



## **Dedham Charter Review Committee**

### **August 2021 Preliminary Report**

*Respectfully Submitted:*

*Carmen Dello Iacono, Chair*

*Thomas Ryan, Vice Chair*

*Michelle Apuzzio*

*Andrew Haley*

*Lance Hartford*

*Michele Heffernan*

*Gemma Martin*

The Charter Review Committee is a special committee appointed by the Select Board pursuant to Article 7 of the Dedham Home Rule Charter (the “Charter”). The Charter Review Committee (referred from time to time to as “the Committee”) was charged by the Select Board with the task of reviewing the Charter and making recommendations regarding possible revisions or recodifications as the Committee deemed appropriate. The members of the Charter Review Committee are as follows: Michelle Apuzzio, Carmen Dello Iacono (Chair), Andrew Haley, Lance Hartford, Michele Heffernan, Gemma Martin and Thomas Ryan (Vice-chair). Section 7-2 of the Charter calls for the Committee to prepare and submit a report to the Select Board containing recommended revisions accompanied by a statement of reasons.

The members met at properly posted open meetings over the course of the last two years, interviewing members of various elected boards, elected officials and appointed officials who hold positions pursuant to the Charter. The Charter Review Committee received public input from Town Meeting representatives and Dedham residents, all of whom were invited to attend public hearings and engage in a survey. Unsurprisingly, the process of receiving input from stakeholders was hampered by the world-wide pandemic. Best efforts were made, however, to engage the public via electronic mediums, including Survey Monkey and Zoom, to keep the Charter review process moving forward. As a result of these collective efforts, the following report and recommended revisions are made to the Select Board.

This Report contains categories of recommended revisions organized sequentially pursuant to the eight (8) sections of the Charter (Sections 1, 2, 3, 4, 5, 5A, 6 and 7), although no revisions are proposed for Sections 5, 5A, and 7.

Revisions are further placed into one of three categories, as follows, based upon the nature of each proposed amendment: (1) Major Substantive Revisions, (2) Minor Substantive Revisions and (3) Ministerial and Clerical Revisions. An explanation of the these categories is as follows:

- Major Substantive Revisions are those recommendations which call for a significant change in policy or practice. These major changes require a significant language change or the addition of the language in the Charter.
- Minor Substantive Revisions require a significant language change to simply clarify the existing language.
- Ministerial and Clerical Revisions entail changes in language to ensure the consistency of terms used in the Charter throughout the text of the document and minor grammatical corrections.

In each instance, except as otherwise specifically provided, text to be deleted is shown in ~~**bold strikethrough**~~ and text to be inserted is shown in ***bold italics***.

The Charter Review Committee recommends that this Report be read along with a copy of the Charter (found at <https://ecode360.com/15734570>), as the proposed revisions may be difficult to understand out of context. The Committee reiterates that this Report is simply a set of recommendations. The Charter is a creature of law, and the process for its amendment is intertwined with legal requirements imposed by the Massachusetts Constitution and General Laws. The process of amending the Charter in this case requires approval of the Select Board, the Town Meeting and finally the Massachusetts Legislature. It is the sincere belief of the Charter Review Committee that the recommended revisions contained herein are in the best interest of the Town we all love and serve.

# Article 1. Incorporation: Short Title; Form of Government; Powers

## ● Ministerial and Clerical Revisions

### Section 1-1. Incorporation

**A. Committee Findings** – Correct punctuation so that the period at end of sentence is inside the quotation marks, as shown below.

**B. Proposed Revision:**

The inhabitants of the town of Dedham, within the territorial limits established by law, shall continue to be a body corporation and politic under the name “town of Dedham.”

### Section 1-7. Definitions

**A. Committee Findings**– For each subsection (a)–(k) of Section 1-7, place the comma appearing after the defined term inside the quotation marks, as shown below.

