

### **Charter Public Comments 1/4/17**

**Note:** These are responses collected online in response to requests for Charter feedback on three topics: term limits, citizen relief measures and the name (city or Town) to use in the Charter. The responses have not be edited in any way.

#### **From Bill Rabkin**

Dear Charter Commissioners,

In his remarks near the end of last night's hearing, Charter Commissioner Dennis Giombetti said that the implicit approval of proposed mayoral appointments in 30 days if the council takes no action is necessary in order to avoid, as he put it, a "pocket veto" of appointments if the council fails to act upon a proposed appointment.

Speaking as an individual, and not for FACT, I disagree strongly with Mr. Giombetti's assertion.

Article IX, Section 11 of the "Master Draft 12/13" states that elected officials shall be "sworn to the faithful discharge of their duties." Thus, if the charter requires that councilors vote either "Yea" or "Nay" to affirm or reject every mayoral appointment, citizens can reasonably expect councilors to do just that. There would be no opportunity for a "pocket veto" as long as councilors are faithful to the oaths they took when elected to the council, and it would not be necessary to allow appointments to become effective by default.

#### **From Jim Fitch**

Hi: on the website the map of the proposed mappings are very crude and imprecise and you are unable to tell exact boundaries. Is it possible to state clearly the boundaries of them?

#### **From Gwendolyn Holbrow**

Citizen relief measures and Term Limits:

I favor citizen relief measures and term limits as ways to keep government accountable. I have seen the direct benefits of term limits when serving on a non-profit board. Staggered election years can help transitions.

Town vs. City Name:

I prefer "City of Framingham," as it is a more accurate reflection of the municipality.

Voting Methods:

I would like to see Framingham use either proportional representation or instant runoff voting.

<http://www.commoncause.org/states/massachusetts/litigation-and-lobbying/testimony/ccma-IRV-2015-testimony.html>

### **From Steve Feldman**

Hello, my name is Steve Feldman. I am a 30-year town resident of Precinct 7, and a former Finance Committee member. I attended last night's forum at FHS, but chose not to speak in public. It have two points I would like to make.

The first pertains to the proposed 9 districts. A number of people last night made points about losing the "neighborhood" orientation if we go from 18 precincts to 9 districts. I feel this feeling is misguided.

I live on Berkeley Road, near Brophy, and if you were to ask me or any of my neighbors what we consider our "neighborhood" to be, we would tell you it's the triangle bound by Pleasant Street, Belknap Road and Knight Road. To think that any of us consider Precinct 7 to be our "neighborhood" is crazy. Most of us probably have no idea as to where else Precinct 7 extends to. So since the precinct system clearly does not currently constitute neighborhoods in any real sense, we are losing nothing by combining them into only 9 voting districts. So I would encourage you to stick with the proposed 9+2 council plan. Also, I think having 11 members is a great number for trying to bond and form some sort of workable team. Having 18 plus some at-large seats would make the group too large.

My other point has to do with how you message and try to sell the city plan to the overall populace for the April vote. I read through the 45-page Powerpoint slide deck summarizing the Charter Commission findings, and I thought it was very well put together. However, I did notice one troubling omission. It concerns the financial impact of such a move, which you should know that many citizens might be concerned about.

On page 31 of the deck it mentions a \$5,000 compensation amount, presumably for each of the 11 council members; however, this is the only mention of the cost of the various existing and new roles. Nowhere does it say, for example, anything about the mayor's salary vis-a-vis the salary for the existing Town

Manager, or any other added or subtracted roles, such as the Chief of Staff. In such a comprehensive document, I think there would have been room for that.

As you gear up for the vote in April and consider how you want to pitch it to the voters, I would encourage some more transparency of the financial aspects of the staffing change, to forestall any complaints about trying to brush that under the rug.

Thank you.

### **From Michael Dabrush**

Good morning,

I have been unable to attend any of the meetings and will not be there tonight. However, I would like to provide feedback (previously sent to Adam Blumer and additional feedback).

First, throughout the charter document, there are rules stated that elected officials (and possibly others) cannot receive any payment from the town/city in addition to their job role payments. Note that this rule precludes the largest number of sports officials from refereeing/umpiring Framingham High School and Middle School sports events. As sports officials, we are paid on an independent contractor basis, filling out a W9 and a voucher for each game and a check is then mailed to us. Should one or more official take on such a role within the town/city, we would be precluded from working Framingham games. Side note: do these proposed rules preclude school department employees from being elected officials? Or, can we protect their positions should they run for office, guaranteeing their jobs are held for them until the end of their elected term?

