

Sharon Governance Study Committee

—*Final Report and Recommendations*

November 16, 2022



Table of Contents

3	Executive Summary
5	Background
6	Form of Government
12	Town Meeting Improvement
18	Select Board
21	Personnel Board
23	Voting Eligibility
26	Planning Board
28	Finance Committee, Library Board of Trustees and Town Clerk
30	Town Charter
32	Recall and Removal
35	Transparency, Communications, Outreach and Education
37	Miscellaneous Recommendations
38	Item Considered and Not Recommended
39	Conclusion

Executive Summary

This report summarizes the recommendations of the Sharon Governance Study Committee, 2021-2022. The Select Board formed the committee to examine seven topics:

1. Consider whether the town should change the form of legislative body from open town meeting to representative town meeting or some other form.
2. Consider and recommend whether Section 494 of the town bylaws, which sets the dates of the annual Town Meeting and the annual town election, should be changed.
3. Consider whether to increase the number of members of the Select Board and recommend a process for evaluating, debating and deciding the issue.
4. Consider whether to appoint rather than elect the Library Trustees or Planning Board, other boards and committees and consider the length of term.
5. Evaluate the specific duties of the Finance Committee in relation to warrant articles and fiscal oversight and make recommendations as to the adequacy and appropriateness of current practice.
6. Review and consider recommendations to update the personnel bylaw to reflect federal and state legislative changes and court decisions, reflect best practices, and role, if any, of personnel board as it relates to School Department employees.¹
7. Consider whether to recommend a process for evaluating and consolidating town bylaws into a charter document.

The committee researched and deliberated these issues and developed a series of recommendations. A full list of the committee's recommendations can be found starting on Page 6.

¹ At a meeting on September 22, 2021, the committee determined that it did not possess the expertise necessary to review and consider recommendations to update the personnel bylaw. The committee referred this item back to the Select Board by email to the chair on October 28, 2021, and a follow-up to the full board.

Some highlights of the committee's recommendations include:

- Retaining the current open town meeting form of government, with certain changes to improve the accessibility and efficiency of the legislative body.
- Conducting a three-year experiment of allowing voters at Town Meeting to vote with handheld electronic devices.
- Increasing the size of the Select Board from three to five members, to encourage greater participation and diverse viewpoints in the town's executive body.
- Advocating for all legal residents of Sharon over the age of 18 to be allowed to participate in town government and town elections.
- Recommending that no action be taken regarding the creation of a charter document.

In weighing the relative merits of proposed changes to the governance of Sharon, the committee favored proposals that would:

1. Enable more town residents to actively participate in town government.
2. Invite and attract new and diverse voices to engage in town affairs.
3. Improve residents' access to information about town government.
4. Streamline decision-making and make governing more effective and efficient.
5. Place responsibilities for management in the appropriate hands.
6. Provide residents with reasonable mechanisms for redress and accountability.

In considering these topics and proposals, there were tensions between some of these factors. The committee nevertheless believes its recommendations struck an appropriate balance between these various objectives.

Background

On August 24, 2021, the Sharon Select Board established the Governance Study Committee and set the committee with a charge of studying and making recommendations on the seven topics cited in the executive summary.

To more effectively study the topics within its charge, the committee created two subcommittees. The Town Meeting Subcommittee, chaired by Matt Keenan, studied topics related to Sharon’s form of government (topics 1 and 2 in the executive summary). The Boards and Committees Subcommittee, chaired by Phillip King, studied topics 3, 4 and 5. During the subcommittee meetings, members heard from many experts — for example, former Select Board members, officials from other towns, consultants, and vendors.

As initial outreach, each committee member was assigned to serve as a liaison to one or more of Sharon’s public bodies to discuss the committee’s charge. The members’ liaison assignments can be found in appendices. Throughout the process, the committee and its subcommittees received written and oral communications from Sharon residents.

In order to solicit direct input from as many residents as possible, the committee conducted two surveys, one at the annual Town Meeting on May 2, 2022, and another online from June to August 2022. Finally, the committee held two public forums, on June 14, 2022, and September 19, 2022, to directly hear from residents. In the course of its work, the committee explored topics, such as enabling noncitizen legal residents to vote in Sharon municipal elections, which went beyond the Select Board’s initial charge if the topics seemed to contribute to the committee’s goals.

In May 2022, two consultants from the Metropolitan Area Planning Council (MAPC), Mark Fine, director of municipal collaboration, and Brian Luther, municipal service specialist II, began assisting the committee with comparative research and guidance on the governance of other municipalities. The consultants provided valuable, in-depth research and suggestions on crafting this report.

The committee was chaired by Paul Pietal, with Ganesh Rangarajan serving as vice chair and Robert Carver as clerk. The committee’s other members were Peg Arguimbau, Keevin Geller, Ron Goodman, Matthew Keenan, Phillip King, Joanne Michalek, Sarah Monahan and David Wluka.²

The committee generally met on a biweekly basis until it approved this final report on November 16, 2022.

² Maureen Silverlieb served on the committee from its creation until January 26, 2022. On February 9, 2022, the committee asked the Select Board to appoint a new member to fill the vacancy. Joanne Michalek was appointed to the committee on July 12, 2022.

Form of Government

Recommendation: Moved that the town retain the open town meeting form of government. We call on the Select Board to work to improve the existing form of our town government by implementing changes and recommendations from the Governance Study Committee to encourage greater participation and provide opportunities for voters to better understand issues prior to any Town Meeting.

Vote: 8 – 2 – 0

Majority Opinion: Retain Open Town Meeting

The Town Meeting Subcommittee met with people from Sharon and other Massachusetts communities that have open town meetings, representative town meetings and town council forms of government. The subcommittee distributed a paper survey to attendees at Sharon's 2022 annual Town Meeting, seeking input, comments, and suggestions about Sharon's form of government. An online town-wide survey disseminated by the full committee also provided data from more than 1,200 respondents regarding their governance preferences.

The subcommittee debated and discussed the survey results, input from guests, and historical data. Open town meeting, being the current form, was reviewed at length. Some of the arguments for change included:

- Too few people attend Town Meeting and make the decisions for the town.
- Voters at Town Meeting do not fully understand what it is they are voting on.
- Too many people cannot attend due to scheduling, work, and family conflicts.
- Supporters of a single warrant article do not attend the whole Town Meeting to vote on other major business of the town.