**B. Proposed Revision:**

- (a) “**Charter,**” this chapter . . .
- (b) “**Days,**” in connection . . .
- (c) “**District,**” a precinct . . .
- (d) “**Library,**” the Dedham . . .
- (e) “**Majority vote,**” a majority . . .
- (f) “**Multiple member body,**” any board . . .
- (g) “**Officer,**” a person . . .
- (h) “**Town,**” the town . . .
- (i) “**Town agency,**” any town . . .
- (j) “**Town bulletin boards,**” the bulletin . . .
- (k) “**Voters,**” registered voters . . .

## Article 2: Representative Town Meeting

### ● Major Substantive Revision

#### Section 2-9. Procedures (f) Voting

**A. Committee Findings** – Concerns were raised by Town Meeting members that important warrant articles have been voted by Town Meeting late in the evening without meaningful discussion or debate. Town Meeting representatives reported that they, in turn, felt pressured to refrain from raising questions or requesting explanations. While Section 2-9(f) of the Charter addresses how votes are taken, it does not impose any timeframe for the completion of business at a Town Meeting session. The Charter Review Committee recommends insertion of a provision for that purpose, establishing that no articles can be brought to the floor for the first time after 10:30 p.m. Knowing that this could result in Town Meeting potentially needing to reconvene to finish a small amount of outstanding business on the warrant, the Committee recommends further that if there are five or fewer articles remaining, Town Meeting may choose to hear and act on such matters only when approved by a 2/3 vote of those Town Meeting members present and voting. Note that this revision would not restrict Town Meeting from voting on a matter that has been moved prior to 10:30. It is therefore proposed that the existing subsection be relabeled as Section 2.9(f)(i), to be followed by a new Section 2.9(f)(ii), all as shown below.

#### **B. Proposed Revision:**

(f) Voting —

- i.* Voting shall be by voice vote and the moderator shall declare the result of each vote taken. If 7 or more town representatives immediately stand to doubt the vote as announced, the moderator shall verify the voice vote by taking a standing vote. If 15 or more town representatives

immediately stand to doubt the result of the standing vote, the moderator shall verify the standing vote by taking a roll call vote. At the moderator's discretion, the moderator may direct that any vote be taken by a call of the roll of the town representatives present.

Notwithstanding this subsection, the representative town meeting may, by by-law, allow a different method for counting votes of town representatives present at a town meeting, such as by electronic means. The representative town meeting shall not for any reason declare itself in executive session or attempt to prohibit the public from attending any of its proceedings.

- ii. No vote shall be taken on any warrant article not first taken up for discussion on the floor of Town Meeting prior to 10:30 p.m.*

*Notwithstanding the provisions of the first sentence of this subsection, however, if there are five (5) or fewer warrant articles remaining at the above-designated time, the remaining warrant articles may be taken up for discussion and vote with the approval of two-thirds (2/3) vote of the representative town meeting members present and voting. Any warrant articles not voted upon on at the first session of town meeting shall be taken up, following consultation by the Town Moderator, Select Board and Town Manager as to scheduling and availability, at a session held on such date, time and place designated by vote of town meeting.*

## ● Ministerial and Clerical Revisions

### Section 2-2. Eligibility; Nomination Procedures (b)

**A. Committee Findings** – The Board of Registrars of Voters is referenced inconsistently throughout the Charter. Therefore, in Sections 2-2(b), 3-2(d), 3-13(b)(3) and 3-13(c), the words “board of” have been inserted before the words “registrars of voters” as shown..

**B. Proposed Revised Language:**

Such papers shall be signed by not less than 10 voters of the district in which the candidate resides and from which the candidate seeks election, and shall be submitted to the **board of** registrars of voters not

later than 49 days prior to the date of the next regular annual election. The **board of** registrars of voters shall check each name on the nomination papers and shall certify thereon the number of signatures that are names of voters in the district making the nomination.

Section 2-9. Procedures (c) Committees (1) Standing Committees  
(i) Finance and Warrant Committee

**A. Committee Findings** – Internal references require clarification.

**B. Proposed Revision:**

The finance and warrant committee, on which no town representative shall serve, shall consist of 9 members appointed by the moderator for 3-year terms, so arranged that the term of office of 3 members shall expire each year. The duties of the finance and warrant committee shall include those listed under **section 2-9(c)**, paragraph (2) and ~~Article~~ **section 5A-6**.