Now, to address the questions in the discussion document.

Citizen Relief: this is a misnomer. In the USA, the citizens are in charge...always. Elected officials need to remember that. It needs to be quick and easy to start a referendum, recall, etc.

Term Limits: an absolute must. The concept of a "career politician" is offensive to me. A representative government means that someone steps away from their normal life to serve the community and, when finished with their turn, goes back to their normal life. Career politicians do not represent anyone but career

politicians. I would suggest 2 terms in a single role and 5 terms overall in any combination of elected roles. I know it is out of scope here, but I would apply that to all levels from local through state and on to the Federal level.

Town Vs. City: Irrelevant. It is only a name. I am adamantly against everything in the charter proposal. We need to be a town. Becoming a city adds elected officials that will need to be paid a salary, which we do not have today. Simple math says that if we increase the amount of money to be paid out every year (salaries) then we need to increase the amount of money to be taken in every year. That can only mean 1 thing: higher taxes. I recognize that our current form of government does not work, but there has to be a way to fix it without becoming a city. I know we have all heard this before, but fix Town Meeting first. If we're not even going to try, then why bother with all this expensive pomp and circumstance? High paid consultants are not required if the commission decided before they were elected that they were going to propose a city form of government.

Without drastic changes to the proposed new charter, specifically removing all city elements, the mayor, the council, etc., I cannot justify voting in favor of this proposed charter.

Thank you for your time.

### **From Bill Rabkin**

- How would you feel about including term limits for the Mayor, district councilors, or at-large councilors? Why?
  - It is essential to include term limits for the Mayor and both district and at-large councilors in the *initial* charter, because no incumbent officeholders in the future would likely vote to impose term limits.
  - While long-term officeholders provide a degree of “institutional memory,” this potential benefit is offset by the “same old, same old” viewpoints and the lack of opportunity for new perspectives and ideas to infuse our government.
  - Incumbents have a very strong advantage over challengers, resulting from their greater name recognition and their greater ability to raise funds.
  - I’ve lived in Framingham for 10 years, during which time I cannot recall a single instance in which an incumbent Selectman who sought re-election was replaced by a challenger. The only changes on the Board of Selectmen happened when an incumbent chose not to seek re-election.

- Would term limits like these make you feel more or less comfortable about the charter as a whole? Why or why not?
  - Much more comfortable, because it shows that the Charter Commission recognizes and understands the need for term limits to be included at the outset and has responded favorably to community input.
- Would you be in favor or against term limits for other positions than the ones listed above? Why?
  - Yes, for the same reasons as stated above. The same individual has chaired at least one current Board for as long as I can remember, to the detriment of the Town.
- Should term limits for each office be the same number of years? Why or why not?
  - Not necessarily, as long as the term limits for different offices did not vary significantly. For example, district councilors could be limited to 2 terms, while the limit for at-large councilors could be set to 3 terms. This would provide the benefits associated with continuity and experience, while still providing potential new leaders the opportunity to be elected.
- If we had term limits, would you want someone reaching their term limit to be eligible to run for a different office in the next election?
  - Yes.
- Would you want term limits put on appointed boards as well as elected officials? If so, are there particular boards you think it is important to consider/rule out term limits for?
  - Definitely. Boards that have an impact on land use and development, such as ZBA and Planning Board, should also have term limits.

### **Town vs. City Name:**

- Do you want the community to be known as the “Town of Framingham” or the “City of Framingham? Why?
  - City! If voters adopt the new charter, we should be proud that after 320 years Framingham has become a city, and identify ourselves as such.
  - Let’s avoid the confusion that would inevitably result from continuing to call Framingham a “Town” when, in fact, it is truly a “City.”
  - Unlike some other Massachusetts cities that call themselves “Town of XXX,” Framingham is no longer a quaint little country village town. If we are to become a city, we should call ourselves exactly that.

- Does it matter to you that there may be a small cost to switching over “City of Framingham” in terms of redoing official documents, seals, etc?

No. While not trivial, these would be one-time costs, which could be spread over two consecutive fiscal years.

