

**Town of Westwood  
Government and Charter Task Force Committee  
Summary of Proposed Charter Revisions  
December 15, 2010**

OVERVIEW:

In October 2009, the Board of Selectmen appointed nine members to the Government and Charter Task Force Committee (Task Force) in October 2009. The Task Force held, on average, two open public meetings per month through November 2010 at Town Hall (usually on the first and third Wednesdays of each month, excluding July and August).

The Task Force adopted the following mission statement:

*The Task Force will review and consider potential revisions to the current Town Charter, adopted in 1970 and periodically revised thereafter. The Task Force should conclude with a recommendation to the Board of Selectmen as to the aspects of the Town Charter that should be considered for revisions and the appropriate process, as defined by state law, for accomplishing said revisions.*

The Task Force reviewed our Town Charter in detail. In addition to examining the Town Charter, we thought that it was important to conduct a fact-finding process to solicit input from government experts, current stakeholders within the Town, and anyone from the public that was interested in sharing ideas or opinions. We also examined other town charters with a view to identifying updated provisions to consider and include in our recommendations.

MEETINGS:

The Task Force surveyed and solicited input from each major board or commission included within the Town Charter, and met with the following individuals and stakeholders:

- Marilyn Contreas, Senior Program and Policy Analyst, Massachusetts Department of Housing and Community Development, and a recognized authority with respect to charter revisions by Massachusetts cities and towns;
- Representatives from the Board of Selectmen;
- Representatives from the School Committee;
- Representatives from the Finance Commission;
- Anthony Antonellis, Town Moderator/Sewer Commission;
- Dottie Powers, Town Clerk;
- James Gavin, Treasurer;
- Al Albert F. Wisialko, Town Collector;
- Pamela Dukeman, the Town's Finance Director;

- Representatives from the Planning Board;
- Mike Krone from the Board of Assessors;
- Thomas McCusker, Town Counsel;
- Representatives from the Permanent Building Committee;
- Michael Jaillet, Town Administrator;
- Representatives from the Sewer Commission;
- Vicki Vickrey Quiram, Westwood Public Works Director;
- Representatives from the Massachusetts Department of Revenue-Division of Local Services; and
- Representatives from the Massachusetts Municipal Managers Association.

#### PUBLIC FORUM AND INFORMATION:

In addition, we conducted the following public outreach:

- Established a webpage within the Town's website with contact information for submitting input to the Task Force including meeting minutes;
- Placed informational notices in the Town's quarterly newsletters;
- Promoted awareness of the activities of the Task Force through articles in *The Boston Globe* and *The Westwood Press*; and
- Held a Public Forum on February 3, 2010 for the specific purpose of soliciting input from the citizens of Westwood. We invited current and past civic leaders of the Town to share their thoughts with the Task Force. In addition, we invited sponsors of the recently proposed Town Charter-related petition articles to join us and provide input. More than fifty residents attended the Forum and provided great suggestions and comments.

Task Force members also specifically asked interested residents and neighbors outside of the structured public meetings for feedback to share at our meetings.

Attached to this Report as **Appendix 1** is an index of the materials that the Task Force has collected and considered to date.

#### RECOMMENDATIONS:

During the past few months, the Task Force continued to evaluate the issues raised during our review of the Town Charter, as well as the feedback that we received from the stakeholders and the members of the public. Our experience throughout the course of this process has affirmed our view that the Town government works quite well. We are fortunate that Westwood Town government continues to attract a host of outstanding professionals and volunteers dedicated to serving the best interests of the Town of Westwood. As a result of the Charter review process, however, we believe that it is possible to improve and update our Town Charter to reflect current government operations, include reference to certain additional important boards, committees, and positions, and formalize certain "best practices" in financial management. Additionally, the Task Force believes it is important to include within a single document, the Town

Charter, reference to all critical information concerning the structure of Town government. With these revisions to the Town Charter, it is our belief that our Town government will continue to operate in the best interests of the Town of Westwood.

With the assistance of Lauren Goldberg, Esq., a seasoned Massachusetts municipal governance expert, the Task Force drafted the Revised Charter. The members of the Task Force recognize that our role as a group remains, first and foremost, advisory in nature. The citizens of the Town of Westwood will therefore determine whether the Town Charter should be updated, and we respectfully submit this Revised Charter for review and consideration.