During meetings of both the subcommittee and full committee, the arguments in favor of retaining open town meeting included:

- Town-wide, 42% of survey respondents supported retaining open town meeting, the most of any form.
- The town has not experienced any large-scale dysfunction or crisis that would necessitate adoption of a different form of government, such as a representative town meeting or town council.

- Attendance at Town Meeting is higher in years when issues of greater interest are considered for a vote, indicating that more voters will attend when voters are interested in particular topics.
- The ability to go to a Town Meeting and vote on any or all topics is a form of direct democracy. The ability of each voter to participate individually in the legislative body of the town is a valuable individual right for residents.
- If the town changed to either a representative town meeting or town council, residents would have to run a campaign to be elected in order to vote on issues. In addition, both of these forms are representative, meaning that residents' wishes are expressed indirectly through their representatives.

The committee recognized that work, family, and other personal conflicts could prevent some residents from being able to attend a particular Town Meeting. Conflicts and obstacles to participation in Town Meeting will always exist with this form of government, as the town meeting format inherently requires residents to gather in one place at the same time. The committee weighed this factor against the ability of all registered voters to directly participate in open town meeting, something which would be lost under representative systems.

Ultimately, a majority of the committee felt that Sharon residents should not have their ability to vote on important town matters shifted to a representative group.³ During its research, the subcommittee realized that some residents may not understand how Town Meeting works and the efforts made since 2010 to improve its efficiency. As explained further below in Section __, the subcommittee has therefore returned to those subjects and has proposed changes to 1) increase the efficiency of Town Meeting, 2) raise awareness among town residents, and 3) increase attendance. In particular, the subcommittee believes that some technological changes could improve efficiency and attendance. The improvements outlined in this report will serve to enhance Town Meeting's value to the town's residents.

³ The committee noted that a change to a different form of government would have to be approved at Town Meeting and a town election. The last committee which proposed changes to Sharon's governance — the Charter Commission — concluded in 2010. The vote to change the open town meeting format was soundly defeated by a more than 2-to-1 margin in an election with a total of 3,478 votes. However, the Charter Commission recommended other changes to Town Meeting and the town's general governance, many of which have since been adopted. For example, Sharon's bylaws have been codified and Town Meeting's efficiency has been improved through procedural changes, such as an earlier starting time, time limits on speakers and two meetings a year, if needed, to decrease the length of the meeting.

Minority Opinion: Replace Town Meeting with a Town Council

Two members of the committee supported changing Sharon's form of government to a council-administrator system as a more suitable form of government by which to make decisions efficiently and fairly on behalf of the residents of Sharon.

Sharon has had an open town meeting system since 1740. Participation has diminished over time as Sharon grew from a small, rural community into a complex suburb, with residents attending to work away from Sharon and to their families and other obligations.

Since 1997, there have been 81 Town Meeting sessions in Sharon. These events have typically drawn less than 2% of registered voters. In other words, the culminating event of a yearlong governing process, drawing fewer than one voter out of 50, makes decisions about an annual budget now approaching \$100 million.

In the committee's town-wide survey conducted in summer 2022, 44% of respondents said scheduling conflicts (including work) kept them away. Twenty-eight percent cited caregiving responsibilities; in the committee's survey at the Town Meeting in May — which measured the views of those who did attend — 36% said childcare affected their ability to take part. It is not, then, just a matter of voters choosing to stay away. There are systematic impediments in place that prevent certain voters from attending.

Research shows such problems are not new and not limited to Sharon. Town meetings throughout the state are plagued by low participation and, significantly, an underrepresentation of young parents. Even with the reforms proposed by this committee, the likely outcome is that Sharon will expend a great deal of money and energy to prop up a limited and troubled institution.

Under state law, there are alternatives to Town Meeting. A better recommendation would be a town council-town administrator (or manager) form of government. Under a council system, an elected group of citizens would serve as the legislative body in place of Town Meeting; a council would also take the place of the Select Board. An administrator or manager hired by the council would be the chief executive. The council would make policy decisions; the administrator would carry them out. This system is used by a dozen communities comparable to Sharon.

A well-structured council system brings clarity and checks and balances. It features:

- **An active, informed legislature:** The council would be made up of committed legislators who would be knowledgeable and, importantly, more accountable than Town Meeting participants.
- **Timelier decisions:** The council would meet often, as Sharonites did in the early town meeting era. Under the present system, decisions can linger for six to 12 months or more, leaving people and businesses hanging. With a council, decisions could be made when they matter.
- **A continuing voice:** Sharonites would still have the opportunity to interact with their elected council members, serve on boards and vote for or against the candidates of their choice.

Some might worry that changing to a council form of government would deprive voters of their right to vote on the town's most important legislative matters. To the contrary, a council system would give all voters a real right and ability to participate, not just a theoretical one. Instead of the one-day, one-time, one-place demands of Town Meeting, elections offer voters multiple options for participating — more chances to participate and fewer reasons to sit out.

Sharon residents turn out in bigger numbers for elections than meetings. In a typical year, more than 2,200 voters go to the polls in May, in contrast to the 238 who typically attend the annual Town Meeting. This broader participation is fairer and more representative.

There is surprising support for change, much more than in the past. In the committee's town-wide survey, 43% of residents favored changing to a new way of governing, including 28% who supported a town council; 42% supported retaining open town meeting. All the forms of government the committee considered had strengths and weaknesses. On balance, a town council would provide a sensible way forward.

Comments on Representative Town Meeting

The Town Meeting Subcommittee studied the representative town meeting form of government as an alternative to open town meeting. In the full committee's town-wide survey of residents, the representative meeting form of government drew a measure of support, with 16% of respondents favoring this option. As a practical matter, however, the committee felt representative town meeting is not a viable choice for Sharon.

In a representative town meeting system, a number of residents are elected, by district, to serve as the legislative body of the town. The representatives, elected to three-year terms, approve budgets, bylaws, and other matters on behalf of the town. Since representative town meetings were first created in 1915, more than three dozen communities in Massachusetts have adopted this governing form, generally because of rapid population increases. In towns with well-established representative meetings, this form of government appears relatively popular. But no Massachusetts town has switched to the representative meeting form since 1988.

There are several putative strengths proponents offer regarding representative town meetings:

- A representative body could be more efficient than open town meetings.
- Elected members would be close to the needs and preferences of their communities.
- Elected members would likely be better informed on issues than voters at open town meetings, producing better debates on the issues.

