

Government and Charter Study Task Force
Public Forum Meeting Summary
February 3, 2010

Member Attendance

Peter Cahill, Thomas Daly, Margery Eramo, Paul Fitzgerald, Charles Flahive, Ken Foscaldo, Frank Jacobs, Karen Manor Metzold, Alice Moore, Michael Jaillet Town Administrator, Anne Marie McIntyre Staff Administrator.

Approximately 50 residents signed the sign-in sheet.

Public Forum Summary

Peter Cahill called the meeting to order at 7:40 pm and gave an introduction on the Task Force's mission. He summarized the accomplishments of the members to date. In addition, he stressed the importance of public input on Charter changes and the rationale behind the changes. Mr. Cahill thanked the residents who took time to attend the forum. Mr. Cahill asked if the members of the Task Force would like to make any comments.

Alice Moore, 44 Whitney Avenue

Ms. Moore stated that the Task Force was formed as a result of the Selectmen's request and to proposals to make Charter changes at the last Town Meeting. In addition, the Charter has not been changed in many years, and it makes sense for a review at this time. A lot of Massachusetts towns are making changes and have taken the time to review their form of government - understanding what works well while considering financial constraints/pressures.

Ms. Moore commented that the members of the Task Force began with the view that Westwood government is working. She thanked the current officials who have spoken to the Task Force. Upon completion of meeting with other officials and with input from the residents, the Task Force will make recommendations to the Board of Selectmen with the goal of making Westwood work better. Some issues that the Task Force is considering are:

- Add a town meeting to provide another opportunity for town government to make decisions rather than waiting another year.
- Switch to a representative form of government where town meeting members are elected or a council form of government.
- Change the composition, selection, skill set and term of town boards and officials.
- Consider a periodic Charter review based on a specific timeframe or population threshold.

Peter Cahill asked if Shirley Howard would like to address the members.

Shirley Howard, 10 Longwood Drive

Ms. Howard recalled the Charter Commission Study in 1970; the existing structure was codified and substantive changes were not really made. Ms. Howard stated that Westwood works well because of very good volunteers and qualified people; it is the best of part-time government. Ms. Howard suggested that the Task Force may want to consider changing the Open Town Meeting

quorum or possibly consider Representative Town Meeting because there was concern over a period of years when attendance was poor and there was difficulty obtaining a quorum.

The financial structure of Westwood is based on part-time elected officials like the Treasurer and Tax Collector. These positions require a lot of expertise and support. Ms. Howard commented that they could be consolidated under one full-time position such as a Comptroller.

Ms. Howard stated that every 10 years might be too soon to do a regular Charter review. Ms. Howard inquired if the Selectmen had indicated that there has been a lot of pressure for changing the Charter. Mr. Cahill responded that the Selectmen asked the Task Force to take a look at the Charter; clearly the absence of any comprehensive review in such a long period calls out for the need to take a formal look.

An audience member, Marcia Hirshberg, pointed out that there was a Charter review in the 1980s. Mr. Cahill stated it will be duly noted that there was a Charter review since the 1970s, but the Town did not take any action.

Dan Bailey, 29 Martingale Lane

Mr. Bailey serves as Special Town Counsel for the Westwood Station project and other town matters. Mr. Bailey clarified that he was speaking based on his professional experience as a real estate and environmental attorney. In this capacity, Mr. Bailey has worked with over 70 town boards and commissions throughout the Commonwealth. Mr. Bailey has been a Westwood resident for seventeen years and served on the Conservation Commission and the Economic Development Board. He stated that Westwood works well and gave credit to the quality of people that hold office. Mr. Bailey prefers a three-member Board of Selectmen versus a five-member board because it depoliticizes the nature of the board. In a three-member board, with three-year terms staggered for each member, none of the members has to run against the other. When a board has five members, smaller subsets can speak to each other without constituting a quorum and form alliances, whereas when a board has three members, no two members can discuss official business due to the Open Meeting Law.

Ms. Moore gave a brief description of Open Meeting Law emphasizing that the law prohibits a majority of members from meeting or discussing outside of scheduled meetings.

