



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS

GOVERNMENT AND CHARTER STUDY TASK FORCE

Peter Cahill, Chairman
Karen Manor Metzold, Vice Chairman
Tom Daly
Margery Eramo
Paul Fitzgerald
Charles Flahive
Ken Foscaldo
Frank Jacobs
Alice Moore

Anne Marie McIntyre
Administrator
Town Hall
580 High Street
Westwood, MA 02090
T: 781-326-6540
F: 781-329-8030
amcintyre@townhall.westwood.ma.us

June 28, 2010

Nancy C. Hyde, Chairman
Philip N. Shapiro, Clerk
Patrick J. Ahearn, Third Member
Westwood Town Hall
580 High Street
Westwood, MA 02090

To the Honorable Board of Selectmen:

We are pleased to submit this Preliminary Report of the Westwood Government and Charter Study Task Force (Task Force) to the Board of Selectmen. This Report (1) summarizes the actions the Task Force has taken to date, (2) recommends that the Board of Selectmen and the citizens of Westwood pursue a process through which the Town would update the current Town Charter, and (3) preliminarily identifies areas within the Town Charter where we believe that the Town would benefit from modification, and in certain instances, identifies areas within the Town Charter that we do not believe warrant modification at this time. Should the Board of Selectmen decide to extend the Task Force with the goal of developing a revised Town Charter for consideration by the citizens of Westwood, we would expect that ongoing analysis and feedback would occur, which may further impact the ultimate recommendations made by the Task Force.

1. Summary of Actions of the Task Force

After the Board of Selectmen appointed nine members to the Task Force in October 2009, we organized ourselves and held, on average, two open public meetings per month through June 2010 at Town Hall (usually on the first and third Wednesdays of each month).

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 committee 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;
- Dottie Powers, Town Clerk;
- James Gavin, Treasurer;
- 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; and
- Michael Jaillet, Town Administrator.

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. If given the opportunity, there may be additional people with whom we would expect to continue these discussions.

2. Process to Update the Town Charter

State law and the Town Charter provide for two ways to amend and update the Town Charter. One way is to elect a charter commission to propose a new town charter to town meeting. The other way is to pursue special municipal legislation that first would have to be approved at Town Meeting as a warrant article and then would be forwarded as a home rule petition to the Massachusetts Legislature for consideration as proposed legislation. Given the scope of recommendations that the Task Force has to offer, we think that the most effective approach for the Town to take would be by home rule petition.

The Task Force anticipates that the updates to the Town Charter will be substantive, and these proposed updates are initially discussed later in this report. Because the Task Force has already conducted a thorough review as contemplated by the elected charter committee process, it is our recommendation to follow the home rule petition option which provides some flexibility to complete this process next year and provide for an updated Town Charter recommendation in time to be included on the warrant for the May 2011 Town Meeting.

We make this recommendation with due respect for the process and consider this extra time of service for committee members as an extension of the service to the Town and an opportunity for us to fulfill the mission and improve the operation and administration of Westwood's town government.

This current group of volunteers has gained valuable knowledge on the topic of town charters over the course of the year. Moreover, we recognize that our role remains first and foremost advisory in nature, and, most importantly, that the ultimate decision to change or update the Town Charter remains with the citizens of the Town of Westwood.

3. Preliminary Areas of the Town Charter to be Considered for Modification

If the term of the Task Force is extended, we would expect that ongoing analysis and feedback would continue but the Task Force shares this initial assessment and recommendations for revision to the Town Charter:

- a) **Legislative Powers/Open Town Meeting** — Nearly all of the input that the Task Force received was that the Open Town Meeting structure should not be changed. The Task Force respects the fact that at Open Town Meeting, every vote counts (and, interestingly, one warrant article at the 2010 Town Meeting was decided by one vote). One sentiment conveyed at the Public Forum that resonated with the Task Force was that a resident does not have to wait to have a voice in an Open Town Meeting form of government; instead, an interested resident can engage in the process immediately.
- b) **Town Elections** — Tuesday election day should be continued. However, the month and day may be different than the current practice depending on whether

the Town adopts a second Town Meeting or adjusts the date of Town Meeting. The general language in this section needs to be updated.

- c) Initiative Petition Process — The Task Force agreed that state statute should be reviewed to see if technical improvements can be made on this issue and afford more flexibility for a petitioner warrant article to be amended before Town Meeting.
- d) Date of Town Meeting/Second Town Meeting in the Fall — The sense of the Task Force was that there was not a compelling reason to alter the date of Town Meeting, but that it warranted further review. The addition of a second Town Meeting has broad support from many of the boards and officials that the Task Force met with (including members of Board of Selectmen), but the Task Force agreed that the issue needs further review and research.
- e) Board of Selectmen Size and Composition — The Task Force agreed that the Board of Selectmen should remain at three members and did not support a change to ‘precinct representation.’ The Task Force did not find any persuasive rationale to support an increase in the Board’s size at this time, although we did consider a couple of arguments in favor of three members (such as no side meetings where official business can be discussed without public notice, and the rotation of three members with 3-year staggered terms prevents incumbents from running against each other and minimizes campaign issues and political positioning amongst the members).
- f) Term Limits — The Task Force does not support term limits for the Board of Selectmen or any of the elected offices. The sense of the Task Force was that elections constitute the right of the people to make changes, and that term limits are not a necessary part of ensuring democracy. One point the Task Force heard in support of term limits was that they would allow ‘more people to serve the Town.’ The Task Force does not find this point compelling as there are nearly hundreds of opportunities to serve the Town through the existing committees and boards. The elections afford the Town a natural way to remove someone if they are acting detrimentally in office, and the sense of the Task Force was that having elected officials with institutional knowledge could prove beneficial to the Town and help it navigate through difficult times, and that such a determination should be made by the citizens of Westwood rather than an arbitrary limitation on years of service.
- g) Finance Commission Authority/Name Change — The Task Force agreed that the current function and authority of the Finance Commission works very well and provides a valuable benefit to the Town, and no changes are recommended. The Task Force agreed that the size, term and appointment of the Finance Commission should remain the same, but that the name should be changed to better reflect the role of the Finance Commission. The Finance Commission should be contacted for their input regarding a new name.
- h) Quorum at Town Meeting — The sense of the Task Force was that there was not a compelling reason to alter the quorum at Town Meeting, but the Task Force was willing to continue to research the benefits (if any) of a zero quorum.