However, based on the committee's research, this form of government was found to have significant drawbacks, including that:

- Towns sometimes struggle helping members stay informed about the issues before them.
- Representative meetings often do not reflect the political or demographic diversity of their towns' populations.
- In some towns, the elected bodies have difficulties meeting quorums.

The size requirements for a representative town meeting were a significant factor as the committee considered this form of government. State law requires a representative town meeting to have a “total elected membership to be as nearly two hundred and forty as may be[.]” During its research, the subcommittee interviewed officials in towns with representative meetings ranging in size from 150 to nearly 400. Forming and sustaining an elected body in Sharon with 240 participants — 48 per voting precinct — was seen by the subcommittee as a formidable, and likely insurmountable challenge and this was among the reasons the committee concluded that this form of legislative body would be impractical.

No members of the committee supported representative town meeting as their preferred form of government.

Town Meeting Improvement

On-site Electronic Voting

Recommendation: We recommend the town conduct a three-year experiment, using voting devices at all annual and special town meetings, to determine the merits and cost-effectiveness of electronic voting.

Voted: 10 – 0 – 0

Committee Report

Currently, vote-counting at Town Meeting occurs by two methods. More commonly, voters shout “Yes” or “No” to indicate their preferences, and the town moderator declares whether the required majority has been achieved to pass the measure. In close cases, and often when a supermajority is required, a “standing vote” is conducted. At the direction of the moderator, those in favor raise a hand holding a colored index card. Designated vote counters, having been sworn in by the town clerk, then count the votes, with two counters assigned to each seating area. When the counters for each area agree on the tally, they report the count to the clerk. The process is then repeated for those opposed and those abstaining. A standing vote is time-consuming, adding to the duration of the meeting.

For more than a decade, other Massachusetts communities have safely used hand-held electronic voting devices at town meetings. The committee interviewed vendors supplying and supporting such systems, as well as moderators from towns employing the technology. Those town officials universally saw the electronic devices as saving significant time, improving the experience of participants, and ensuring secure and accurate vote counts.

In the two surveys conducted by the committee, we learned that the length of town meetings is one of the primary obstacles to citizen participation. The surveys also demonstrated that a small, but significant portion of the community would prefer to cast their votes privately; indeed, some towns cited that preference as a key driver in the decision to adopt electronic voting. Another advantage of electronic voting is prompt reporting of an accurate tally for all warrant articles. Currently, a precise count is only recorded when a standing vote occurs.

The one notable disadvantage of these systems is their cost, which varies by vendor, by the number of voters in attendance, and by the amount of support a town requires from the vendor. Typically, towns either lease or buy “clickers” to use with vendor-supplied software. Often, a small team of support personnel train local officials and attend the

meeting to ensure a smooth process. Given the changing technology and the variability of annual attendance, and uncertainty about the initial and ongoing costs, the committee recommends a three-year experiment to determine whether the benefits outweigh the costs of adopting electronic voting. The appendix displays a comparison of popular voting systems used by Massachusetts towns.

Remote Participation in Town Meeting

Recommendation: We recommend the Select Board vote to support Wayland’s efforts to enable remote participation in Town Meeting.

Voted: 10 – 0 – 0

Committee Report

The committee recommends the Select Board vote to support Wayland’s efforts to enable remote participation in town meetings. Current state law requires voters to be physically present to take part in town meetings, but in the 21st century, that requirement is unnecessarily restrictive.

Several bills have been introduced in the legislature to modify the requirement, including one from the town of Wayland, a community with many similar characteristics as Sharon. Officials in Wayland are seeking passage of state legislation that would allow the town to test a remote-participation system at its open town meeting. That system would permit off-site participants to speak, introduce amendments, and cast votes. The committee recommends that the Select Board vote to support Wayland’s efforts through Sharon’s legislative delegation, monitor the progress of the legislation, and, if a successful test is conducted, determine if a similar experiment should take place in Sharon.

During the pandemic, the Massachusetts legislature permitted towns with representative town meetings (and communities with city or town councils) to meet in person, virtually or in a hybrid format. These communities have demonstrated the feasibility and efficacy of remote participation. Similarly, in Sharon, boards and committees function smoothly with remote meetings and attract increased citizen attendance.

Like any change, this would come with advantages and disadvantages. As a result of research conducted by the MAPC, committee members’ own research, and interviews with community leaders in Sharon and comparable towns, the committee summarizes the pros and cons as follows:

Advantages and potential benefits:

- **Enable more voters to participate:** Many residents cannot attend Town Meeting due to care-giving responsibilities, work schedules, age, or infirmity. Remote participation would substantially mitigate the effects of those barriers.
- **Allow voters to participate selectively:** It is common for controversial articles to attract citizen interest, while other more routine matters do not. Remote access would facilitate voters' choice to participate in those portions of Town Meeting that are more salient to them.
- **Modernize a time-honored tradition:** In an era in which people communicate readily online, the committee feels that Town Meeting would benefit from the use of new technology.
- **Possible cost savings:** To the extent that fewer residents attend in person, costs associated with public safety personnel, childcare, and other accommodations could be reduced for both the town and the residents attending.

Disadvantages and concerns:

- **Securing the vote:** Town officials told the committee it could be challenging to ensure that remote participants are registered voters in Sharon. However, current technology can provide secure logins and verification of identity. National professional organizations and political parties routinely conduct remote meetings and votes, and there are technological solutions to address security concerns.
- **Requirement of legislative action:** The proposal requires approval by the state legislature and governor, a time-consuming process without a guaranteed outcome. According to the MAPC, broader proposals have stalled in that process, but a town-specific home rule petition may have better odds of passage.
- **Additional complexity of planning and managing a hybrid meeting:** Since the start of the pandemic, representative town meetings have been allowed by the state to let members participate remotely. Moderators in those towns have deployed teams of varying sizes to prepare for the meeting, monitor logins, and keep track of meeting members who wish to speak remotely. These meetings have required additional planning and preparation to enable smooth and inclusive involvement of both in-person and remote attendees. Additionally, potential remote participants need to be educated in use of the meeting technology.
- **Cost:** The town would need to contract for a robust software platform. This new cost could be sizable. Therefore, the committee recommends an experimental approach. Moreover, because passage of the home rule petition will take time, it is difficult to predict future costs accurately.

