
 - Study Committee would explore more deeply

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Conclusion**

- The time is right to consider the benefits to moving to a 5-person BoS.
- A 5-person BoS will help preserve Dover's sense of community, openness, transparency and, consideration of initiatives and alternatives.
- Likely, it will draw-in more people willing to serve on the BoS by making the role more attractive by sharing the (workload) burden.
- It will help Dover meet the challenges of the 21st century.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Conclusion** (*cont'd*)

- The town is modernizing government and apparently considering moving to a town manager from town administrator role.
 - This is at least several years off.
 - A 5-person BoS would be helpful in exploring, considering and implementing these potential changes.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Thank you for your consideration**

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Frequently Asked Questions**

- The town is has been modernizing the government and is apparently considering making changes to the structure (town manager rather than town administrator) in the coming years – **why not wait** until then?
- A five-person board would be helpful in considering, evaluating, implementing increasing the transparency of any proposed changes which may be many years off.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Frequently Asked Questions** *(page 2)*

- Why doesn't the town just **vote now** to move to a 5 person Board – why have a committee to study it?
 - While the arguments are strong for moving to a 5-person BoS and research has been done , this would be a big change for Dover and it seems prudent to formally evaluate the pro's and cons and, importantly, fully explore the path as to how this would be implemented.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- Frequently Asked Questions *(page 3)*
 - Dover has been **doing just fine** with a 3-person Board of Selectmen for more than 100 years why change it?
 - Government has gotten more complex and people have gotten busier. Harder to find time to do what needs to be done.
 - Costs have risen and it is imperative to make government more efficient to address this.
 - Need to adjust to realities of our times.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Frequently Asked Questions** (*page 4*)
 - Does the Article **demand** the BoS be expanded to 5?
 - No, the Article requests funds for a study and a committee to explore and make a recommendation to the Town.
 - How will the **Study Committee** be selected?
 - The BoS will appoint a diverse group of 5, 7 or 9 Citizens' with experience on Town committee and government to be on the committee.
 - Dover is a relatively small town; is it **mandated to have only 3 Selectmen** due to its size?
 - No, Dover can choose the number of Selectmen it wishes to have. The number of 3 is more a historical artifact than a requirement.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- Frequently Asked Questions (*page 5*)
- What **approvals** are needed to move to 5 Selectmen?
 - This is to be explored by the Committee. But it seems a Town Meeting approval to change the Town Code and possibly an act of the State Legislature. Neither of these are very complicated.
- Why do we need a **consultant**?
 - A consultant **experienced in Massachusetts Municipal Government** would help the Committee define and complete the task and also navigate complexities with respect to MA law.
- How will the **consultant be selected**?
 - The **Study Committee** will **select and engage** the consultant.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- Frequently Asked Questions *(page 6)*

- How much will the **consultant cost**?

- Based on conversations about the scope it seems that a **budget of \$7,500** would be sufficient.
 - While \$7,500 is a appreciable sum of money, it would seem a worthwhile spend given the number of people, and the expectation of their time to be devoted the study in order to get the best, efficient outcome.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **Frequently Asked Questions** *(page 7)*

- Will the study committee consider changing from a Board of Selectmen to Selectpersons?
 - This Article is really about **moving to 5** on the BoS **not** about changing titles. The Study Committee **may or may not** decide to make such a recommendation.
 - Six of the ten Dover “Comparable” Towns already have a “Select Board” and four have “Selectmen” (MMA data)

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **End Presentation**

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- **APPENDIX**

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

APPENDIX

- The actual wording of the Article:
 - **To see if the Town will vote to authorize and instruct the Board of Selectmen (BOS) to establish a committee to conduct a study to explore aspects, including but not limited to pro's, con's, risks, issues to consider, potential timetable, and a pathway to implementation, of the Town's adopting a five (5) member BOS structure; or take any other action relative thereto.(emphasis added)**

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

- Board of Selectmen Role (from the Dover website)
 - The Board of Selectmen is the chief executive body of the Town.
 - It is responsible for the general direction of the Town government, enacting rules and regulations to establish and implement town policies unless such powers are specifically assigned to some other office or agency.
 - The Board of Selectmen is responsible for approving all personnel policy guidelines and regulations. It also has responsibility for hiring town employees in the departments for which it has responsibility.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

APPENDIX

- **Board of Selectmen Role**
 - Issue the warrants for Town Meetings and may make recommendations on various warrant articles;
 - Initiate legislative policy by inserting articles in Town Meeting warrants and then implement the votes subsequently adopted.
 - Make appointments of members for most boards and committees and hold public hearings on important town issues.
 - Also serve as the licensing board responsible for issuing and renewing liquor licenses.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

APPENDIX

- Board of Selectmen Role (*contd.*)
 - Dover Town Code provides for a three–person Board of Selectmen.
 - Selectmen are elected on a rotating basis of one member each year for a three-year term.
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Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

APPENDIX

- **Board of Selectmen Role** (*contd.*)
 - The Board of Selectmen shall have the general direction and management of the property and affairs of the town in all cases not otherwise provided for by law and shall perform their duties in accordance with MGL Chapter 41, Sections 1, 21, inclusively.
 - The Selectmen shall be the Police Commissioners and Water Commissioners for the Town.
 - The BoS members are paid between \$100 and \$200 annually as traditionally provided in Article 2 at ATM.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

APPENDIX

- **Open Meeting Law**

- Massachusetts Open Meeting Law requires that most meetings of Public Bodies be held in public and records of meeting be made available.
 - Great for transparency and open government.
 - Allowed exceptions of OML include things like certain personnel issues, contract negotiations.
- OML was revised during COVID to allow for technologies such as Zoom meetings due to circumstances.
- OML effectively limits discussions among BoS outside of BoS meetings. However, there are times when it would be appropriate and effective to talk (without deliberating) to bring forward information to the benefit of the whole BoS.

Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

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 - OML effectively limits discussions among committee members outside of a Open BoS meeting as - if 2 of 3 members (a quorum) were to talk it could be considered a “deliberation.”
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Article 28

Citizens' Petition to Study and Consider Increasing Board of Selectmen
from 3 Members to 5 Members

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- **Open Meeting Law** *(cont'd)*
 - A 5-person BoS would allow 2 of the 5 members (a quorum would be 3 of 5) to meet as a sub-committee of the BoS and research and explore issues and then present their findings to the entire BoS in a traditional BoS open meeting.
 - It will provide for better, more open and considered governmental policy and operations.
 - The BOS would still be subject to Open Meeting Law and the expectation is the a 5-member BOS would fully comply with OML.