

Government and Charter Study Task Force
Meeting Summary 5/19/2010
Selectmen's Meeting Room

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

Meeting Summary

Continued discussion: **Westwood Charter List of Issues for Consideration.**

Peter Cahill briefly summarized the last meeting.

Chapter 3 Board of Selectmen

Section 1 Composition and Terms

Composition

Mr. Cahill asked if any member believed there was compelling evidence presented to make changes to the Board of Selectmen. Charlie Flahive commented that most of what he heard was that the three member board was working well and that precinct representation should not be part of the charter. Alice Moore observed that most complaints by residents were regarding district representation. After hearing from the Board of Selectmen about the protections from Open Meeting Law, she said she prefers leaving the Board at three members and that the Board should not be elected through district representation.

Paul Fitzgerald pointed out one argument for expanding the Board to five members is the potential to alleviate the work load, but Paul said he did not recall the Board of Selectmen stating that the work load was too much to handle. Tom Daly stated he likes a three member board because of the protections built in by Open Meeting Law. Although, as he recalled the recent School Committee race, he thought that a five member board may open up opportunities to have more people run for office.

Mr. Fitzgerald stated he witnessed a five member board make a town dysfunctional and difficult to work with. He cited that the five members created campaign issues and political positioning amongst the members. Ken Foscaldo heard very little evidence about that supported a five member board. He likes the Open Meeting Law safeguards with the three member board. Paul pointed out that the three member board ensures that the Board of Selectmen has to talk to the Town Administrator. Ms. Manor-Metzold mentioned conversations she has had with residents in the Islington area who would like a five member board because they feel underrepresented. She added that it might be difficult to find five people with the skills and experience to perform the duties of the Board of Selectmen successfully. Mr. Fitzgerald does not believe district representation is an issue when voting for a candidate. Frank Jacobs said that the three member board has served the town well. Ms. Moore said a general election of three members of the Board of Selectmen would work better than a district representation, she agreed that issues can be addressed sufficiently with the three members.

A brief discussion ensued regarding the history and the sentiment of the Islington area of Westwood. Ms. Moore suggested the Islington topic should be left for the town officials to figure out and that it

is not a structural issue for the Task Force members. Mr. Fitzgerald commented that the Board of Selectmen should be mindful that Islington is bearing the brunt of Westwood station.

Recommendations: The Task Force agreed that the Board of Selectmen remain at three members and did not support a change to a precinct representation.

Term Limits

Ms. Eramo stated that people do not run against an incumbent and that some elected officials stay too long in office. She suggested term limits after a certain period of time and then, that person needs to wait a term before running again. Ms. Eramo suggested this for all elected positions not just the Board of Selectmen. Mr. Cahill stated that we have built in term limits called elections. Mr. Daly does not have a problem with term limits. Frank Jacobs is not in favor in term limits. Ms. Moore is opposed to term limits and concurs with Mr. Cahill that elections constitute the right of the people to make changes. Ms. Moore believes that term limits are not a necessary part of ensuring democracy. Mr. Flahive said term limits will not solve the problems we are discussing. Mr. Fitzgerald added that term limits makes democracy a spectator sport, people don't have to participate. He said that there is a great benefit to those in office for extended periods and that is institutional memory, they remember the mistakes and what works.

Mr. Cahill recalled one argument that supported term limits, which is, term limits would allow more people to serve the town. He commented that there are hundreds of opportunities to serve the town through the existing committees and boards. Ms. Moore added that elections are a natural way to remove someone if they are acting detrimentally in office, and agreed with Mr. Fitzgerald on the importance of having elected officials with institutional knowledge to help people navigate through the difficult times. Ms. Manor Metzold added that with the current fiscal constraints people are paying more attention to what is going on in the government.

Recommendations: The Task Force members agree to not support term limits for elected offices.

RECALL

The Recall language is located in the Special Acts Section of the Charter/ Bylaws.

Mr. Cahill suggested the language should be examined and possibly updated from the current recall language adopted in 1991 and integrated into the Charter. Mr. Fitzgerald stated Recall ensures that the elected officials act moderately and needs to be in the Charter. Mike Jaillet concurred.

Recommendations: The Task Force members agreed that the current Recall language should be examined Recall language should be included within the Charter.

Section 5 Town Boards and Commissions

Mr. Cahill commented that there should be a review as to why some committees and boards are in the charter and why some are in the bylaws.