The Select Board's charge to the committee emphasized the importance of increasing citizen engagement in town governance. The committee therefore found that the potential benefits outweighed the potential disadvantages of remote participation in Town Meeting. For more information, the appendix of this report includes a copy of Wayland's home rule petition to authorize remote participation.

Scheduling

In our surveys, scheduling conflicts were among the most commonly cited barriers to attending Town Meeting. The committee has voted unanimously to make four recommendations related to scheduling to improve Town Meeting's accessibility.

First, the committee recommends that the town clerk and Select Board work together to identify an appropriate annual Town Meeting date. The default or target day for the annual Town Meeting should be the first Monday in May. At times, efforts will need to be made to accommodate members of certain religious communities and others. The purpose of this resolution is to avoid scheduling conflicts that may effectively exclude segments of the voting population. This proposal does not seek to set a particular day for the annual meeting, as the current bylaw does. Instead, it sets a target and encourages flexibility by the town's decision-makers to enable maximum voter participation. The clerk and Select Board should similarly collaborate on dates for special meetings.

Second, the committee recommends that the Select Board and town clerk work with the Recreation Department, School Department, and other relevant bodies to minimize scheduled activities on the dates of Town Meeting.

Third, the committee recommends that Town Meeting be designated for two consecutive days during one week to address the business of the town. If more time is needed, a third day should be convened in the following week.

Finally, the committee recommends that the town retain the twice-yearly town meeting schedule, with the spring meeting focusing on the budget, capital expenditures, and non-zoning-related articles, and the fall meeting reserved for zoning and bylaw changes. Preparations should be made to allow for any time-sensitive articles that may arise.

Conduct of Town Meeting

To increase the efficiency and clarity of Town Meeting, the committee unanimously voted for the following recommendations.

First, the committee recommends that the town moderator work with other knowledgeable individuals to prepare and make available in the Town Meeting warrant a set of guidelines for speakers and presentations at Town Meeting.

Second, the committee recommends that the following procedure be followed in the event that a warrant article is removed from consideration at Town Meeting. In this situation:

- A document should be printed and distributed at Town Meeting if any articles have been removed from consideration.
- The town moderator should announce at the beginning of any Town Meeting session all items that have been removed from consideration.
- A second announcement should be made when the article would have been considered at Town Meeting.

All announcements should explain, fully and in clear language, the reasons for the article's removal from the agenda.

Third, the committee recommends that warrant articles be taken up in the order in which they appear in the warrant – unless extraordinary circumstances require a switch.

Fourth, the committee recommends that all volunteer vote counters should be sworn in prior to the start of the meeting. Once sworn in, counters should sit within the area they are assigned to count. Once sworn in, they will be considered sworn for each day of the meeting. Any replacement counters must be sworn in before performing any duty.

Finally, the committee recommends that the following practices be retained, for the sake of the efficiency of the meeting:

- Digital check-in of registered voters.
- Time limits for speakers (longer for presenters) with the moderator having discretion, as well as microphone numbering system for stances on articles.
- The 7 p.m. start time with the moderator having discretion to end a session at 11 p.m. or at the completion of the article under discussion at that time.

Town Meeting Warrant

The committee unanimously believes that these final three suggestions will increase public awareness and understanding of the topics to be discussed at Town Meeting. These topics are called articles, and they form the substance of the legal document called the town warrant.

First, the committee recommends that the town prioritize posting the town warrant on the internet. Currently, the town sends a full warrant booklet to all households, accounting for the majority of expenses related to Town Meeting. The committee proposes, instead of a town-wide mailing of the printed warrant, placing a clear, navigable version of the warrant on the town website. The town would then send a postcard to all households alerting voters that the warrant had been posted, possibly with a QR code to take them to the webpage. Printed versions of the warrant will still be available at town buildings and at the meeting itself.

Second, the committee recommends that the Select Board consider the following suggestions to increase voters' understanding of warrant articles. Once the warrant has been closed in early January, a series of town-wide communications should be issued, via mailing, cable TV notice, and social media to call attention to the warrant with a list of general topics to be taken up at Town Meeting, including the sponsoring board or committee for each topic.

Finally, the committee recommends that the Select Board incorporate visual aids, where appropriate, for each article into the warrant. For example, this would mean placing in the warrant any and all slides, charts or maps next to the corresponding article to be utilized during Town Meeting.

Select Board

Recommendation: That the town transition to a five-member Select Board.

Voted: 7 – 3 – 0

Majority Opinion: Increase the Board Size

After extensive input and discussion, the committee recommends expanding the Select Board to five members for the following reasons.⁴

The Boards and Committees Subcommittee researched this issue, including meeting with former and current Select Board members. While some former Select Board members opposed the increase, other former and current Select Board members favored the expansion.

The Select Board serves as the chief executive authority of Sharon's government and is responsible for ensuring the town runs smoothly, with the assistance of the town administrator. As such, being a member of the Select Board can be a time-consuming role, entailing many public meetings (both of the Select Board and assignments to other public bodies), providing oversight, conducting hiring, making appointments, leading negotiations, and attending public events. Given these responsibilities, the committee felt that expanding the Select Board could help spread these tasks among more members to reduce the time commitment for each member to a manageable level, which would hopefully encourage more people to run for this vital office.

Spreading out responsibility was also considered in relation to the Select Board's quorum requirement for conducting business. Under the Massachusetts Open Meeting Law, a quorum is a simple majority of the total seats on a public body. With a three-person Select Board, two members are required to be present to make a quorum. If any member cannot attend a meeting, the two remaining members must both attend. With a five-member board, the Select Board's quorum would have three members. In that case, the Select Board could still meet even if two members were absent from a particular meeting, preventing potential delays of town business.

Another argument the committee heard in favor of increasing the Select Board's size was that more members would enable more variety of backgrounds, expertise, and perspectives to be represented. A larger Select Board could better reflect the diversity of residents, while also engendering greater interaction with the community due to the increased capacity of the board.

⁴ A warrant article at the 2021 annual Town Meeting to increase the Select Board's size to five members failed by a narrow margin. Shortly thereafter, the Select Board created this committee and asked it to study the issue.

The committee also considered Select Board size in the context of the state’s open meeting law. Under the law, a quorum of a public body may not discuss public body business outside of a posted meeting. For a three-person public body, like Sharon’s current Select Board, this means that two members cannot discuss Select Board business outside of meeting. In the case of a five-member public body, on the other hand, two members could discuss public body business outside of a meeting, as long as they did not engage in a serial deliberation with a third member. The committee heard opposing arguments on this topic. Some felt that having no deliberation outside of a meeting supported transparency. Others felt that limited sub-quorum conversation outside of a meeting could help a public body move business forward.

