

**Government and Charter Study Task Force  
Meeting Summary 10/06/2010  
Champagne Meeting Room, 50 Carby Street**

**Attendance:** Peter Cahill, Chairman, Karen Manor Metzold , Vice Chairman, Paul Fitzgerald, Charlie Flahive, Margery Eramo, Frank Jacobs, Alice Moore, Dottie Powers, Town Clerk, Michael Jaillet, Town Administrator, Anne Marie McIntyre, Staff Administrator

**Absent:** Tom Daly, Ken Foscaldo

**Chairman's Update:**

Peter Cahill briefly described the interview process with the consultants and the Evaluation/Selection Subcommittee on Wednesday, September 29, 2010. Mr. Cahill introduced the recommended consultant to the Task Force members for approval. Lauren Goldberg was invited to join the meeting. Ms. Goldberg gave a brief introduction and description of her background and work history.

Alice Moore made a motion to approve the hiring of Lauren Goldberg and the firm Kopleman and Paige as well as allow the Chairman to sign and approve all legal documents necessary to retain Ms. Goldberg and her firm's services. The motion was approved by the Task Force members.

Mr. Cahill welcomed audience guests Selectman Nancy Hyde and Representative Mike Rush.

**Municipal Financial Management Discussion**

Mr. Cahill introduced Joe Markarian, Director, Massachusetts Department of Revenue-Division of Local Services and Rick Kingsley, Bureau Chief, DLS who addressed two topics, municipal financial management and the Town Manager/Town Administrator roles in municipal government.

Mr. Markarian and Mr. Kingsley briefly stated their experience in municipal government. Mr. Kingsley indicated that because the Treasurer and the Collector have little policy discretion, the trend in many Massachusetts communities is to appoint these positions. He added that due to the overlap of fiscal responsibilities between the two positions, many towns are combining the roles to one full time professional who reports to the Finance Director. Mr. Cahill asked if towns that move toward a consolidated finance department, retain the elected positions. Mr. Markarian replied in the negative because elected officials would have to answer to voters and not the Finance Director.

Ms. Moore stated her concern that a change from elected to appointed positions may prove detrimental to obtain residents approval of the revised charter. She reasoned that since Westwood does not have a history of ill financial planning the residents may feel that the structure works well right now, and that they may question the removal of the elected Treasurer and Collector. Mr. Markarian replied that voter disenfranchisement was not a strong argument to leave the municipal finance department structure unchanged.

Paul Fitzgerald asked about a transition model for moving from an appointed to elected position. Ms. Goldberg stated there are two options towns usually follow. The first is that the current elected official is appointed to fill the position. And second, the elected official would finish remainder of term, and then someone else is appointed to fill the position. Ms. Goldberg added that these guidelines should be established in the Transitional Section of the charter.

Town Administrator/Town Manager Discussion (Mike Jaillet recused himself)

Mr. Cahill asked Mr. Markarian and Mr. Kingsley to explain possible situations they would recommend that a town operate with a town manager as opposed to a town administrator.

Mr. Kingsley pointed out that the title Executive Secretary should be updated and the Town Administrator or Town Manager titles are more common. The amount of power for these two titles varies depending on how they are empowered – not on the title. Some examples of the powers the role may include are: appointment authority, hiring authority, budget preparation, collective bargaining, execution of contracts, personnel policy decisions, employee removal procedures, real estate issues, and payroll warrants.

Ms. Goldberg indicated that the title Town Manager usually denotes the role as having more power over the Board of Selectmen and the Town Manger role is created to change the balance of power. She stated that MGL Chapter 41: Section 23A allows the Town Administrator to act by and through the Board of Selectmen while usually the role of a Town Manager, instituted by a special act, has independent authority from the Board of Selectmen.

Mr. Flahive asked about the role of the Finance Commission in relation to other boards. Mr. Markarian replied the Finance Commission should act like a watchdog, having an overall global view of policy and budget for a long term benefit of the town. He stated that the Finance Commission does not run town government.

Selectman Nancy Hyde gave a brief description of the relationship of the Board of Selectmen and the Executive Secretary and noted that the Executive Secretary's current contract was never discussed nor signed as long as she has been in office. Ms. Hyde questioned whether the contract should more clearly define the relationship and become more finite, with an easier provision for dismissal. Ms Goldberg cited MGL Chapter 41 Section 109N indicating that the Board of Selectmen has the authority to enter into a contract and set terms of employment in accordance with the charter. Ms. Goldberg added that there is no requirement to have a contract; currently the Executive Secretary is at the will of the Board of Selectmen, but that can be changed. A brief discussion on employee contracts, evaluation process and the current removal process ensued.

Mr. Markarian made some closing points for the Task Force members to consider. He encouraged the members to not extract language directly from other charters, and to include in the charter those aspects of government that you don't expect will change over time. He suggested creating a vertical structure and process that clearly defines town roles and relationships in the charter. Mr. Markarian added that a periodic charter review and simultaneous bylaw review is beneficial to a town. He introduced the idea of creating an Audit Committee that would implement the findings from the annual audit. In addition, Mr. Markarian

suggested that when the Board of Selectmen creates committees, it should formalize what the committee is charged to do, include a performance timeframe and a sunset clause.

Minutes from September 22, 2010 were approved.

### Open Issues

Mr. Cahill and Ms. Moore emphasized the importance of being mindful and sensitive to residents' concerns with a change from elected positions to appointed positions. Mr. Cahill pointed out that other towns' recent charter revisions were not passed because this issue was not addressed. Margery Eramo reminded the members that the last charter commission did not consult with those elected officials being considered for appointment. Mr. Flahive stated that it would be a shame to not get the charter revision passed because of this one issue. Mr. Jacobs said that Westwood is fortunate to have quality people in office. Ms. Hyde encouraged the members to continue with discussion on moving from elected to appointed positions but possibly address it in the next charter review. Mr. Fitzgerald pointed out that the town works well now, but it is foreseeable that it may not in the future.

Ms. Moore highly recommended that the charter revision include a voter acceptance provision. Ms. Goldberg and Mr. Cahill added that some changes would require voter approval.

Mr. Cahill stated that Mr. Fitzgerald and Ms. Moore will work with Ms. Goldberg to create a document with a description on Town Manager/Town Administrator position. Ms. Manor Metzold suggested that a similar report be completed on the restructuring of the municipal finance department.

Ms. Manor Metzold provided the members with an update on her review of the boards and committees. She met with Mike Jaillet to review and update the Election and Appointment Information document distributed by Mr. Jaillet at the June 2, 2010 meeting. Ms. Manor Metzold recruited Mr. Flahive for his assistance to review the framework and make recommendations regarding which boards, committees and/or positions should be included in the charter. Ms. Moore suggested that Ms. Eramo would also be helpful, and Ms. Eramo agreed to offer her services. Dottie Powers indicated that the Clerk's office has significant current and historical information on all of Westwood's Boards and Committees which may be useful.

Meeting adjourned at 9:17 p.m.

Next meeting: Wednesday, October 20, 2010, Board of Selectmen Meeting Room, 7-9 p.m.