Section 2-9. Procedures (c) Committees (1) Standing Committees  
(ii) Standing Committee on Planning and Zoning

**A. Committee Findings** – Internal reference requires correction.

**B. Proposed Revision:**

The planning board, elected under section ~~3-9 3-8~~, shall be considered the standing committee on planning and zoning.

Section 2-9. Procedures (c) Committees (1) Standing Committees  
(iii) Committee of District (Precinct) Chairs

**A. Committee Findings** – In referring to the election of Town Meeting Representatives, the word “precinct” is used instead of the word “district”, a term defined in Section 1-7. Definitions, (c) District.

**B. Proposed Revision:**

(iii) Committee of ~~Precinct~~ **District** Chairs - The committee of ~~precinct~~ **district** chairs shall be comprised of the town representatives elected as chair in each district of the town in accordance with subsection (h).

## Section 2-9. Procedures (h) District Organization

**A. Committee Findings** – The word “precinct” is used instead of the word “district”, a term defined in Section 1-7. Definitions, (c) District.

**B. Proposed Revision:**

The town representatives from each district shall, within 17 days following each regular annual election, elect by written ballot, from among their own members, a chair, vice-chair and a clerk, to serve for a term of 1 year, and shall file a notice of such organization with the town clerk. Such organizational meeting shall take place on a date determined by the chair of the committee of ~~precinct~~ **district** chairs, established under clause (iii) of paragraph (1) of subsection (c), in consultation with the town clerk, prior to making nomination papers available for the regular annual election.

## Section 2-12. Referendum Petitions

**A. Committee Findings** – Punctuation needs to be corrected by closing the quotation marks around the question in the fourth paragraph of section 2-12 and inserting a bracket in place of the parenthesis at the beginning of said question, to read as follows.

**B. Proposed Revision:**

"Shall the voters of the town confirm the action taken by the representative town meeting at the town meeting held on [insert date] to [insert here the question as stated when presented by the moderator]?"

## Article 3. Elected Officials

### ● Major Substantive Revision

## Section 3-2. Select Board (f) Annual Goal Setting and Reporting

**A. Committee Findings** – Feedback from stakeholders suggests that annual goal setting and reporting, done currently by the Select Board, as well as



some other boards on an ad-hoc basis, would be beneficial to the understanding of the community at large about Town government. Requiring this action will ensure that each elected and appointed multimember body and each officer elected or appointed under the charter, annually analyzes, adopts and reports on specific goals and use of public funds. The Committee would also like the Select Board, in partnership with the Town Manager, to have a more defined role in ensuring that this process is undertaken by all elected and appointed multimember bodies and officials. These responsibilities will be established by insertion of a new subsection in Article 6, and by amending the Charter for elected and appointed boards and officers to reference these new requirements. For the Select Board, the language to be inserted would take the following form.

**B. Proposed Revision:**

***(f) Annual Goal Setting and Reporting – The select board shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8. Further, the select board shall require officers and multiple-member bodies it appoints receiving an annual appropriation or expending public funds, to similarly comply with section 6-8.***

Section 3-3. School Committee (c) Annual Goal Setting and Reporting

**A. Committee Findings** – Insert a new subsection to establish that the School Committee shall engage annually in goal setting and reporting.

**B. Proposed Revision:**

***(c) Annual Goal Setting and Reporting – The school committee shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8.***

### Section 3-4. Board of Assessors (c) Annual Goal Setting and Reporting

**A. Committee Findings** – Insert a new subsection to establish that the Board of Assessors shall engage annually in goal setting and reporting.

**B. Proposed Revision:**

***(c) Annual Goal Setting and Reporting – The board of assessors shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8.***

### Section 3-5. Town Clerk (c) Annual Goal Setting and Reporting

**A. Committee Findings** – Insert a new subsection establishing that the Town Clerk shall engage annually in goal setting and reporting.

**B. Proposed Revision:**

***(c) Annual Goal Setting and Reporting – The town clerk shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8.***

### Section 3-6. Board of Health (c) Annual Goal Setting and Reporting

**A. Committee Findings** – Insert a new subsection establishing that the Board of Health shall engage annually in goal setting and reporting.