A concern that not enough candidates would run for a five-seat board was considered. Data from past elections indicated that open seats of the Select Board — occurring when an incumbent did not run for reelection — generally resulted in competitive contests. This proved true in Sharon’s most recent Select Board election. More potential open seats, and therefore opportunities, would likely attract a sufficient number of candidates.

The committee also considered results from the town-wide survey. There was significant support — 59% — for expanding the Select Board to five members. The results of the survey persuaded some committee members to support increasing the Select Board’s size. In addition, the committee recognized that approximately 60% of towns with between 10,000 and 20,000 residents have five-member select boards. Therefore, the committee recommends that the Select Board be expanded to five members.⁵

⁵ The Select Board may wish to consider whether any changes should be made to the division of responsibilities between the board and the town administrator if the increase in the board’s size is passed.

Minority Opinion: Maintain the Board Size

Three members of the committee were not persuaded that moving to a five-member Select Board would improve the dynamics of the town's government. Several major considerations led these members to feel that the current configuration has served the town extremely well over the years. As with most organizations, there have been some minor rough patches, but overall the performance of Sharon's Select Board was considered by the three committee members to be satisfactory.

Several former Select Board members argued that the current board size contributed to civil discourse and that yearly rotation of the Select Board chair contributed greatly to the camaraderie of the board. Conversely, they pointed out instances in surrounding communities where five-member boards suffered from internal disagreements and infighting. These former Select Board members believed there was a correlation between increased board size and increased politicization.

One of the reasons provided by proponents of moving to five members is that it would allow two members to deliberate outside of open meeting law strictures. With a three-member Select Board, communication between any two members is prohibited. Past Select Board members, however, felt that all deliberations should be in the public eye and having the ability to deliberate in private is detrimental to transparency, which is the intent of the open meeting law.

The three members who favor a three-member board felt the Select Board did not need more members to address the town's growing population or provide additional oversight of town business. Select Board members are not administering town work on a day-to-day basis. Those tasks are delegated to the town administrator and department heads and their teams. It is important that the Select Board stay focused on its mission as executive decision-makers and rely on the town staff to manage daily operations and provide the necessary input for the Select Board's decisions as executives.

Personnel Board

Recommendation: Sharon should disband its Personnel Board and replace it with professional staff.

Voted: 5 – 2 – 1

Majority Opinion: Dissolve the Personnel Board

Decades ago, communities throughout Massachusetts formed personnel boards to provide oversight to town governments that were ill-equipped to manage their labor issues.

Relatively few local governments in the mid-20th century were led by professional town administrators or managers. Over time, though, trained municipal leadership became the norm. Towns increasingly appointed administrators and other staff professionals with human resources expertise, making personnel boards less relevant.

Sharon, like other towns, has found it difficult to recruit personnel board members with applicable experience. As a result, here and elsewhere, vacancies have gone unfilled for prolonged periods, limiting the boards' effectiveness.

The committee sought to learn from the best practices of other towns. Neighbors such as Walpole and peer communities including Duxbury have recently dropped their personnel boards. The text of Duxbury's resolution to dissolve its board is instructive.

Human resources "is an area that has required in-house professionalization due to its increasing complexity," it says. "The Personnel Board currently serves in an advisory capacity and is a vestige of governance prior to the creation of the Town Manager position."

The Sharon Personnel Board has faced many of the same challenges as those of other towns. Given the board's membership struggles and the limited scope of its responsibilities, the committee therefore recommends disbanding the Personnel Board. While we recognize additional costs may arise from this recommendation, the committee believes that having these duties handled by professional staff would be beneficial.

Minority Opinion: Retain the Personnel Board

Two members of the committee were not persuaded that the Personnel Board should be disbanded. The Personnel Board was established to ensure that town employees, excepting School Department and elected officials, would receive fair compensation, appropriate job classifications, and be supported by appropriate regulations.

The primary reason presented for disbanding the Personnel Board is that there has been a trend in comparable nearby communities to move to a town employee-led human resource function. Without a doubt, having a town employee with experience in overseeing personnel matters would be desirable, especially to ensure the town remains current with labor laws.

However, moving in this direction would remove the biggest benefits of a citizen oversight board. Those benefits are derived from the Personnel Board's oversight of such items as salary ranges for the town's management team and job classifications for new or updated positions in the town. This oversight not only ensures equity in these areas but also provides a level of fiscal responsibility with regards to the costs incurred by the town's biggest spending category, employee salaries.

Another reason given for eliminating the Personnel Board was the inability to attract citizens with expertise in human resources. This can also be said about many boards and committees. Our community needs to improve our recruitment process to identify a larger pool of interested and qualified individuals for open positions across its boards and committees.

Finally, the Personnel Board itself believes that the board should continue in its current role. The value of the Personnel Board would be improved with assistance from a human resource professional, either serving as a full-time staff member or a consultant when particular issues arise. As with any additional support, additional costs would be incurred.

For the reasons above, a minority of the Governance Study Committee believes that the Board provides an important service to the Town and should be retained.

Voting Eligibility

Recommendation: Current law requires that a person be a U.S. citizen in order to be eligible to vote in federal, state and local elections. Recently, several communities in Massachusetts have petitioned the state legislature to allow legal residents who are not U.S. citizens, such as green card holders, to vote in local elections. Many of these residents have lived in their communities for decades but have not been able to become citizens because of the length of time required by federal law to become a citizen.

We recommend that the Select Board seek home rule legislation that permits noncitizen legal residents of Sharon to participate more fully in community life by being permitted to register to vote in Sharon town elections and therefore to also participate at Town Meeting and serve on local boards and committees.

This recommendation applies only to:

- Participation in local elections and Town Meeting. It does not apply to state and federal elections.
- Sharon residents with a legal immigration status other than citizen. It does not apply to undocumented immigrants.

Voted: 10 – 0 – 0

Committee Report

The committee unanimously recommends that the Select Board advocate for noncitizen legal residents of Sharon to be allowed to vote in local elections. Federal law bars legal residents who are not U.S. citizens (such as green card holders) from participating in national elections, such as presidential elections. The statute leaves open the possibility that noncitizen legal residents may take part in municipal elections, if permitted by state and local authorities.