Ms. Moore said these issues were raised but not crystallized in prior meetings, she suggested that the Task Force hear from the town employees regarding which boards and committees are permanent enough to be in the Charter and those that should remain in the bylaws to retain their flexibility. Ms. Moore also requested a list of appointed boards and committees as well as recommendations of whether they should be in bylaws or charter. Mr. Jaillet said that the Zoning Board of Appeals, and Youth and Family Services should be part of the charter.

Mr. Fitzgerald sated there needs to be a discussion on boards or committees that would address long term financial and capital planning. Mr. Jaillet agreed and stated some towns have that component it in their charter.

The Department of Public Works was created by a Special Act Section 4.1 of the Town Bylaws. Mr. Jaillet recommended that Department of Public Works language be in a central document. Ms. Moore asked if there were other documents we don't have that would cover the Department of Public Works, and she requested that these documents be assembled.

Recommendation: The Task Force members agreed that further investigation on boards and committees is needed and that the language of the formation of the Department of Public works needs to be consolidated. The Task Force also agreed that the Zoning Board of Appeals, and Youth and Family Services should be in the Town Charter.

Section 6 Power to rescind

Mr. Fitzgerald stated their needs to be due process for those whose position is rescinded. Mr. Jaillet added Westwood has never rescinded a position.

Recommendation: The Task Force agreed to leave the language as it currently exists in the Charter.

Chapter 4 Elected Boards and Commission

School Committee

Mr. Fitzgerald noted that it is state law to elect the School Committee.

Assessors

Mr. Fitzgerald stated that if the Assessors were appointed you can choose experienced people. He also pointed out that there is a permanent assistant assessor, who reports to Finance Director and Assessor's Office. The Task force members agreed that a downside to having the Assessors appointed is they may be influenced by outside political manipulation because the office does not directly report to citizens. Mr. Fitzgerald said if there is no overwhelming evidence to change it, then it should be left alone. He pointed out that a Municipal Finance Department should be clearly stated in the Charter and could include the assistant assessor.

Sewer Commission

Sewer Commission (Alice Moore excused herself from the room for this part of the discussion)
There was a general discussion of the current function of the Sewer Commission

Mr. Jaillet explained that the Dedham Westwood Water District sets the water rates and the 3 members are appointed by the Board of Selectmen. The Sewer Commission sets the sewer rates, reviews abatement applications, and oversees any construction and maintenance. Mr. Foscaldo pointed out that the Sewer Commission mostly performs maintenance now. Mr. Fitzgerald commented that in most towns the Board of Selectmen is the Sewer Commission. Mr. Cahill suggested that before the Task Force make any specific recommendation regarding the Sewer Commission, that the Task Force examine in more detail the current role and functions of the Sewer Commission. He noted that representatives from the Sewer Commission had not been able to meet with the Task Force, and that such a meeting should occur before recommending specific action. Mr. Flahive noted that the appointed Westwood Water Commission was not in the charter.

Library Trustees

Mr. Flahive conveyed a sentiment from a Library trustee to decrease the membership from 6 to 5 and Mr. Cahill added that the Library Director, Tom Viti mentioned that issue to him as well. Ms. Eramo asked why they are elected and Mr. Jaillet suggested it is tradition and the Library Trustees has been around a lot longer than the other boards. Mr. Fitzgerald thought there may be enabling legislation requiring them to be elected.

Planning Board

Associate members

Mr. Fitzgerald suggested checking the statute regarding the addition of associate members on the Planning Board since it is elected. He also suggested that the Planning Board membership could increase to the statutory maximum of 7 members and then they could be divided into subcommittees.

Monthly requirement

The monthly requirement language under the Planning Board was discussed briefly. The necessity of the language was questioned. He noted it may be required because of the thirty days statutory time frame for filing requirement. Mr. Jaillet said the Planning Board manages any applications around their meetings. Mr. Cahill commented on whether or not the removal of the language would create conflict. Mr. Jaillet said currently the language does not dictate when they meet, and should be removed. Ms Manor-Metzold agreed to remove that language.

Recommendation: The Task Force Members agreed to remove or reword the language to say shall meet regularly and maintain a public record.

Compensation:

Mr. Jaillet briefly explained what a stipend constitutes and that those who receive it are eligible for health insurance and pension fund.

Meeting Adjourned at 9:15 p.m.