**B. Proposed Revision:**

***(c) Annual Goal Setting and Reporting – The board of health shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8.***

### Section 3-7. Board of Library Trustees (b) Powers and Duties

**A. Committee Findings** – In recent years, the Town Manager has effectively managed the directors of numerous elected Boards with little to no controversy. The directors of the Parks and Recreation Department and

the Public Library are the only two department heads not currently supervised by the Town Manager with respect to day-to-day operational and administrative matters. As a community, the residents of our Town have supported a form of town governance that allows and encourages an active and empowered Town Manager in these very areas. The Charter Review Committee recommends that the directors of the Parks and Recreation Department and the Dedham Public Library, be placed under the direct supervision of the Town Manager, like all other department heads, for day-to-day operational and administrative matters. As a result, the Committee proposes that the first sentence of Subsection 3-7(b) be stricken in its entirety.

**B. Proposed Revision:**

~~The board of library trustees shall have general charge of the care and management of town libraries and of all property of the town related thereto.~~ The board of library trustees shall have all the powers and duties that are given to library trustees under the constitution and the General Laws and shall have such additional powers and duties as may be authorized by this charter, by by-law or by vote of the representative town meeting.

Section 3-7. Board of Library Trustees (c) Annual Goal Setting and Reporting

**A. Committee Findings** – Insert a new subsection establishing that the Board of Library Trustees shall engage annually in goal setting and reporting.

**B. Proposed Revision:**

***(c) Annual Goal Setting and Reporting – The board of library trustees shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8.***

### Section 3-8. Town Moderator (c) Annual Goal Setting and Reporting

**A. Committee Findings** – Insert a new subsection establishing that the Town Moderator shall engage annually in goal setting and reporting.

**B. Proposed Revision:**

***(c) Annual Goal Setting and Reporting – The town moderator shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8.***

### Section 3-9. Planning Board (c) Goal Setting and Annual Reporting

**A. Committee Findings** – Insert a new subsection establishing that the Planning Board shall engage annually in goal setting and reporting.

**B. Proposed Revision:**

***(c) Annual Goal Setting and Reporting – The planning board shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8.***

### Section 3-10. Parks and Recreation Commission (c) Powers and Duties

**A. Committee Findings** – In short, to provide for consistency with respect to day-to-day administrative and operational matters, it is proposed that the Directors of Parks and Recreation and the Public Library be brought under the direct supervision of the Town Manager for such purposes. For more information, see Committee Findings for Section 3-7, as set forth above. Subsection (c) should therefore be stricken in its entirety.

**B. Proposed Revision:**

**~~*(c) Powers and Duties – the parks and recreation commission may appoint a director of parks and recreation. Said director shall be appointed annually by the commission for a term of one year and until qualification by a successor and may be removed by the commission at any time when, in the judgment of the commission, the public interest*~~**

~~so requires; and any vacancy for any cause may be filled by appointment by the commission of the remainder of the unexpired term.~~

### Section 3-10. Parks and Recreation Commission (c) Annual Goal Setting and Reporting

**A. Committee Findings** – Insert a new subsection establishing that the Parks and Recreation Commission shall engage annually in goal setting and reporting.

**B. Proposed Revision:**

*(c) Annual Goal Setting and Reporting – The parks and recreation commission shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8.*

### Section 3-11. Commissioners of Trust Funds (c) Annual Goal Setting and Reporting

**A. Committee Findings** – Insert a new subsection establishing that the Commissioners of Trust Funds shall engage annually in goal setting and reporting.

**B. Proposed Revision:**

*(c) Annual Goal Setting and Reporting – The commissioners of trust funds shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8.*

### Section 3-12. Housing Authority (c) Goal Setting and Annual Reporting

**A. Committee Findings** – Insert a new subsection establishing that the Housing Authority shall engage annually in goal setting and reporting.