- i) Moderator; Town Clerk — The Task Force supports keeping the current duties of the Moderator and Town Clerk, and keeping the term of the Moderator to a 1-year term and the term of the Town Clerk to a 3-year term.
- j) Recall of Elected Officials — The Task Force agreed that the current Recall language (found in Section A500-2 of the Westwood Code) should be examined and that, at a minimum, the Recall language should be included within the Town Charter. It was the sense of the Task Force that not many citizens were aware that Westwood has a Recall provision.
- k) Town Boards and Commissions — The Task Force agreed that further review of boards and committees is needed, and encourages the Board of Selectmen to review the missions of the various boards and commissions to determine whether there is redundancy. In addition, the Task Force encourages the Board of Selectmen to review the function of the long-range financial planning board to determine whether it is appropriate to enhance it to improve its effectiveness. The Task Force does recommend that the Zoning Board of Appeals and Youth and Family Services be included within the Town Charter. The addition of ‘associate members’ should be explored in detail and, where appropriate, included as part of certain Town boards.
- l) Power to Rescind Appointments — With respect to the rescission of appointments made by the Board of Selectmen, the Task Force agreed to leave the language as it exists in the Town Charter.
- m) Planning Board — The Task Force agreed to remove the requirement that the Planning Board meet monthly and instead adopt language that the Planning Board shall meet regularly and maintain a public record.
- n) Elected Officers; Municipal Finance Department — The Task Force supports the Town moving to a consolidated municipal finance department. The role of the current Finance Director is not outlined currently in the Town Charter, and the successful functioning of the Town’s finances relies on the cooperation between the Town Treasurer and Tax Collector to coordinate their efforts with the Finance Director. By all accounts, the Town’s financial department is highly regarded and successful. Given the sophisticated level of the Town’s financial requirements, the Town should structure its financial department to maximize the likelihood of a finance department that continues to be efficiently and successfully managed. By moving to a consolidated municipal finance department (and changing the positions of Treasurer and Tax Collector from elected positions to appointed positions that fit within the municipal finance department), the Town could ensure the appointed Treasurer and appointed Tax Collector positions report to the Finance Director and allow all arms of the Town’s finances to operate in sync with one another. This recommendation is not a reflection on the current and past Town Treasurers and Tax Collectors; in fact, all of the information the Task Force has reflects that the positions have been filled by superb professionals that live within the Town. Our information also indicates that, overwhelmingly, open Town Treasurer and Tax Collector positions are filled by appointment, and then those

appointees in turn run for elected office (most frequently unopposed). The Task Force recommends that the Town should be sensitive to attracting and keeping expertise in the Treasurer and Tax Collector positions by continuing the part-time attribute of the job.

- o) Executive Secretary — The Task Force recommends that the Executive Secretary title be changed to Town Administrator with additional research performed to develop language for the Town Administrator's job description. There was consideration of a change from Executive Secretary to a Town Manager job, but before recommending such a change, the Task Force would continue its research in this area in an effort to reach a conclusive determination as to whether such an approach would benefit the Town.
- p) Qualifications/Non-Resident Preference/Removal — The Task Force members agreed that the current qualification language for the Executive Secretary/Town Administrator may be sufficient but will review to update. Regarding removal, the Task Force is interested in continuing research to determine the practices of other towns.
- q) Audit Language; Budget Language — The Task Force agreed that the audit language should be updated to reflect that the Commonwealth no longer performs the audit function, and the budget language should be updated to reflect current reality that this function is performed by the Finance Director and not the Executive Secretary/Town Administrator.
- r) Ongoing Charter Review — The Task Force agreed that a mandated charter review provision should be added to the Charter, with the possibility of establishing a formal review process and/or committee to review the Town Charter and bylaws.
- s) Technical Edits — The Task Force agreed that the language of Chapter 11 should be updated to accommodate options to change the charter that are allowed by state law, and that the Town Charter should otherwise be reviewed for technical improvements.
- t) Addition to the Task Force — If the Board of Selectmen decides to extend the Task Force, the Task Force would recommend that the Town Clerk be included as an *ex officio* member.

4. Conclusion

Our experience throughout the course of this process has confirmed our view that the Town government works quite well. We are fortunate to attract a host of outstanding professionals and volunteers dedicated to serving the best interests of the Town of Westwood. The preliminary recommendations are intended to improve and update our Town Charter so that our town government will continue to operate in the best interests of the Town of Westwood. Thank you for the opportunity to work on this project.

Respectfully submitted,

Peter Cahill, Chairman
Karen Manor Metzold, Vice Chairman
Tom Daly
Margery Eramo
Paul Fitzgerald
Charles Flahive
Ken Foscaldo
Frank Jacobs
Alice Moore

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

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

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

“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_Jobs_finance_director&csid=Ador

“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.