### WHAT CHANGES ARE BEING RECOMMENDED BY THE TASK FORCE?

A section-by-section summary follows below, but in short, the proposed revisions to the Charter:

- seek to reflect modern ‘best practices,’ such as a consolidated municipal finance department;
- update the position of ‘executive secretary’ to ‘town administrator,’ and include more detail about the scope of authority of the town administrator, including oversight and some appointing authority;
- create a “pre-petition” process to allow registered voters of the Town to seek guidance from the Finance Commission and the Board of Selectmen concerning possible petitioned warrant articles with sufficient time to be able to alter such petition warrant articles *before* the formal warrant process starts;
- provide for a potential second town meeting to occur during fall;
- clarify the use of associate members on various Town boards; and
- suggest the name of Finance Commission be changed to ‘Finance and Warrant Commission’ to better reflect the full existing scope of issues reviewed by the current Finance Commission.

### WHAT CHANGES ARE NOT BEING RECOMMENDED BY THE TASK FORCE?

Among other suggestions that the Task Force heard that we did not incorporate into the Revised Charter, the proposed revisions to the Town Charter do not include:

- any change to Open Town Meeting structure or any change to the existence, composition or length of term for any elected office;
- the creation of ‘precinct representation’;
- the imposition of artificial term limits on any of the Town’s elected officials; or
- the creation of a so-called ‘strong town administrator’ or a ‘town manager’ (for example, a town administrator or town manager with authority over all hiring).

DETAILED SUMMARY OF PROPOSED REVISIONS:

**Global Revisions:**

Replaced “executive secretary” with “town administrator” in each instance  
Revised Charter to be gender neutral  
Revised references to the Finance Commission to “Finance and Warrant Commission”  
Did not capitalize terms throughout text of Revised Charter as such edits would be removed by the Massachusetts Legislature

**Section 2-2-1: Date of Election**

Deletes reference to “presidential primary election” as there will never be a time when the date of the annual town election and the presidential primary will conflict where the presidential primary is now held in March.

**Section 2-5-2: Pre-petition**

Creates a “pre-petition” process to allow five registered voters of the Town to seek guidance from the Finance and Warrant Commission and the Board of Selectmen concerning possible petitioned warrant articles.

**Section 2-6-1: Fall Annual Town Meeting**

Creates a fall Annual Town Meeting to be held in the last three months of the calendar year, but allows the Board of Selectmen to cancel the same by September 15<sup>th</sup> if no petitioned articles have been received therefor.

**Section 2-7-1: Finance and Warrant Commission**

Changes name of Finance Commission to Finance and Warrant Commission. Provides that the manner in which Finance and Warrant Commission’s recommendations are provided to the Town shall be set by bylaw. Clarifies that in the event of noncompliance with posting, publishing or mailing requirements, such noncompliance shall not affect validity of town meeting.

**Section 3-4-1: Board of Selectmen Appointment of Officers**

Provides for Board of Selectmen appointment of the following Town officers: Police Chief, Fire Chief, DPW Director and Town Counsel.

**Section 4-4-2: Planning Board Meeting Schedule**

Removes requirement that Planning Board meet at least once a month.

### **Section 4-6-1: Associate Members of Elected Boards**

Authorizes appointment of not more than two associate members of each board elected under Chapter 4. The associate members will be appointed by a joint meeting of the Board of Selectmen and the board to be augmented, and the members will serve for rotating terms of three years.

### **Section 4-7-1: Combined Sections on Elected Officers**

Combines sections on elected officers so that the election and terms of the moderator, town clerk, town treasurer and tax collector are addressed in a single section.

### **Section 4-8-1 through 4-8-8: Recall**

Inserts existing special act concerning recall of elected officials. The bulk of the special act is repeated verbatim. Certain technical amendments have been made, however, to clarify the process, including the obligations of the persons submitting a recall petition or affidavit, and of town officials with regard to affidavits, petitions, and scheduling recall elections.

### **Section 5-5: Zoning Board of Appeals**

References Board of Appeals and the Board's authority.

### **Section 5-6: Youth and Family Services**

References Youth and Family Services Commission and the Commission's authority. Section 5-6-1 sets the Commission's membership anywhere from 3 to 17 members, and provides that a quorum shall be a majority of those then in office.

### **Section 5-7-1: Associate Members of Appointed Boards**

Authorizes appointment of not more than two associate members of each board appointed under Chapter 5, other than the Zoning Board of Appeals which already has associate members, and Chapter 7 (Finance and Warrant Commission, Personnel Board, and Permanent Building Commission). The associate members will be appointed by a joint meeting of the Board of Selectmen and the board to be augmented, and the members will serve for rotating terms of three years.