**From Julie Caparco:**

Hi there,

First, thank you for all of the hard work, time and effort you've put into researching and creating the proposed charter. I sat down and read through it tonight and wanted to respond to some of the questions on the site. I moved to town 12 years ago and am usually pretty quiet when it comes to politics, but feel this is an important step for the town and wanted to share my thoughts. Regarding term limits - I think this is a good idea. I think it's important to get new opinions and insights onto the council and in other offices throughout the town. I grew up in a city where there are no term limits and often, the same voices are heard and change does not happen, even when it's in the best interest of the people and city. In reading the proposals, I like the idea of a term limit of 12 years maximum and would feel better about the proposed charter if these were put in place. I'm not opposed to those individuals running for a different office, but think it's good to switch things up at a certain point and for different voices to be heard. Regarding town or city status - for no reason that I can put my finger on, I think we should remain a town. If there is no financial or funding reason to change status, then I don't think we need to do that.

Again, thank you for all of the work you've put into this and for the abundance of communication with town residents.

Best of luck in the months to come as you finalize the charter,

**From Janet Erikson**

Thank you for asking for feedback on the town/city name, term limits, and citizen relief measures.

Town vs. City Name

- My husband and I prefer "Town of Framingham", because "town" sounds more friendly than "city" and because it is the current name.

- Should the name change to "City of ...", the small cost of redoing documents

and seals does not matter to us.

**Term Limits:**

- We prefer no term limits for any position, elected or appointed. When someone effective is in office, they are welcome to stay as long as they continue to be re-elected and not recalled. This provides stability and continuity.

**Citizen Relief Measures:**

We both think that it is good to include some citizen relief measures, but have some concerns.

We like the Petition and Recall measures.

Although I think the processes defined in the draft Charter for Initiative and Referendum measures are fine, I am concerned about the possible influence of out-of-town or especially well-funded groups, should a measure go to the ballot.

Have you considered a requirement for naming all parties involved in, advising, or funding Initiative and Referendum measures, with names, contribution amounts, and in-kind contributions disclosed in public?

I am also concerned about the cost of special elections to handle Initiatives and Referendums, and the possibility of low turn-out causing an un-representative result.

Why did you not include Non-Binding Petition as an option? I think this can be a valuable way of collecting opinions.

**From Chris Kelley:**

I encourage the charter to increase the council size to 18+.

I encourage the charter to include term limits on all council and school committee members, and on the mayor.

A small council with no term limits sounds dangerous to me. A lot of power could be in the hands of only a few people for a long time. I would vote against the charter as currently written for this reason.

## From Chip Fontaine:

### Discussion questions:

- How do you feel about including citizen relief measures like these? **Good idea.**
- Do you feel they are a good way of adding “checks and balances” on groups in office? Why or why not? **Yes. Obvious reasons: They allow for citizen input and participation.**
- Do citizen relief measures like these make you feel more or less comfortable about the charter as a whole? Why or why not? **More comfortable, again for same reasons as stated above.**
- How do you feel about the signature requirements and steps needed for each measure as written in the Charter? What, if any, suggestions would you make to the Commission in terms of the details? Why? **Have not had time to review.**

### Term Limits:

For background on this issue, see the June 5th Memo from our consultants from the Collins Center [here](#). Please note that when we say term limits, we generally mean that someone would have to take a “term off” before they could run again for the same office if they wished.

### Discussion questions:

- How would you feel about including term limits for the Mayor, district councilors, or at-large councilors? Why? **Not in favor. I feel that the voters should decide whether or not someone stays in a given position, not some randomly chosen automatic expiration date.**
- Would term limits like these make you feel more or less comfortable about the charter as a whole? Why or why not? **No. Not a critical component of the charter and, I assume, could be changed later, charter or not.**
- Would you be in favor or against term limits for other positions than the ones listed above? Why? **No, same reason as above. Assuming you’re talking about elected positions. Definitely not in favor of “term limits” for non-elected positions.**
- Should term limits for each office be the same number of years? Why or why not? **Not in favor of term limits.**
- If we had term limits, would you want someone reaching their term limit to be eligible to run for a different office in the next election? **Sure.**



- Would you want term limits put on appointed boards as well as elected officials? If so, are there particular boards you think it is important to consider/rule out term limits for? **No. No.**

### **Town vs. City Name:**

Even if the Charter changes the structure of the government, we have a choice of what it is called.

- Do you want the community to be known as the “Town of Framingham” or the “City of Framingham? Why? **Town of Framingham. Easier, cheaper, less change for those who don’t like change (which, I believe, is most people).**
- Does it matter to you that there may be a small cost to switching over “City of Framingham” in terms of redoing official documents, seals, etc? **Yes. Not a small cost.**

### **From Carol Phalen:**

Good morning Charter Commission,

I am having trouble understanding the Commissions’ rationale – do you, or do you not, believe there are sufficient, qualified candidates in Framingham to be Mayor?