Mr. Bailey commented that Open Town Meeting is great; it is unyielding and is the purest form of democracy. He stated that there has been tremendous turnout for important issues, and Warrant discussions reflect the spirit of the town. Mr. Bailey pointed out that, with Open Town Meeting, a new resident can be immediately engaged and has a voice, unlike Representative Town Meeting, where it can take ten years for a resident be elected to Town Meeting. Mr. Bailey could not recall a town where Representative Town Meeting works well.

When asked about the possibility of a second Town Meeting, Mr. Bailey stated he could see an attraction, but that any Town Meeting is a lot of hard work. A second Town Meeting would fall into the summer schedule, and it may be difficult to get things done.

Mr. Bailey doesn't feel strongly about a quorum because it has not been an issue in his experience in Westwood except one time when a quorum was called for late in the evening. Ms. Moore commented that some towns with a "zero" quorum showed increased attendance because voters feel an urgency to "...get to the meeting."

Mr. Bailey responded to a question from Task Force member Paul Fitzgerald regarding the use of associate members on boards such as the Planning Board. Mr. Bailey noted that he was aware of this practice in Nantucket; the associate member can attend a meeting in the absence of a member provides flexibility and continuity for the Board.

Marcia Hirshberg, 40 Putting Drive

Ms. Hirshberg is a former member of the Board of Selectmen and of the Finance Commission. She is currently the first Vice President of the League of Women Voters of Massachusetts.

Ms. Hirshberg is in favor of term limits and used the example of Concord where all elected officials are limited to two terms. After their term expires, officials may run for a different office. Ms. Hirshberg stated that a five-member Board of Selectmen would better serve the residents of Westwood because the job is a lot of work especially if one of the three members is sick. She also recommended that Board of Selectmen positions not be tied to certain precincts.

Ms. Hirshberg suggested that the title of Executive Secretary be changed to either Town Manager or Town Administrator. She also recommended that the Treasurer's and Collector's positions should be appointed. Ms. Hirshberg is not in favor of a Representative Town Meeting and would like to continue with Open Town Meeting.

Jim Connors, 44 Whitney Avenue

Mr. Connors has been a resident of Westwood since 1996 and served on the Finance Commission for eleven years. Mr. Connors graciously recognized some members of the board and audience who have served Westwood over the years, including Ken Foscaldo, Dan McDonald and Charlie Flahive. Mr. Connors commented that the Finance Commission provides a critical review of all town budget items, analyzes each article and makes recommendations. Town Meeting voters rely on the Finance Commission's recommendations; the Finance Commission is an important part of the "checks and balances" in this democratic process. Mr. Connors suggested that the Finance Commission should remain at fifteen members because there is a significant learning curve for new members, and the larger membership accommodates the breadth of experience needed. In addition, fifteen members provide for diverse opinions from all walks of life. They are the best and brightest, and Moderator Anthony Antonellis deserves credit for appointing these wonderful people. Regarding reappointments, Mr. Connor's opinion is that Finance Commission members should do their work and know when it's time go. He stated that sometimes there has been an attendance issue particularly regarding a member with business travel. The Moderator should have the discretion to dismiss anyone who is absent more than half of the meetings within a year; this stipulation should be in the Town Charter.

Mr. Connors is not in favor of term limits in Westwood.

Mr. Connors commented that he struggles with petitioner articles. He recommends that the number of signatures should be twenty-five instead of ten. Furthermore, Mr. Connors explained that, once the article is brought before the Finance Commission, the petitioner cannot change the article without the approval of all of the original signators of the petition article; otherwise the article has to be voted indefinite postponement. In contrast, the Board of Selectmen can put in "placeholders" as well as have several opportunities to change the article.

Mr. Connors stated that generally two Town Meetings are needed, and a scheduled second Town Meeting could be helpful with petitioner articles as petitioners would not have to wait a full year. If a second Town Meeting is included in the Charter, Town Hall should be given the flexibility to move the first Town Meeting back by a few weeks, and a provision should be included for the Selectmen to cancel the second Town Meeting if there are no issues/business to present.