### **Section 6-1-1 – 6-1-3: Town Administrator**

Creates position of Town Administrator, authorizes Board of Selectmen to contract with Administrator concerning terms and conditions of employment.

### **Section 6-2-1: Duties of Town Administrator**

Establishes Town Administrator as chief administrative officer of the Town, and outlines duties of Administrator.

Appointments - Provides that Town Administrator will: (1) appoint all persons whose appointment is not otherwise provided for in the Charter or general or special laws, (2) keep Board of Selectmen Chair updated with regard to all personnel decisions, and (3) consult with the relevant department head prior to making a departmental appointment. Appointment or removal of any person who serves as a department head or principal deputy is subject to confirmation by the Board of Selectmen.

Supervision – Provides that Town Administrator will supervise department heads and principal deputies of part-time elected and appointed boards and officials with regard to day-to-day operations to ensure uniform application of employment and personnel policies.

Coordination of activities of all Town agencies – Will coordinate activities of all agencies in town, including elected and appointed entities.

Chief Procurement Officer – Serve as CPO and procure and award contracts for supplies and services for all Town agencies other than for the school department and the library. Contracts over \$100,000 shall require approval by the Board of Selectmen.

Budget – Prepare, with assistance of Finance Director, budget and capital plan. Transfer between line items in a particular departmental budget with approval of Board of Selectmen and Warrant and Finance Commission.

Payroll Warrant – Approve payroll and expense warrants.

### **Section 6-3-1: Town Administrator Qualifications**

Establishes qualifications for appointment of Town Administrator. Authorizes Board of Selectmen to waive qualification requirements if such waiver is in the best interest of the Town.

### **Section 6-5-1 – 6-5-3: Acting and Temporary Town Administrator**

In the event of a vacancy caused by suspension, removal or resignation of a Town Administrator, the Board of Selectmen may appoint an Acting Town Administrator to serve for a period of four months, and, if necessary, for a second four month period.

Authorizes the Town Administrator, with the approval of the Board of Selectmen, to designate a Temporary Town Administrator to act in the event of an absence of the Town Administrator.

Limits the authority of an Acting or Temporary Town Administrator to act on matters not admitting of delay, and prohibits an Acting or Temporary Town Administrator from making a permanent appointment or designation without the approval of the Board of Selectmen.

#### **Section 7-5-1 – 7-5-4: Permanent Building Commission**

Indicates that when making appointments, various expertise should be sought. Provides for temporary members of Commission, with voting authority, to be appointed when a project of over \$100,000 is requested, or will benefit, a particular board, committee or officer. Also allows for ex officio members to be appointed based upon their expertise or knowledge, with no voting authority.

### **Chapter 8: Finance Department**

Establishes a Finance Department, to include all financial services and activities of the Town, maintenance of accounting records and financial statements, payment of obligations, receipt of funds due, monitoring and reporting, supervision of procurement, and maintenance of inventory controls.

The elected Treasurer, Tax Collector and Assessors will continue to exercise their statutory duties, including, to the extent provided in the General Laws, the right to make certain appointments, but the Department will include the offices and functions of the Town Accountant, Town Treasurer, Tax Collector, and Board of Assessors.

The Finance Director will be responsible for coordinating financial personnel, tasks and activities and fiscal management procedures in all offices in the Department, and staff will also be supervised on a day-to-day operations basis by the Finance Director (ultimately responsible to the Town Administrator).

#### **Section 8-1-2 and 8-1-3: Finance Director**

The Department will be under the direction of a Finance Director who will be appointed by the Town Administrator, subject to confirmation by the Board of Selectmen. Qualifications for appointment are established, but the Board of Selectmen is authorized to waive the same if it determines that waiver is in the best interest of the Town. The salary and terms and conditions of employment of the Town Administrator may be established by contract.

#### **Section 8-2-1: Department of Public Works**

Reference is made to the special act creating the Department of Public Works.

#### **Section 8-2-2: Fire Department**

Reference is made to the vote creating the Fire Department.

### **Section 8-2-3: Police Department**

Reference is made to the vote creating the Police Department.

### **Section 9-2-1: Audit Committee**

Establishes a three-member audit committee to review annual financial statements and the independent auditor's management recommendations.

### **Section 9-3-1: Budget Schedule**

Clarifies the role of the Town Administrator to prepare an operating and capital budget, and authorizes the Town Administrator, or the Town by bylaw, to set the schedule.