I wanted a City Manager model rather than a Strong Mayor model because I was worried there were not enough qualified candidates in town to be Mayor. However, I was assured by Dennis Giombetti and others on the Commission that once a Mayor model was established, there would be a large number of qualified, talented candidates.

However, when the term limit discussion occurred, the Commission decided that if one good mayor was asked to step aside for for even a short period of 2 years, there were not enough qualified, popular people to lead in that interim.

Which is correct?

**From Cheryl Gordon:**

Good morning,

Thank you for the opportunity to share some feedback on various charter topics. Here are my ideas/thoughts:

Term Limits: (what I would like to see)

Mayor - TWO four year terms (8 year term limit)

City Council (At Large) - TWO \*4 year terms (8 year term limit)

City Council (District) - SIX 2 year terms (12 year term limit)

School Committee (District) - SIX 2 year terms (12 year term limit)

\*I would prefer At Large Seats (if we must have them) be 2 year terms (and in which case, I would suggest 4 two year terms for a limit)

My reasoning for the District Seats to have a longer term is that it is easier (logistically and financially) to run against an incumbent in your own district allowing these seats to have a more natural turnover with a lesser need for limits.

If we had term limits, would you want someone reaching their term limit to be eligible to run for a different office in the next election? NO (and they should not be able to be appointed to a position for at least 1 year, similar to not being able to accept a job for the town for 1 year)

I would also like to see term limits for ZBA, Planning Board, and Finance Committee or it's equivalent (4 years?) and Town Clerk (8 years?) - The clock would start in January 2018 for all positions (so as NOT to penalize anyone currently already serving in any of these positions)

I would like to see candidates for ZBA, Planning Board, and Finance Committee (and another financial oversight type of committees) vetted and interviewed as to their financial responsibility (are banks and other financial institutions suing them or have they been sued in the last few years? do they have a record of not showing up/defaulting on court dates and court judgements? Is their home in foreclosure or has it been recently?) These positions make decisions that have a huge impact on the livelihood of the residents of our community and we should ensure we are only appointing high quality, fiscally responsible people to make

decisions for the town or to oversee the town's decisions, rather than just accepting whoever applies because "that's all we got" (not a good enough reason to appoint someone). Publicly available information can easily be found on any applicant's financial standing by searching [www.MassCourts.Org](http://www.masscourts.org/)<<http://www.masscourts.org/>> or [www.masslandrecords.com](http://www.masslandrecords.com)<<http://www.masslandrecords.com/>>.

Town vs. City Name:

I would like to stay the "Town of Framingham". I see no need to change what we call ourselves. We are changing our structure, not our identity.

Citizen Initiative Measures

I suggest the following change:

Section 2c. Within 60 days after the date the blank forms are issued by the town clerk, the petitions shall be returned and filed with the town clerk signed by at least 5% of the registered voters in Framingham or 40% of the actual voter turnout at the last municipal election (whichever is lower).

**From Kathy Powers:**

Dear Commissioners,

Thank you for all your work, endeavoring to create a more effective and efficient government structure for Framingham. Here are my responses to your three questions and after that, some general comments.

Citizen Participation (article VIII) --

~~excellent way to balance participation and concerns

~~some might wish the number of signatures needed for a group (section 1B) be less, but I think 100 is quite fair - it would need to be a serious concern

~~The clear and stringent ethics requirements that you have included throughout makes me confident that people will be clearly working for the good of the citizens

Term Limits

~~I am totally against term limits.

~~Those who are doing a good job will be voted back in and that's fine - experience and longevity are assets, as I observe currently.

~~Those who are floundering for whatever reason will not get re-elected.

~~It is our duty as citizens to stay informed, and manage this aspect by continuing to exercise this privilege when we vote.

Town vs. City name

~~I can see that "city" provides a fresh start, but am also fine with "town"

~~"Town" might save a lot of work, and yet "city" publicly indicates that changes have been made

Additional comments:

I've been watching your meetings and reading minutes to keep informed; thank you again for all your work and your continuing respect and civility with each other and the public - a shining example of how all governing should be.

Visits to your meetings from various boards, committees and departments as you gathered information has been incredibly educational for me and once again I have been impressed with the dedication, knowledge and professionalism of town staff, and board members. That cannot be emphasized enough when you start explaining the charter for the final vote.

