

**Government and Charter Study Task Force
Meeting Summary 06/02/2010
Selectmen's Meeting Room**

Attendance: Peter Cahill, Margery Eramo, Paul Fitzgerald, Charlie Flahive, Ken Foscaldo, Frank Jacobs, Karen Manor Metzold, Alice Moore (arrived shortly after the meeting commenced), Michael Jaillet, Town Administrator, Anne Marie McIntyre, Staff Administrator

Absent: Tom Daly

Meeting Summary

Open Discussion

Continuation of discussion of issues from Document: Westwood Charter List of Issues for Consideration.

Ch 4 Elected Town Boards and Officers

Ch 4 Section 6 Elected Officers

Peter Cahill commented that the current Treasurer's position has worked because the current Treasurer has operated in conjunction with the Town's finance department, and necessarily because of the official structure of the Charter and finance department. Paul Fitzgerald stated that he is in favor of appointing the Treasurer and the Tax Collector positions. Mike Jaillet added that, in 23 years, only 1 seat has been challenged, and most treasurers and collectors were appointed prior to their run for election. Furthermore, these positions could report to the Finance Director if they are appointed. Ken Foscaldo recommended including Treasurer and Tax Collector minimum requirement descriptions in the Charter. He commented that we've had very talented people filling these positions.

Mr. Cahill would like the Town's finances to be looked at as a whole unit. Mr. Fitzgerald recommended a consolidated finance function with the Treasurer, Tax Collector, and Board of Assessors reporting to the Finance Director. Westwood has a \$60M operating budget and should consolidate to manage most effectively. Mr. Fitzgerald agreed that there should be minimum requirements for these positions outlined in the Charter. The language, however, should allow the Selectmen to have latitude in selecting qualified individuals. State law outlines the provisions for a consolidated department of municipal finance. (Mr. Jaillet provided copies of the applicable section to the members later in the meeting.)

Mr. Flahive questioned if the Sewer Commission should also be under the municipal finance department. Mr. Fitzgerald responded negatively because it's an enterprise account.

Mr. Jaillet noted that Westwood currently has part-time Treasurer and Tax Collector positions. These part-time positions give the town the “best of both worlds” by having highly experienced and qualified people for major decisions with capable staff under them to run the daily operations. For example, it’s valuable to have Jim Galvin as Treasurer because of his bonding expertise. Mr. Jaillet estimated that the Treasurer devotes 5 to 10 hours each week to the job, although the time commitment can be higher in certain circumstances. Mr. Foscaldo commented that a position is more appealing if one doesn’t have to run for an election.

Mr. Jaillet noted that the Treasurer and Tax Collector positions have received \$4000 stipends for at least 23 years. He suggested considering an increase to their stipends to recognize their significant contribution. Mr. Fitzgerald agreed that the town would save money even with a stipend increase because these individuals assure savings in bonding given their expertise.

Frank Jacobs suggested that we keep the Town Clerk as elected; we don’t want to change too much and the position works well. Mr. Fitzgerald agreed with Mr. Jacobs: the Clerk’s position doesn’t need subject matter expertise like the Treasurer and Tax Collector positions, and the voters understand the qualifications of the job.

Mr. Flahive noted that an Assistant Clerk’s position exists and should be added to the Charter or Bylaws.

Mr. Fitzgerald recommended that the Moderator remain an elected position as it’s the most important elected position in Town. He supports the argument to keep the 1-year term.

Recommendation: The Task Force members present agreed that the Town should move towards a consolidated municipal finance department. Appointed Treasurer and Tax Collector positions that report to the Finance Director would help to achieve this goal. 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. The Town Clerk and Moderator positions should remain elected and be 3 and 1 year terms, respectively.

Ch 5 Appointed Town Boards

The discussion began by briefly reviewing a list of current elected and appointed board, officers and employees prepared by Mr. Jaillet and Christine Narcisso.

Mr. Cahill commented that there had been consensus to continue with the elected Moderator. Given that the Moderator is elected annually, this office would be best suited to make appointments. Ms. Moore mentioned that she has heard complaints in the past that the Moderator was not effective in removing individuals from appointments. Mr. Jaillet commented that a bylaw could specify an attendance requirement. Ms. Moore questioned whether it should be a general bylaw or a committee bylaw.

Mr. Cahill asked which boards might be added to the Charter. Mr. Jaillet recommended Youth and Family Services and the Zoning Board of Appeals, at a minimum. Mr. Fitzgerald suggested adding the Long Range Financial Planning Committee. When asked who is on this committee, Mr. Jaillet explained that the committee is comprised of people from other town boards/committees that have

financial needs or people who the town wants to stay actively involved and may not currently serve, i.e. Maureen Bleday. Ms. Moore reminded the Task Force that we heard criticism of the Long Range Planning Committee. She suggested that we ask the Selectmen what should be done with this Committee to better serve the Town's long range needs. Mr. Fitzgerald suggested that we recommend to the Selectmen that they look at the present Long Range Planning Committee and consider a different structure. Mr. Jaillet described that the town presently has a 5-year Facilities Plan, a 5-year Equipment Plan, and a 5-year School Plan. However, these are not integrated. Ms. Moore recommended that another committee may be needed. Mr. Jaillet stated that a long range financial planning committee should be given more authority to result in greater integration. Mr. Fitzgerald added that some towns have a Capital Planning Board, such as Sharon and Harwich, and the budgetary items recommended by this board must be approved by a 2/3 vote at Town Meeting.