Sharon is home to a significant number of residents hailing from other nations. According to the 2020 U.S. census, 18% of Sharon residents (3,343 of 18,565) were born in foreign countries. While many have become U.S. citizens, others have not completed the process, which can take many years. As legal residents, these Sharonites are legally entitled to live and work in the U.S., but do not have the ability to vote or serve on town boards and committees.

Like native-born residents, immigrants are drawn to Sharon for its education system, small-town feel, lakes and trails, and access to Boston by road and rail. They work in a diverse group of fields, such as technology, engineering, healthcare, law, and education. Some are entrepreneurs who run small businesses. They coach sports teams and volunteer in community organizations. They own or rent homes and pay property taxes, without a say in who represents them or how their dollars are spent.

This committee's proposal would take a step toward rectifying this situation, making the town's government more representative, and giving all residents a more equal voice in Sharon's decision-making process.

This proposal would allow legal residents who are age 18 and over to:

- Register to vote in local elections, such as the elections of Select Board and School Committee members.
- Attend and vote on issues at Town Meeting.
- Serve on town boards and committees.

The committee's proposal does not pertain to federal or state elections; noncitizens would still have to become U.S. citizens through the naturalization process to vote in those races. This proposal also does not impact immigrants who are not legal residents — so-called undocumented immigrants.

This recommends action would send a strong signal, showing that all are welcome in Sharon. It would strengthen community connections. And it would broaden participation in town government, one of the key areas the committee was asked to investigate.

This proposal is broadly supported by the Sharon's residents. In a survey of 1,241 townspeople, the committee found 57% favored allowing noncitizen legal residents to vote, with 32% in opposition.

In recent years, a rising number of communities throughout the country have opened voting to noncitizen legal residents. They include cities with big immigrant populations and those with smaller pockets of noncitizen residents; among them are New York City; San Francisco; Montpelier, Vermont; and 11 municipalities in Maryland.

In Massachusetts, at least nine cities and towns have approved ordinances or resolutions to expand their voting rolls — ranging from communities such as Brookline and Cambridge to Warwick, a town of just 780 on the Vermont border. Several legislators have filed home rule petitions that would enable their individual communities to take this action. Another, broader bill (H.3355) has been filed; it would let all of the state's 351 municipalities decide

for themselves whether to open up voting eligibility, without the need for further state action. To become law, these bills require passage in the State House and Senate and the signature of the governor. To date, none of these measures have advanced through the legislature.

The committee recognizes that legislative approval will likely be a long process. Nevertheless, the committee believes Sharon should pursue this idea because it is the right thing to do. Therefore, the committee encourages the Select Board to take a petition to Town Meeting and then work with Sharon's state legislators to pass the petition on Beacon Hill, as well as co-sponsor the statewide bill.

Planning Board

Recommendation: That the Planning Board remain an elected board.

Voted: 7 – 0 – 1

Recommendation: Convert Planning Board terms to three years.

Voted: 8 – 0 – 1

Committee Report

Among the seven issues charged to the committee was whether the Planning Board should remain an elected body, or be appointed by the Select Board, as well as whether the board's size or terms of service should be changed.

Massachusetts law allows planning boards to either be elected or appointed. Research by the Boards and Committees Subcommittee, supplemented by the MAPC, showed most towns' planning boards are elected. After extensive consultation with the Planning Board, the committee concluded that the town is best served by having the Planning Board continue to be elected.

The committee also considered the length of terms for Planning Board members, currently set at five years. This is a major commitment for any individual, and the length stands in contrast to the three-year terms served by other elected town officials. The explanation for five-year terms has traditionally been that Planning Board members need a longer time to learn the nuances of the planning process. Moreover, larger development projects can take years to complete and require a stable board membership to complete legal requirements.⁶

The current Planning Board chairman acknowledged that five-year terms may better enable members to take part in an entire planning cycle. But he said the longer commitment creates its own set of problems – making it difficult to find and retain quality candidates for the panel. Further, most matters before the board are relatively short-term, routine, and can be handled by members serving three-year terms.

Improvements to Sharon's permitting process will increase the likelihood that projects can complete the process within the term of existing Planning Board members. Some changes

⁶ Under state law (M.G.L. c. 39 § 23D), only those board members who participate in the review of the application from the beginning through the close of the hearings can vote on the application. There is an exception for missing one meeting if the member has reviewed the tapes and records from that meeting. In the case of someone whose term of office runs out or they otherwise leave the Planning Board before a decision is rendered, the process must start again.

have already been made; the revised zoning bylaws passed by Town Meeting in 2022 should make the process clearer and more efficient. An additional, unstudied suggestion was the potential benefit of hiring a town planner.

Given these improvements, the committee feels that a three-year term is viable and could help encourage more people to run for this office.

Finance Committee, Library Board of Trustees and Town Clerk

Recommendation: Make no change to the specific duties, fiscal oversight responsibilities, or name of the Finance Committee.

Vote: 10 – 0 – 0

Committee Report

The role of the Finance Committee (FinCom) is to oversee the town's annual budget and make recommendations regarding warrant articles for Town Meeting. Making these recommendations is an important role and should not change. The governance committee recommends no change to the FinCom's name, as the name accurately describes its financial work.

In our research and interviews, residents and town officials generally expressed satisfaction with the current jurisdiction of the FinCom. On the other hand, two School Committee members said the School Department budget should be completely autonomous and should not be presented to, or vetted by, the Finance Committee. However, given the importance of the FinCom's oversight of the entire town budget, excluding the School Department from its oversight would not be appropriate.

The governance committee also recommends no change to how the FinCom's members are appointed. The FinCom is constituted through a unique process. To begin the process, the elected town moderator appoints members to the Nominating Committee of the Finance Committee. The Nominating Committee vets FinCom nominees in interviews and by reviewing qualifications. The Nominating Committee then puts forth a slate of members for election at Town Meeting, where those candidacies are voted on. (Town bylaws are somewhat vague regarding procedures to follow in the event an individual is opposed at Town Meeting, although it appears the moderator would have discretion to resolve the matter.)

The committee agreed that the final ratification at Town Meeting is an important step in the process, as the FinCom functions as part of the legislative branch of Sharon's government, independent from the executive branch. Therefore, the committee does not recommend changing the process for appointing members of the FinCom.