I support a strong mayor and a council - the structure you are suggesting makes a lot of sense.

Framingham has really been a city for a long time, and now the governance will catch up with this reality, with more opportunities at the state level and also in the areas of economic development and a more efficient way to manage. The nine districts for the school board is a creative solution and I'm looking forward to having a district representative for my area, having had mixed reactions to the performance of my TMMs - some very hard workers and others not so much.

I moved to Framingham in 2004 from Hyde Park as I obtained a professional position in a neighboring town; I worked there for 10 years, so have a bit of recent experience in working for municipal government (town administrator /open town meeting). I grew up in Quincy and also lived in Brookline, Brighton and New York City (grad school) and South Korea (Peace Corps) so have had experience with all sorts of governance at the local level.

What I have observed in the time I've lived here is there's an excellent group of people involved in all aspects of running the town (professional staff, boards, etc) but that there are some built-in aspects of the town meeting process that takes to much time and can be unwieldy. I also see that although there's been lots of

work with the MA delegation, there's still some lost opportunities by not having a mayor to lobby for our needs. A mayor would also be a public voice, whenever that is needed, which also is a benefit.

**From Dick Weader:**

Charter Feedback

Citizen relief measures

Measures like this are necessary.

The proposed measures make me feel worse about the charter, because they end with 15% of the voters required to sign a petition in a fairly restricted time period. This amounts to a strong message to the citizens from the political class that they don't want their government messed with.

I would change the top count to 5% and simplify the procedure.

Term limits

There should be term limits, especially for the Mayor. Otherwise you will be electing a Mayor-for-life at the first election. Looking at Boston, an incumbent Mayor has not been defeated for re-election in 70 years. An 8 year or 12 year limit for all elected offices would probably be suitable.

The Mayor should have a 2 year term, given the offices' near-absolute power over the budget. A 2-year Mayor term would make me more comfortable with the Charter.

Town vs City - I would stick with Town

**From Deb Butler:**

#44- At the first of three public discussions about the charter proposal on November 15th Carol Spack posed the following question: "Is the value system of our town government to create the most efficient process for businesses interests to get their permits as first as possible or is the purpose of government to balance the interests of the town government, it clients and residents of the Town." I'll let you guess where I land on this one.

Vote "NO" for a city charter.

#48 - Like so many others I encourage Framingham voters to read the entire 56 page charter proposal and seek out answers to their questions. I've read the entire proposal and believe now more than ever that the Charter Commission will need to find as many "Stay & Pay" voters as they can to get this passed on April 4, 2017. I define "Stay & Pay" as "A voter who will remain in Framingham

after it becomes a city and willingly pay the hefty tax increases netted from never before seen stipends/salaries and political patronage jobs to receive the SAME municipal services they received for far less when Framingham was a Town.

**From Dave and Elsa Hornfischer:**

Thank you all for your comprehensive efforts to address Framingham's real need for government structural reform.

We really hope the plan passes voters in April. We do feel it's chances will be improved if

- 1) There are term limits for ALL elected councilors and mayor. We could live with three terms but would prefer two.  
Government needs to be fresh! Incumbents are often too entrenched and we get the stale mess as in Boston and D.C. THIS IS VERY IMPORTANT TO MANY VOTERS! We are not creating local royalty!
- 2) If term limits are at two terms, we then support a term limited official being able to run for another position, but only once successfully to prevent lifetime incumbency.
- 3) We would suggest the town administrative leader be called town manager. The proposed title Chief of Staff is weak.
- 4) The position of Citizen Participation officer seems unnecessary and certainly doesn't belong in the Charter.
- 5) We'd prefer elections be held at the same time as State and Governor elections to have greater voter turnout.
- 6) We suggest the councillor terms be staggered so as not to have the entire council up for election at the same time. A random process might decide which initial election should be for one year. An additional election would be needed once.
- 7) We support 11 councillors. 9 district and 2 at large
8. If it's a city, ITS A CITY.. just like a horse !  
Lets not be penny foolish in what in total will be almost a million dollar change.

It would be great if an initial charter review process could be guaranteed after 5 years.

There are many details to address that can only be viewed after some experience.

Thanks for listening

**From Joel Winett**

I have attended many of the Charter Commission meetings and all of the public hearings. I have followed the development of the charter and have previously made suggestion for changes to the charter as it was being developed. I have read the details of the final version of the proposed charter and am making additional suggestions that I hope will be given serious consideration to make the charter a better charter for Framingham.