### **Section 9-4-1: Budgetary Procedures**

Clarifies that the budget prepared by the Town Administrator and Finance Director will be submitted to the Board of Selectmen for review and approval.

### **Section 9-4-4: Capital Plan**

Addresses the preparation and content of a five-year capital budget.

### **Section 9-4-7: Budget Process Bylaw**

Authorizes the adoption of a bylaw to establish additional procedures concerning consideration and adoption of the budget.

### **Sections 12-1-1 through 12-2-1: Charter Amendment**

Clarifies that amendments to the Charter may be made in any way authorized by the General Laws and Massachusetts Constitution.

### **Section 12-3-1 and 12-3-2: Periodic Review of Charter and Bylaws**

Section 12-3-1 provides for appointment by the Board of Selectmen in years ending in "0" of a Charter Review Committee of not less than three nor more than nine members.

Section 12-3-2 provides for appointment by the Board of Selectmen in years ending in "2" of a Bylaw Review Committee of not less than three nor more than nine members.



## **APPENDIX 1--Articles and Information collected by the Task Force:**

### **1.) Government Study and Charter Task Force Meeting Agendas & Summaries**

2009: Oct 22, Nov 4, Nov 18, Dec 2, Dec 16

2010: Jan 6, Jan 20, Feb 3 (Public Forum), Feb 24, March 24, April 21, May 5, May 19, June 2, June 9, September 22, October 6, October 20, November 3, November 17

### **2.) Westwood Town Government**

"Appointed by Board of Selectmen," <http://www.townhall.ma.us>.

"Budget Narratives," Town of Westwood.

Ch 193 of the Acts 1985: "An act establishing the Dedham-Westwood Water District," approved July 24, 1985.

Ch 140 of the Acts of 1992: "An act establishing a Department of Public Works in the Town of Westwood," approved July 21, 1992.

"Election and Appointment Information," by M. Jaillet, May 2010.

"The Charter," Town of Westwood, updated March 2010.

"The Town of Westwood," organizational chart.

### **3.) Westwood Charter Review 1970 and 1985**

"1985 Town Meeting Handout #2: Proposed Charter Amendments," May 1985.

"Charter Change: Power Needed for Professionalism," *The Daily Transcript*, April 2, 1985.

"Final Report of the Charter Commission of Westwood, Massachusetts," January 1, 1970.

"Report of the Charter Study Review Committee," 1984.

"Report of the Charter Study Review Committee," 1985.

"Rethink Charter Changes," *The Daily Transcript*, April 17, 1985.

### **4.) Massachusetts General Laws**

MGL ch. 39 ("Municipal Government").

MGL ch. 40C ("Historic Districts"), Sections 1-13.

MGL ch. 43B ("Home Rule Procedures Act").

MGL ch.43C ("Optional Forms of Municipal Administration Act")

List of Massachusetts General Laws with "Board of Selectmen" references

## **5.) Other Massachusetts Town Charters**

- Ch. 259 of the Acts of 2004: "An act providing for a strong town manager form of government in the Town of Abington," approved August 9, 2004.
- "Charter and General Bylaws Town of Bedford, MA," amended through Annual Town Meeting 2009.
- "Amended Home Rule Charter," Town of Bellingham, MA, adopted May 26, 2004
- "Code of the Town of Brewster," MA, v29", updated July 15, 2009.
- "Town of Chatham Home Rule Charter," *adopted May 11, 1995.*
- "Town Charter, An act establishing a Selectmen-Manager form of government," Town of Concord, last amended May 2004.
- Ch. 222 of the Acts of 1997: "An act relative to the form of government in the Town of Danvers," approved Dec 18, 1997.
- "The Medfield Town Charter," last amended April 2004.
- "Town of Needham Charter," last amended 2004.
- "Town of Provincetown CHARTER," last amended Sept 2009.
- "Reading Home Rule Charter," with all revisions through April 2006.
- "Town of Sandwich Town Charter," approved October 2009.
- "Final Report including a Proposed Charter for the Town of Sharon, MA," adopted by the Charter Commission for the Town of Sharon, November 2009.
- Ch. 131 of the Acts of 1994: "An act establishing a Board of Selectmen-Town Manager form of administration in the Town of Sudbury."

## **6.) Massachusetts Town Charter Commission Summaries**

- "Brewster Town Government Study," November 1995.
- "Change in Form of Government," Topsfield, MA, 2007.
- "Executive Summary," Sharon Charter Commission.
- "Introduction to Final Report," Bellingham Charter Commission, 1993.
- "Preliminary Report of the Scituate Charter Revision Commission," 2002.