**B. Proposed Revision:**

*(c) Annual Goal Setting and Reporting – The housing authority shall annually set goals and report thereon, and on the expenditure of funds for such purposes, all as required by section 6-8.*

## ● Minor Substantive Revision

### Section 3-12. Housing Authority (a) Composition, Term of Office

**A. Committee Findings** – State law, G.L. c.121B, §5, was amended to change the process for selecting members, with three members to be elected, one to be appointed from among the residents of the Housing Authority, and one to be appointed by the Governor. Referencing state law in this section eliminates the need for future amendments to mirror state law.

**B. Proposed Revision:**

Composition, Term of Office – There shall be a housing authority which shall consist of 5 members. ~~Four of the members shall be chosen by ballot and the fifth member shall be a resident of the town~~ elected or appointed under section 5 of chapter 121B of the General Laws or as otherwise provided by law.

## ● Ministerial and Clerical Revisions

### Section 3-2. Select Board (d) Appointments

**A. Committee Findings** – The Board of Registrars of Voters should be referred to consistently. See 2-2(b), 3-2(d), 3-13(b)(3) and 3-13(c).

**B. Proposed Revision:**

The select board shall appoint: a town manager; constables; *board of* registrars of voters; election officers, but not including the town clerk. . .

### Section 3-13. Recall of Elected Officials (b) Recall Petition (3)

**A. Committee Findings** – The Board of Registrars of Voters should be referred to consistently. See 2-2(b), 3-2(d), 3-13(b)(3) and 3-13(c).

**B. Proposed Revision:**

Petition Signature Requirements - The town clerk shall within 1 day of receipt, submit the petition to the board of registrars of voters and the **said board of** registrars shall forthwith, but in no event more than 5 days after receipt, certify thereon the number of signatures that are the names of voters.

### Section 3-13. Recall of Elected Officials (c)

**A. Committee Findings** – The Board of Registrars of Voters should be referred to consistently. See 2-2(b), 3-2(d), 3-13(b)(3) and 3-13(c).

**B. Proposed Revision:**

Select Board's Action on Receiving Petition — If the petition shall be found and certified by the **board of** registrars of voters to be sufficient, the **board of** registrars shall submit the same with their certificate to the select board without delay, and the select board shall meet . . . .

## Article 4. Town Manager

### ● Major Substantive Revision

#### Section 4-2. Powers and Duties (b)(1)

**A. Committee Findings** – As described in more detail in the Committee Findings for the revisions proposed for Section 3-7(b), the Parks and Recreation Commission and the Public Library are the only two Town multiple member bodies whose directors are not under the day-to-day supervision of the Town Manager. The revision proposed to this section would authorize the Town Manager to appoint these positions, following consultation, respectively, with the elected Park and Recreation Commission and Library Board of Trustees, and subject to the approval of the Select Board.

**B. Proposed Revision:**

To appoint for periods not in excess of 5 years, subject to the civil service laws and of any collective bargaining agreements as may be applicable, all department heads, directors, principal deputies or principal agents of multiple member bodies other than those under the jurisdiction of the school committee, ~~board of library trustees, and the parks and recreation commission~~ and officers and positions for which no other method of appointment is provided in this charter; provided, however, that the town manager shall consult with the appropriate elected or appointed multiple member body prior to hiring a department head, director, principal deputy or principal agent for a particular department. . . .

#### Section 4-2. Powers and Duties (s)

**A. Committee Findings** – Consistent with the Committee Findings provided for the proposed revisions to Section 3-7(b) and other related sections, the amendment to this section would include within the Town Manager’s day-to-day administrative and operational supervisory authority the Directors of Parks and Recreation and the Public Library.

**B. Proposed Revision to Section 4-2(s):**

To supervise and direct all appointed department heads, directors, principal deputies and principal agents of elected and appointed multiple member bodies, ~~but excluding the library director and parks and recreation director,~~ with respect to day-to-day **operational and administrative matters performance**, in a manner consistent with the town's personnel by-laws and policies, and, if applicable, contracts or collective bargaining agreements. The town manager shall, in connection therewith, provide for an annual review of such department heads, directors, principal deputies and principal agents with respect to day-to-day **operational and administrative matters, following consultation with the** respective multiple member body **or its designee.**



## Section 4-2. Powers and Duties (t) Annual Goal Setting and Reporting

**A. Committee Findings** – As noted previously, the Charter Review Committee believes it will be beneficial for all elected officials and elected and appointed multimember bodies to engage annually in goal setting and reporting. The amendment to this section clarifies the role of the Town Manager to provide assistance and support for departments and officials of the Town to comply with the requirements of Section 6-8 as revised.