Mr. Fitzgerald asked about the Local Emergency Planning Committee. Mr. Jaillet responded that this board is directed by MEMA.

Ms. Moore asked if boards are functioning or could be consolidated. Members suggested that this be brought to the Selectmen's attention. Mr. Jaillet recommended that the Town form an appointed advisory board for "infrastructure and rates" that could oversee the DPW. This may replace the need for some boards. Mr. Fitzgerald recommended that we suggest this to the Board of Selectmen.

Recommendation: The Task Force members present agreed that Youth and Family Services and Zoning Board of Appeals should be added to the Charter with additional specifics added to the Bylaws. In addition, the Town should examine the function of a long-range financial planning board further. Is the Long Range Planning Committee the natural vehicle or is there another? The Board of Selectmen should also review the current boards for functionality and possible consolidation.

Ch 6 Executive Secretary

Mr. Jaillet recused himself for this portion of the meeting.

Ch 6 Sections 1 & 2 Executive Secretary, Duties and Qualifications

Mr. Cahill commented that Mr. Jaillet's current role is more like a Town Administrator. Mr. Fitzgerald recommended that the Town designate the position as "Town Administrator" and review other charters for appropriate language for the job description/duties. Mr. Fitzgerald commented that the Town Administrator language in the other charters that the Task Force looked at was good. He recommended that the language in the Charter not be too detailed but include the areas of responsibility and authority such as human resources director, land use administrator, and chief procurement officer.

Ms. Moore stated that she received feedback from an un-named Town official that a Town Manager may work better because the Board of Selectmen works too slowly. Ms. Manor Metzold asked if this was an official whom Ms. Moore respected, and she replied in the affirmative. Mr. Fitzgerald noted that the Town of Sandwich has a Town Manager. He read the Manager's responsibilities which included dismissing, hiring, compensation, etc. Mr. Flahive commented that the Town isn't ready for a change to Town Manager. Mr. Fitzgerald explained that, with a Town Manger, the Manger is the CEO and the Board of Selectmen is the Board of Directors. On the other

hand, a Town Administrator or Executive Secretary must follow the direction of the Board of Selectmen. A parallel example is that the Westwood Superintendent of Schools has authority and power for daily actions and the School Committee sets policy. Mr. Fitzgerald and Ms. Moore commented that state law would not allow a town to give the title of “Town Manager” and not give him/her the “CEO” status. Mr. Fitzgerald noted that the Town of Boxboro has had the same Town Manger for a long time.

Mr. Fitzgerald and Ms. Eramo emphasized the need to give the Town Administrator the necessary tools in the Charter and make this position responsible for the appropriate areas. Mr. Fitzgerald further recommended that the Charter language should have base requirements that establish a floor, not a ceiling.

Recommendation: The Task Force members present agreed that the title of “Town Administrator” should be designated. A Charter description should include base requirements for the job. Other Town Charters should be referenced for appropriate language in developing the Town Administrator’s job description.

Ch 6 Section 3 Qualifications

Ms. Eramo noted the reference in 6-3-2 to giving preference to non-residents. This practice was possibly implemented to prevent nepotism. Mr. Flahive noted that Joe Gallagher was a resident and did an outstanding job as Executive Secretary. Mr. Fitzgerald added that Sharon has a Town Administrator that is a resident.

Recommendation: The Task Force members present agreed that the language should remain the same.

Ch 6 Section 4 Removal

Mr. Cahill noted that there is an internal inconsistency in the current Charter. The Charter provides that the Executive Secretary shall “serve at the pleasure of the Board of Selectmen” but also provides for a formal process to remove the Secretary. He recommended that the appointing board should be able to also remove. Ms. Moore added that this language may exist to avoid a “witch hunt” by the Board of Selectmen and to ensure a public process. Mr. Fitzgerald recommended that the Task Force look at this topic in other town charters and identify best practices. Mr. Flahive asked if any of the Open Meeting laws apply to this situation. Mr. Fitzgerald responded that the Board of Selectmen would have the ability to go into executive session, but the meeting would not be public.

Recommendation: Mr. Fitzgerald offered to look at other town charters on this topic and report back to the Task Force.

Ch 6 Section 5 Acting Executive Secretary

Recommendation: The Task Force will look at other town charters on this topic and identify best practices.

Ch 7 Boards and Commissions Appointed by Moderator

(Mr. Jaillet returned to the meeting...)

Mr. Cahill stated that most of the detail contained in Chapter 7 has already been covered. Mr. Fitzgerald noted that he would like to see some requirements for the Permanent Building Committee.

Closing Discussion

Ms. Moore offered to speak more to the official that was dissatisfied and report back to the Task Force.

Mr. Fitzgerald will look at the Town Manager language in other town charters and report back to the Task Force.

Mr. Fitzgerald recommended that all members review the MA Gen Laws Ch 43C (Consolidated Municipal Finance) and Ch 40A (Zoning) copies that Mr. Jaillet provided earlier in the meeting.

Next Meeting: June 9 at 7 pm

Meeting adjourned at 8:58 PM.