The charter specifies many procedural details for the council and the mayor. These procedures should encourage good government and not make it difficult for citizens to be involved. The mayor should be civic minded, be non-political, serve the community, and not be influenced by financial interests. The council should provide checks and balances on the actions of the mayor, especially on the appointments of senior staff and board, committee, commission, and council members.

I have attached a summary of the issues that I would like you to consider. These are in three areas: (1) the authority of the mayor, the required number of signatures for citizens to participate in their government, and (3) the transition provisions. I have also attached a file that shows which sections of the final proposed charter where the changes should be made.

In response to the question the Commission has asked about whether Framingham should be called a City or a Town, I note that the cost to change references from Town to City has not been provided. I expect that it is not a small cost to replace the many street signs that have the town logo with signs that have a new city logo. I would suggest that this decision be deferred until the charter is reviewed five years from now.

**The following changes to the charter would make the charter a better charter:**

1. Council review of mayor appointments
  - a. Appointment of a division head requires a 2/3 vote required to reject; that is, only 4 members of the council are needed to confirm an appointment. Disapproval should be my majority (which is equivalent to approval by majority) not 2/3 to disapprove (II.10.b Page 16). Note that approval of members of a multiple-member body requires a majority to approve (II.10.c Page 16).

- b. Appointment of all employees is approved by the mayor. The word 'employees' should be removed. Subordinates to the Division Heads and Department Directors should not need approval by the mayor. Department Director appointments are approved by the Division Head. The words 'subject to the consent of the mayor' should be removed (III.3.a Page 19).
  - c. Chief of Staff position: The words "shall serve at the pleasure of the mayor and" should be deleted since the removal of anybody from their position should follow procedures. This is not stated for any other position (III.3.d Page 20).
2. Mayor Term of Office
- a. The mayor should have a term limit to encourage competition at the election and avoid cronyism and undo influence: 8 years is what has been previously requested but 12 years is a minimum (III.1.b Page 18).
3. Board of Cemetery Trustees
- a. The intent of the parenthetical statement (Trustees of the Edgell Grove Cemetery) is not clear (IV.3.a). (Page 27) Note that this is state in the Transitional Provisions so should not be stated here (X.7.g) (Page 55)
4. Board of License Commissions
- a. Reference to the current board of selectmen is not appropriate here (V.5 Page 30). This could be stated in the Transitional Provisions section.
  - b. The mayor should not appoint officers of a board or commission. Delete the last sentence in this section (V.5 Page 31).
5. Contracts:
- The charter should state whether or not the mayor approved all contracts including the school department contracts (VI.10 Page 36).
6. Ethics Reporting (IX.18 Page 44):
- a, Reference is 'public works director' and 4 other appointed officials and then to 'other municipal officers' which is all inclusive. Then the term 'Designated Municipal Officers' is defined. It is not clear whether all Department Head and Division Directors are included. Is this different



from 'municipal officer' defined in (I.7 Page 9)? The definition should not be made here.

- b. Reference is made to 'she' in a number of place in this section (IX.18.abc Page 44). This should be made gender neutral.
  - c. Reference is made to 'final notice ... in accordance with this section' (IX.18.b Page 44). The words 'final notice' is not used elsewhere.
  - d. Reference is made to 'receiving notice of said failure...' (IX.18.g Page 45). Who will issues such notice? What is the penalty for violation of this section?
  - e. It is not appropriate to include directives for action by the mayor (IX.18.h Page 45). This and other directives should be in an addendum to the charter. All sections of the charter should be implemented and enforced.
7. Signatures Required

a. Council at-large :

The number of signatures required from the voters in a district to run for Council at-large is 15 per district (VII.1.c.ii Page 38). This is 90% of the total number of signatures required. This number is too high and makes it difficult for a citizen to run for Council At-large. This number should be changed to 10 per district which would be 60% of the total required. This number would be more in line with the signatures required for other elected positions. Note the following:

- i. A candidate for mayor must have 25 signatures per district and this is 45% of the total required,
- ii. A recall affidavit for an at-large councilor requires 25 signatures per district which is 56% of the total required.
- iii. An affidavit for an Initiative Measure requires 25 signatures per district which is 45% of the total required.

b. Citizen Initiative Measures:

- i. The first sentence should include ' , and indicating the name of the clerk of the committee,' since the clerk of the petitioners committee is referenced in VIII.2.d Page 47.
- ii. The requirement for signatures from 10% (~3600) of the voters is twice the number that is currently required. This requirement is too high and should be for 5% (~1800) as is the current requirements. This is for new issues and would never be used with such a high number of signatures.