**B. Proposed Revision:**

*(t) Annual Goal Setting and Reporting – The Town Manager shall encourage and support elected officials and elected and appointed multimember bodies to engage in annual goal setting and reporting as required by Section 6-8.*

## Article 6. Administrative Provisions

### ● Major Substantive Revision

#### Section 6-7. Roles of Multiple Member Bodies *and their Respective Department Heads*

**A. Committee Findings** – The Committee previously recommended that the Town Manager be authorized to provide day-to-day supervision of all department heads with respect to operational and administrative matters. The Committee finds further that the Charter should also acknowledge the obligation of department heads to carry out the policy direction provided by elected or appointed boards. The proposed amendment to this section emphasizes the obligations of department heads to those multiple member bodies that have statutory jurisdiction over certain matters.

**B. Proposed Revision:**

**A. Multiple Member Bodies.** Nothing in this charter shall be construed to authorize any individual member of an elected or appointed multiple member body, nor a majority of members of such body, to become involved in the day-to-day operation and administration of any town agency, including appointment and supervision of department heads and staff, ~~except as otherwise expressly provided in subsections (b) and (s) of section 4-2.~~ Instead, day-to-day operations shall be subject to oversight by the town manager under section 4-2 and department heads under sections 6-5 and 6-6. It is the intention of this section to affirmatively establish that such bodies shall act only through the adoption of broad policy guidelines that are to be implemented by officers and employees serving under such body.

**B. Department Heads.** *Notwithstanding any provision of section 6-7(A) or 4-2(b)(2) to the contrary, department heads appointed by the town manager under the provisions of section 4-2(b)(1) shall be responsible to the appropriate elected or appointed multiple member body for implementation of policy decisions made and policy guidance given. Each department head shall report regularly to such multiple member body concerning department operations, actions taken and the status of new or ongoing issues. Each department head shall work cooperatively with the chair of the appropriate multiple member body and the town manager to ensure the body has appropriate administrative and operational support.*

**Section 6-8. Annual Goal Setting and Reporting of Multiple Member Bodies**

**A. Committee Findings** – The proposed revision to this section specifically describes the parameters of annual goal setting and reporting for all elected officials, officials appointed under the provisions of Section 4-2(b)(1), and elected and appointed multimember bodies.

**B. Proposed Revision:**

- A. Annual Goal Setting and Reporting.** Each elected and appointed multiple member body and elected official, and each town official appointed under the provisions of section 4-2(b)(1) receiving an annual appropriation or otherwise expending public funds shall annually engage in goal setting and, on a date and in the form designated by the town manager, **submit to the town manager as a part of its annual report under Section 6-8(b)**, explaining how public funds were used in furtherance of those goals. Such reports, to the extent feasible, shall be included in the warrant book sent to Town Meeting representatives. If any particular multiple member body or officer fails to file such report by the designated date, the warrant book shall so indicate.
- B. Additional Reporting Requirements – Annual Reports.** Each elected and appointed multiple member body, **elected town official, and town official appointed under the provisions of section 4-2(b)(1) of this charter shall include in their respective annual report** information regarding the status of those matters under ~~its~~ **their respective** jurisdiction, including any relevant plans or proposals known to ~~it~~ **them** affecting the resources, possibilities and needs of the town and, in the case of any multiple member body required to prepare or maintain plans or studies, an indication of the plan or study and any amendments made thereto during the past year.
- C. Availability of Annual Reports - On or before the date the warrant book is mailed to town meeting representatives, reports submitted under this section shall be shared with the Select Board, made available in physical form upon request at no charge and posted on the Town's website.**