Recommendation: The Library Board of Trustees must remain an elected Board.

Vote: 10 – 0 – 0

According to state law (M.G.L. c. 78 § 10), towns that raise or appropriate money for the support of a free public library must elect the library's trustees. Therefore, the committee recommends that Sharon Library Board of Trustees must remain an elected board, as the town finances the library.

Recommendation: That the town clerk remain an elected position.

Voted: 9 – 0 – 0

During its research, the committee did not hear any support for changing the town clerk to an appointed position. The committee also felt that an independently elected clerk is an important check on the otherwise broad appointment authority of the Select Board. Therefore, the committee unanimously recommends that the town clerk remain an elected position.

Town Charter

Recommendation: The Select Board charged this committee to “consider whether to recommend a process for evaluating and consolidating town by laws into a charter document.” Given that our recommendations can be implemented through bylaws, we recommend no action on creation of a charter at this time.

Vote: 7 – 2

Majority Opinion

The drafting of a town charter is a process that has been undertaken before. The committee acknowledges that a citizen’s petition could initiate a charter process at any time. Voters elected a Charter Commission in 2010 to review town governance and set up a mechanism to operate the town under a charter, rather than home rule (the method of governing at the time). After months of meetings and research, the option for the town to adopt a charter was placed on the ballot for the voters at an election and rejected by a 2-1 margin.

Although the town did not adopt the charter, the 2010 commission succeeded in its second purpose, suggesting recommendations to improve the town’s governance. Many of the recommendations have been implemented since 2010. Those recommendations included establishing a town code whereby all the town bylaws would be organized and located in one document. This addressed a concern that it was too difficult to locate many of the rules and regulations of town government – they were in too many different places. There now exists a Town of Sharon Municipal Code, categorizing town bylaws and regulations, accessible on the town’s website. There was also a recommendation to increase the School Committee to seven members, which has been adopted. Finally, Town Meeting has incorporated changes and tweaks to improve the flow of the meeting.

The present committee has gone through the process of recommending substantive updates to the town’s governance. None of the suggested updates require the town to have a charter. Many of them, if accepted by the Select Board, may simply be implemented. If others require changes to the town’s bylaws, the Select Board may choose to place them for consideration on a warrant for a future town meeting. Therefore, the majority of the committee recommends no action be taken regarding the creation of a charter document at this time.

Minority Opinion

A charter would act as a constitution for the town, organizing our governing laws in a clearer, more transparent manner. It would give the town a greater degree of self-governance, without the need to seek state legislative approval for Town Meeting articles, as is often required today.

Governments in communities that have adopted charters are nimbler and more responsive to the needs of residents and businesses. Pursuing a town charter now would be a proactive approach to streamlining the town's bylaws. Although the charter commission process can be time-consuming, the effort would be worthwhile.

Recall and Removal

Recommendation: The committee recommends that the Select Board consider the process for removal of appointed officials and recall of elected officials as outlined below.

Vote: 9 – 0 – 0

Committee Report

The committee extensively discussed the wisdom of adopting recall and removal bylaws if a public body member failed to attend meetings or engaged in certain types of behavior. Through our research, and research conducted by the MAPC, the committee learned of several egregious examples from other Massachusetts towns where elected officials could not be removed from office after documented criminal activity came to light. Without a legal process to remove such officials, the offending official may not have sufficient incentive to resign their position if they do not wish to do so.

Based on these concerns, the committee recommends that the Select Board consider bylaws which would allow for 1) the removal of appointed public body members and 2) the recall of elected public body members. The committee believes that these two proposals would help protect the town in the future.

The committee recommends that the Select Board be granted the ability to remove its appointees from a nonelected board or committee if a member is not able to perform the duties of the position to which they were appointed. The following would constitute appropriate grounds for removal:

- Failure to attend five consecutive meetings of the public body, or 50% of meetings within a six-month period, whichever is greater.
- Conviction of, or pleading guilty to, a felony criminal offense, or the following misdemeanors: domestic violence, driving under the influence of alcohol or drugs, the illegal manufacture, distribution or dispensing of controlled substances, assault or criminal harassment, as defined in the Massachusetts General Laws.
- Violation of the state ethics laws for public officials.
- A finding of an intentional violation of the open meeting law by the attorney general against the member.

A member's opinions or votes on a subject within the public body's jurisdiction should not constitute grounds for removal, as members of appointed public bodies should be able to make decisions within their authority without fear of removal.

Procedurally, the Select Board could remove an appointee, either on its own motion, or after a petition from the member's public body. To remove an appointee, the Select Board should inform the individual for whom a removal action is being made within 10 days of its determination to take such action. This notification should be made publicly available, including the grounds for which a removal action is being considered. The Select Board should also hold a public hearing within one month, but not less than five business days after publication of the notice to consider the removal. The hearing should include an opportunity for public comment and the appointee to make a statement. A three-person Select Board should vote unanimously to remove. A Select Board larger than three members should vote by majority vote to remove an appointed member.

The committee also recommends that the Select Board support a bylaw to enable the recall of elected officials. This would empower Sharon residents to seek to recall an elected official when appropriate grounds for doing so are found. The following would constitute appropriate grounds for removal:

- Failure to attend five consecutive meetings of the public body, or 50% of meetings within a six-month period, whichever is greater.
- Conviction of, or pleading guilty to, a felony criminal offense, or the following misdemeanors: domestic violence, driving under the influence of alcohol or drugs, the illegal manufacture, distribution or dispensing of controlled substances, assault or criminal harassment, as defined in the Massachusetts General Laws.
- Violation of the state ethics laws for public officials.
- A finding of an intentional violation of the open meeting law by the attorney general against the member.

A member's opinions or votes on a subject within the public body's jurisdiction would not constitute grounds for a recall petition, as members of elected public bodies should be able to make decisions within their authority without fear of a recall.

The recall procedure should include certain safeguards to ensure that the process is not abused. To begin the recall process, a petition may be filed with the town clerk, on a form prescribed by the town clerk, with 150 signatures of voters eligible to vote in Sharon's municipal elections.