- iii. If the sentence 'With each signature on the petition there shall also appear the street and number of the residence of each signer' is necessary it should be stated earlier.

c. Citizen Initiative Measures Supplementary Petitions:

If the requirement for signatures from only 5% of the voters is adopted then the total with the Supplemental Petitions would be 10% (VIII.2.e Page 47).

d. Referendum Provisions:

The number of signatures to call a referendum vote should be significantly less than the total number of expected voters. At the March 29, 2016 election there were 5448 voters. Requiring signatures from 10% (~3600) of the voters should be reduced to requiring signatures from 5% (~1800) of the voters (VIII.3.a Page 48). This is the current law.

e. Recall Election:

- i. The title for the section Recall Affidavit (VII.7.b.i Page 49) should 'Officer Elected' not 'Office Elected.'
- ii. The section on Recall Petition (VII.7.c Page 50) should be stated in a similar way as the section on Recall Affidavit with separate subsections for Officer Elected by Voters at Large (VII.7.c.i Page 50) and Officer Elected by District (VII.7.c.ii Page 50). The text beginning with 'The sheet constituting a petition...' should be a separate section (VII.7.c.iii Page 50).
- iii. The section for Officers Elected At-Large (VII.7.c.i) should be changed to require signatures from 5% (~1800) of the voters instead of requiring signatures from 15% (~5400) of the voters. Signatures from 15% of the voters is what was required to get a charter commission on the ballot.

8. Transitional Provisions

- a. Transfer of Records (X.3 page 52): Note that this only applies to the Town Accountant.
- b. Time of Taking Effect (X.7a Page 53): I believe that the second sentence in this section is beyond the scope of a charter to dictate. Officials previously elected have a responsibility to perform their duties until they no longer hold office. Thus the Selectmen can make an appointment to fill a vacancy even if there is a quorum plus one on

committee. The Selectmen have the authority to accept articles for a warrant from division heads, department directors, committees, or a citizen petition. Town meeting can approve motions under an article including zoning bylaw changes. This portion of this section should be removed to avoid a legal challenge.

- c. Time of Taking Effect (X.7.b Page 54): This section states “if there is a vacancy of office prior to the completion of the term, the provisions of this charter will be used to fill any such resulting vacancy.” It is not possible to implement this before a mayor takes office. Thus no appointment could be made to any board, committee, commission, or council between April 5, 2017 and January 2, 2018. This should be deleted.
- d. Time of Taking Effect (X.7.c Page 54): This section states “So much of this charter shall become effective as is necessary to conduct such elections, including the requirements of Article VIII, section 18.” (Note that this should be Article IX.) Thus, a statement of financial interest must be filed by May 1, 2017 for all current Designated Municipal Officers. These people were hired without this requirement. Who will issue a failure notice in 2017? See (IX.18.g Page 45).
- e. Replace the first sentence with ‘the Board of Cemetery Trustees shall act as the Trustees of the Edgell Grove Cemetery (X.7.g) (Page 55). There are legal reasons that there remain an entity called ‘Trustees of the Edgell Grove Cemetery’ and this can only be changed by the courts.
- f. Time of Taking Effect (X.7.k Page 56): This section should also indicate that the Chief of Staff shall receive the salary currently received by the Assistant Town Manger.
- g. Time of Taking Effect (X.7.l Page 56): There should be a similar section that relates to the position of Assistant Town Manger.
- h. Time of Taking Effect (X.7.r Page 58): This section states that the Selectmen shall appoint a committee to review the bylaws. Can a charter direct the elected Selectmen to take this action? This section also states that the committee shall include ‘at least two of the members of the Charter Commission elected in 2016. This exceeds what a charter should state and is giving additional responsibilities to the elected Charter Commission members above what was implied by their election to become Charter Commission members. Further, this section states that the mayor shall appoint a committee to review the

bylaws and the committee shall include 'at least two of the members of the Charter Commission elected in 2016. This is dictating action that the mayor must take and is inappropriate to be included in the charter. This is a recommendation from the Charter Commission and should be stated with other recommendations (See X.8 Page 60).