## **7.) Home Rule**

- "Dispelling the Myth of Home Rule: Local Power in Greater Boston," excerpt from *Home Rule Report* prepared by David J. Barron, Gerald E. Frug, Rick T. Su., Rapport Institute of Greater Boston, Cambridge, MA, 2003.
- Home Rule Amendment, Mass. Const., art. LXXXIX.
- "Home Rule Charter Adoption or Revision," Summary of procedures; document prepared by MA Department of Housing and Community Development.
- "Massachusetts Communities Operating Under Home Rule Charters as of 5/2008," MA Department of housing and Community Development.

“Towns: Special Act Charters,”  
[http://www.massmanagers.org/Pages/MMMA\\_Resources/Special%20Acts.pdf](http://www.massmanagers.org/Pages/MMMA_Resources/Special%20Acts.pdf)

## 8.) Local Government Structure

“Charter Reform and Ways to Think About It,” by Robert O’Neil and John Nalbandian. (*Public Management*, International City Manger Association, November 2009, Vol. 91, # 10.)

“Look who’s not here,” *Globe South*, Jan 3, 2010, pp. S2, 6.

“Pros and Cons - Basic Forms of Government.”

<http://www.massmanagers.org>.

“Several Options Exist For Changing Local Government Structure,” by Marilyn Contreas, (*Municipal Advocate*, Vol. 22, #2, 1986.)

“Trends to Watch 2010: Local Governments Redefine the Economy,” by Elizabeth Kellar, Joshua Franzel, Danielle Miller Wagner, Joan McCallen. (*Public Management*, International City Manger Association, Jan/Feb Vol. 92, # 1.)

## 9.) Municipal Financial Management

“Combining the Treasurer and Collector's Offices,”

<http://www.mass.gov/?pageID=dorsubtopic&L=6&L0=Home&L1=Local+Officials&L2=Municipal+Data+and+Financial+Management&L3=Financial+Management+Assistance&L4=Restructuring+City+and+Town+Government&L5=Combining+the+Treasurer+and+Collector's+Offices&sid=Ador>

“Establishing a Municipal Finance Department,”

[http://www.mass.gov/?pageID=dorterminal&L=5&L0=Home&L1=Local+Officials&L2=Municipal+Data+and+Financial+Management&L3=Financial+Management+Assistance&L4=Restructuring+City+and+Town+Government&sid=Ador&b=terminalcontent&f=dls\\_mdmstuf\\_Technical\\_Assistance\\_Restructuring\\_estmunfindept&csid=Ador](http://www.mass.gov/?pageID=dorterminal&L=5&L0=Home&L1=Local+Officials&L2=Municipal+Data+and+Financial+Management&L3=Financial+Management+Assistance&L4=Restructuring+City+and+Town+Government&sid=Ador&b=terminalcontent&f=dls_mdmstuf_Technical_Assistance_Restructuring_estmunfindept&csid=Ador).

“Finance Director,”

[http://www.mass.gov/?pageID=dorterminal&L=5&L0=Home&L1=Local+Officials&L2=Municipal+Data+and+Financial+Management&L3=Financial+Management+Assistance&L4=Job+Responsibilities&sid=Ador&b=terminalcontent&f=dls\\_mdmstuf\\_Technical\\_Assistance\\_obs\\_finance\\_director&csid=Ado](http://www.mass.gov/?pageID=dorterminal&L=5&L0=Home&L1=Local+Officials&L2=Municipal+Data+and+Financial+Management&L3=Financial+Management+Assistance&L4=Job+Responsibilities&sid=Ador&b=terminalcontent&f=dls_mdmstuf_Technical_Assistance_obs_finance_director&csid=Ado)

“Municipal Calendar: Monthly Guide for Local Officials,” MA Dept of Revenue, May 2008.

## 10.) Related Press Releases

“Time for a new way to govern?,” *Globe South*, Jan 31, 2010.

“Residents invited to Town Charter forum,” *Westwood Hometown Weekly*, January 21, 2010, p.11.

“Public forum to address Town Charter,” *Westwood Hometown Weekly*, January 28, 2010, pp. 1, 9.

“Community’s Input Requested for Town Charter review,” *Westwood A Community Newsletter*, Winter 2009, p. 2.

“Community’s Input on Town Government and Charter Requested at Public Hearing on February 3,” *Westwood Public Schools: District Bulletin*, week of Jan 15, 2010.

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