Upon receipt of a petition, the town clerk shall verify the 150 signatures and the town clerk shall determine whether the petition represents an appropriate reason for which to seek removal. If the petition passes verification, the town clerk shall provide the petitioners with forms to collect signatures for the recall petition. If the petitioners collect signatures from 10% of the registered voters in Sharon, as verified by the town clerk, the town clerk

shall certify a petition for the recall of an elected official. After the petition is certified, the clerk should schedule a special election within not less than 64 days, nor more than 90 days. Provided, however, that if any other town election is scheduled to occur within 100 days after the date of receipt of the certified petition, the Select Board may postpone the holding of the recall election to the date of the other election and may include the question of recall on the ballot for that other election. The elected member can be removed by a majority vote at the special or regular election. If the recall vote fails to receive majority support, the member cannot be recalled again for the same offense during the same term. Finally, if the town clerk is the official whom the petition seeks to recall, the assistant town clerk shall perform all the functions of the town clerk in this process.

The Select Board may also wish to consider adopting a code of conduct for all Sharon appointed and elected public body members. Although the committee is not recommending specific elements of a code of conduct, the Select Board may find resources provided by the Massachusetts Municipal Association and the Massachusetts Interlocal Insurance Association to be helpful.⁷

⁷ See <https://www.mma.org/webinar-covers-code-of-conduct-for-municipal-boards-and-committees/> and https://41g41s33vxd2vc05w415s1e-wpengine.netdna-ssl.com/wp-content/uploads/2021/05/MIA_Sample_Code-of-Conduct_2_5.12.21.pdf

Transparency, Communications, Outreach and Education

Informing Residents About Town Meeting

Voted: 10 – 0 – 0

The following proposals, intended to educate residents about Town Meeting and increase participation, were approved by the full committee by unanimous vote.

First, the committee recommends that the town administrator and staff ensure that all board and committee webpages on the town website contain, 1) a description of duties, 2) a list of current members and 3) current meeting minutes and agendas. To assist these public bodies, it would be helpful to have clear direction on the information required to be posted. The chairperson of each public body should be provided with written instructions on the minimum necessary elements on each webpage. Additionally, a member of the public body should be given permission and receive instruction on how to update their body's respective webpage.

Second, the committee recommends that the Select Board establish a working group to create and maintain a series of short videos, available online, to educate residents about town governance including, but not limited to, the functions of Town Meeting, key administrative offices, boards, and committees. Such videos should also identify opportunities for volunteering in town government.

Finally, the committee recommends that the town work with the School Department to enlist suitable high school students as Town Meeting interns, to assist with logistics and to observe direct democracy in action.

Board and Committee Recruitment Process

Recruiting members of the community to serve on the various volunteer boards and committees can be a challenging process. On many boards and committees, it is helpful to have particular knowledge on various subjects, depending upon the role. The Select Board and the town moderator have done their best to cast a wider net for interested residents. However, at times, it appears that many of the same people fill these roles.

Some suggestions to enhance recruitment include:

- Having recruitment booths at town functions, such as elections and Town Meeting, and events such as Sharon Day and the July 4 celebration.

- Publicizing current board openings by placing inserts in the annual town census, adding notices to Sharon Community Television programming, and improving visibility on the town's webpage.

Another possibility, when public bodies are looking to recruit members with certain professional expertise, would be to use residents' self-reported responses to the town census. Matching job expertise with open positions could prove beneficial. Often, just being asked to help the community is enough to increase engagement in public service.

Miscellaneous Recommendations

Eliminating the incumbent advantage: The committee unanimously recommends that on future town election ballots, the names of candidates shall be ordered by lot and candidates for reelection be identified as such.

Seeking boards' input on vacancies: In the case of a vacancy, the committee unanimously recommends that the Select Board confer with the public body experiencing the vacancy to determine if any particular expertise is needed. This was requested by the Board of Health in order to have representation from different medical specialties on the board at all times. Similarly, it is important for the Zoning Board of Appeals to have broad representation across the design and development process. Given the number of appointments made by the Select Board, it is onerous to expect the members of the Select Board to track the areas of expertise within each board and committee. By engaging with the board or committee that has an opening, the Select Board can ensure that these public bodies have the necessary expertise.

Item Considered and Not Recommended

Proposal: Motion to limit simultaneous service on town boards.

This proposal would have prevented a resident from serving in:

- More than one elected position at one time.
- An elected position and an appointed position at the same time. For example, a member of the School Committee could not serve simultaneously on the Conservation Commission. (The prohibition on service on an appointed committee would not apply to the following: an elected official who is named to represent their committee on another appointed body – a “committee of committee members.”)
- More than two appointed committee posts at one time. Again, an exception would be made for committee members who serve as a representative of that body on another appointed committee (a “committee of committee members”).

Vote: 2 – 5 – 1 (*not recommended*)

Two members of the committee supported a proposal, which was not adopted, to limit simultaneous service on multiple public bodies in Sharon. This proposal would limit residents from serving on more than two elected or appointed boards or committees at one time. The purpose of the proposal was to enable board members to avoid conflicts of interest (as could arise from serving on boards with overlapping or opposing mandates); to avoid the town’s overreliance on a relative handful of citizen volunteers; and to encourage outreach to underrepresented communities and to promote diversity in town service.

A central idea of this proposal was to curb individuals’ ability to serve in multiple elected or appointed positions at the same time, a prospect that could allow them a disproportionate influence on town affairs. Such a limit could also help avoid possible conflicts of interest — such as could occur, for example, if a resident served on both the Library Board of Trustees and the Zoning Board of Appeals.

An additional aim was to urge the Select Board to open up its appointment process for board and committee slots. Rather than draw on a relative handful of citizens to fill vacant posts, this proposal would require wider recruitment of residents, opening up the governing process to additional voices and perspectives.

Conclusion

The committee researched and deliberated on a wide variety of governance issues in the approximately 15 months that it met. While weighing the many different factors that impact Sharon's government, the committee concluded that the recommendations in this report would contribute to both efficiency and engagement.

In summary, the committee's primary recommendations are to:

- Retain the current open town meeting form of government, with certain changes to improve the accessibility and efficiency of the legislative body.
- Conduct a three-year experiment of allowing voters at Town Meeting to vote with handheld electronic devices.
- Increase the size of the Select Board from three to five members, to encourage greater participation and diverse viewpoints in the town's executive body.
- Advocate for all legal residents of Sharon over the age of 18 to be allowed to participate in town government and town elections.
- Recommend that no action be taken regarding the creation of a charter document.

We encourage the Select Board to discuss and pursue these recommendations as warrant articles at the May 2023 Town Meeting, where appropriate. Members of the committee look forward to presenting these recommendations at an upcoming Select Board meeting.