- i. Time of Taking Effect (X.7.t Page 59): This section states that the terms of members of multiple-member bodies shall be "abolished as of June 30, 2018 or when successors have been appointed, whichever is later." There are members of some multiple-member bodies who have been appointed with specified terms that extend beyond June 20, 2018. I wonder if MGLs allow this revocation of an appointment. Members of multiple-member bodies who were appointed with an unspecified term can be replaced when another appointment to the position is made.

Recommendations (X.8 Page 60): These recommendations are outside the responsibilities of the Charter Commission and do not belong as part of the permanent charter for Framingham. I suggest that they be moved to an addendum letter from the Charter Commission. The voters should not be asked to approve these recommendations.

**From George Brown:**

Discussion questions:

- How do you feel about including citizen relief measures like these?

I think it's good to have this sort of "citizen feedback" built into the charter itself.

- Do you feel they are a good way of adding "checks and balances" on groups in office? Why or why not?

It is a good form of "checks and balances" on everyone in office in the municipality.

- Do citizen relief measures like these make you feel more or less comfortable about the charter as a whole? Why or why not?

I was comfortable with the charter from the beginning, so I don't know if I personally am more comfortable now, but I think it might make others more comfortable who would not be "on board" without this kind of feedback or

check/balance in the charter itself.

- How do you feel about the signature requirements and steps needed for each measure as written in the Charter? What, if any, suggestions would you make to the Commission in terms of the details? Why?

If it's to be useful, I think the number of signatures needs to be lowered – otherwise, people are likely to feel this is but a game, and that ultimately, the officials don't want to hear from the public.

Term Limits:

Discussion questions:

How would you feel about including term limits for the Mayor, district councilors, or at-large councilors? Why?

I think there are ALREADY term limits – via VOTING! No need to limit anyone from office – the citizenry can always vote them out of office (a much more democratic way of providing term limits).

- Would term limits like these make you feel more or less comfortable about the charter as a whole? Why or why not?

Not at all comfortable!

- Would you be in favor or against term limits for other positions than the ones listed above? Why?

Same as above – limit terms via the voting booth.

- Should term limits for each office be the same number of years? Why or why not?

Ditto!

- If we had term limits, would you want someone reaching their term limit to be eligible to run for a different office in the next election?

Of course!

- Would you want term limits put on appointed boards as well as elected officials? If so, are there particular boards you think it is important to

consider/rule out term limits for?

As long as officials – either elected or appointed – are doing their jobs well, I don't see the need for limiting anyone's term.

Look at what happened when FDR was elected (by a majority of citizens!) 4 times... the Republicans pushed through an amendment to the Constitution limiting presidents to 10 years maximum. But when "Saint Ronald" finished his 2 terms, lots of Republicans were sorry they couldn't vote him a third term! Hoisted on their own petard! No, the ONLY democratic way to limit anyone's term of office is to vote him/her out of office!

Town vs. City Name:

Even if the Charter changes the structure of the government, we have a choice of what it is called.

Do you want the community to be known as the "Town of Framingham" or the "City of Framingham? Why?

I don't have a preference one way or the other, but if keeping the name "Town of..." will be helpful to others, I'm OK with that. However, on the principle "call a spade a spade," I guess we ought to call ourselves a city...

Does it matter to you that there may be a small cost to switching over "City of Framingham" in terms of redoing official documents, seals, etc?

If a majority of the citizenry opts for "City of..." I'm OK with whatever it would cost to make the switch.

From William Zoino:

I am a retired professional engineer living in the Nobscot section of Framingham. While I commend the Charter Commission for presenting a thorough Preliminary Report I wish to bring my concerns to your attention.

The report refers to 30 Boards, Commissions etc and adds at least 5 additional Commissions to the incredible size of the ongoing list. It should be obvious that considerable overlap exists within this list and a reasonable consolidation of the functions may be possible. Therefore adoption of the Charter may simply legitimize the present inefficient status quo.

The proposed review of the Charter every ten years simply adds to perpetration of inefficiency. A shorter period may be advisable. Adoption of the Charter as presented will create 11 Councillors which appears to be too many when compared to other Towns of the same size and indeed to some cities of larger size.

The number of residents in each district and the number of registered voters in each district should be presented to assure democratic representation. of the present size of Districts. The present tax structure in Framingham clearly discriminates with respect to small businesses with a commercial rate almost three times the residential rate. The zoning districts should be compared to the Neighborhood Districts to assure fairer burden on small businesses.

The tax structure for commercial properties within Shoppers World for, example, effectively discriminates against small businesses when compared to Natick which has equal and fairer rates.