Mr. Connors commented that the Open Town Meeting is a wonderful setting to make important decisions and is the most democratic process. He suggested that Westwood is not large enough for Representative Town Meeting or Town Council/Mayor form of government. He continued, "If you live here one year or twenty-five years, if you live in a big house or a small house, there is one vote for each person in Open Town Meeting. I think that is the way it should be."

Mr. Connors recommends that the title of Executive Secretary should be upgraded to Town Administrator. He recommends that the title not be changed to Town Manager; it's important for the Selectmen to still give direction. In addition, the role of Finance Director should be defined in the Charter.

Mr. Connors stated that a three-member Board of Selectmen works better than a five-member board because everything has to be done in the open. He also commented that precinct representation is divisive particularly given that Westwood has a population of only 15,000.

Mr. Connors complimented Robert Malster on his work on the Planning Board. He commented that this board works very hard and needs help; associate members or additional staff are possible solutions.

Mr. Connors explained that Saturday elections will not increase public participation; there is no scientific evidence to support this idea, and participation is driven by issues. Mr. Connors used the recent January special election as an example of issue-driven record turnout.

Mr. Connors recommended regular reviews of the Charter and commended the Task Force on the job at hand. He also mentioned that the Fire Chief position should be in the Charter and specify that the hiring of a new chief would include a nationwide search.

John (Charlie) Masterson, 33 Hooper Street

Mr. Masterson commented on Representative Town Meeting in Milton. He grew up in Milton and believes that Representative Town Meeting is not a good form of government.

Elvin Fowell, 65 Westchester Drive

Mr. Fowell commented that he strongly supports Open Town Meeting. He is concerned about the possibility of a small minority with a set agenda taking control. He stated that he was rather upset with the mentality that people want all the services but do not want to pay for it. He emphasized efficiency and effectiveness and a sense of service. Mr. Fowell commented that the town works when people use their talents without personal profit.

Greg Agnew, 34 Magaletta Drive

Mr. Agnew, a resident of Precinct 4, ran for a Board of Selectman seat last year. He supports Open Town Meeting and stated that two meetings a year may be needed. Mr. Agnew suggested that a five-member Board of Selectmen would encourage more people to run and would also spread the work load, alleviating the pressure on individual members.

Mr. Agnew is interested in getting more voter participation in town. He proposed that Saturday voting may increase turnout; elections would possibly not be so issue-driven. He does not support term limits. He recommended keeping the current quorum level.

Mr. Agnew suggested a change to the temporary sign order. It was pointed out that the temporary sign order is a Bylaw not a Charter issue.

Joe Previtera, 16 Dean Street

Mr. Previtera is a member of the Conservation Commission which has associate members. He commented that, if associate members could have the ability to vote by attending the required number of meetings, it would be helpful. Mr. Previtera asked if the meeting minutes for the forum would be available online.

Karen Manor Metzold replied that a summary of the meeting would be available.

Michael Walsh, 47 Phillips Brooks Road

Mr. Walsh submitted the petitioner article last year requesting to increase the Board of Selectmen from three to five members. Mr. Walsh pointed out that all boards in the town have a minimum of five members except for the Board of Selectmen. He said that board members are ears to the community, and they listen to what people have to say.

Mr. Walsh reminded the attendees that term limits exist on one board - the Council on Aging. He also commented that it is difficult to run against an incumbent.

People don't come out to vote unless it's about money like with the new library. Mr. Walsh suggested a lottery for selecting the order of articles at Town Meeting.

Jane Wiggin, 55 Gloucester Road

Ms. Wiggin asked about a timeline for the Task Force's work. Mr. Cahill stated that the members were appointed for one year, and he did not have a definite answer regarding a timeline.

Dan McDonald, 166 Forbes Road

Mr. McDonald asked if the Board of Selectmen expressed their opinion regarding a three-member versus a five-member board. Mr. Cahill stated that the Selectmen were not looking to expand to five members at this time.

Meeting adjourned at 8:49 pm.