

**Government and Charter Study Task Force
Meeting Summary 11/17/2010
Board of Selectmen Meeting Room**

Attendance: Peter Cahill, Chairman, Karen Manor Metzold, Vice Chairman, Tom Daly, Paul Fitzgerald, Ken Foscaldo (arrived 7:25 pm), Margery Eramo, Frank Jacobs, Alice Moore, Michael Jaillet, Town Administrator, Anne Marie McIntyre, Staff Administrator, Lauren Goldberg, Consultant

Absent: Charlie Flahive, Dottie Powers

Charter Revisions Discussion

Chapter 2 Section 2

Language was removed regarding presidential primary election.

Chapter 2 Section 5

Ms. Goldberg described the revised petition language that is now separated into paragraphs. The special town meeting provision was removed from this chapter.

Mr. Cahill mentioned that he had been asked whether the charter could use appropriate capitalization of titles, and Ms. Moore pointed out that the Legislature may remove any such capitalization in the charter. Mr. Jaillet suggested a statement on Task Force materials that will explain to readers why the document does not use more capitalization.

Chapter 2 Section 6-1

Extended the date for cancelling the fall annual town meeting from August 31 to September 15.

Chapter 2 Section 7

Mr. Cahill noted that there was preliminary support from the Finance Commission Chairperson to renaming the Commission to 'Finance and Warrant Commission'. Publishing and mailing of the warrant will be provided in bylaw.

Chapter 2 Section 9

Following some discussion, the Task Force decided to keep the existing language regarding moderator and acting moderator.

Chapter 4 Section 1

Ms. Goldberg recommended that no changes should be made to this section regarding the School Committee, and the Task Force agreed.

Chapter 4 Section 4

The Task Force agreed that the Planning Board and other boards and committees could benefit from associate members and is added 4-6-1.

For appointment of associate members to elected boards, the Board of Selectmen and the respective board will appoint associate members. For appointment of associate members to appointed boards, the appointing authority will remain with the Board of Selectmen, Moderator or existing appointing authority.

Chapter 4 Section 4-3

Removed this section; will be covered in 4-6-1.

Chapter 4 Section 7-1

The Task Force decided to continue with the existing elected offices.

Chapter 4 Section 8

Exact language from Westwood's recall special act is now incorporated into the charter with minor technical edits.

Chapter 4 Section 8-5

The number of days for a successor to qualify was changed from 5 to 15 days.

Chapter 5 Section 3-2

Conservation Commission functions were added to the charter. A question was raised on whether the Conservation Commission's associate members have the authority to vote. Mr. Jaillet said the associate members do not have the authority to vote.

Chapter 5 Section 6

Youth and Family Services was added to the charter. The current language allows for 3 to 23 members, which seems excessive; the language will be changed to allow for 3 to 15. Ms. Eramo will contact Youth and Family Services to determine its current membership.

Chapter 5 Section 7-1

References to the Planning Board were removed.

Chapter 7 Section 5-1

Suggested Permanent Building Commission member qualification requirement language was added.

Chapter 7 Section 5-2

A provision for temporary members of the Permanent Building Commission for municipal projects with an estimated cost of more than \$100,000 was added.

Chapter 7 Section 5-3

Provisions for the moderator to appoint ex officio Permanent Building Commission advisory members for a particular project were added.

Chapter 8 Section 1-1

Ms. Goldberg explained that the objective of this section is to state the existence and functionality of the Finance Department. A discussion ensued regarding the Tax Collector, Town Treasurer, Town Accountant, and Board of Assessors becoming part of the Finance Department and being subject to oversight of the Finance Department. Mr. Jaillet clarified that the School Committee performs purchasing on its own, but that some other municipalities are consolidating purchasing functions. The Task Force members decided that Ms. Goldberg will redraft this section, incorporating suggestions made during the discussion such as balancing the importance of the elected officials with the need to have more structure and supervision. Mr. Fitzgerald made a motion to give Mr. Cahill the authority to speak with the Collector, Treasurer, Assessors and Superintendent of Schools about the Municipal Finance Department. The motion was seconded by Ms. Moore, and all members present voted in favor of the motion.

Chapter 8 Section 2

Department of Public Works was added including powers, duties and responsibilities as established by Chapter 140 of the Acts of 1992. The Task Force agreed that the Police and Fire Departments should also be added in this chapter.

Chapter 9 Section 2

An Audit Committee was created. Mr. Jaillet questioned the necessity of the creation of the committee. Ms. Goldberg commented that such a committee would be able to perform an independent review of the Town's financial reports. Ms. Moore commented that previous invited guests of the Task Force from the Department of Revenue's Division of Local Services recommended such an audit committee as a helpful part of a system of checks and balances. The audit committee would be appointed by the Board of Selectmen.

Chapter 9 Section 3

Language was added regarding the preparation and scheduling of an operating budget and a five-year capital plan.

Chapter 12 Section 1

Ms. Goldberg added language that recognizes that the Massachusetts Constitution provides for a mechanism to change the charter.

Chapter 12 Section 3

The members reached a consensus for a charter/bylaw review every 10 years, with the charter review to occur during the years ending with a '0' and a bylaw review to occur during years ending in '2'. Ms. Goldberg will include a transitional provision for the current process to update bylaws.

Mike Jaillet recused himself from the discussion regarding the Town Administrator and Board of Selectmen.

Chapter 6 Town Administrator

There was discussion amongst the members that while the views of the stakeholders (the Board of Selectmen and the Town Administrator in this case) are important, the decisions made should also reflect the long-term needs of the Town. There was discussion of the appointing authority of the Board of Selectmen and the Town Administrator, and the cooperative hiring process with the Board of Selectmen, Town Administrator and other boards and committees.

There was discussion that town residents may still want the Police Chief, Fire Chief, DPW Director and Town Counsel to continue to be appointed by the Board of Selectmen. In addition, there was a sense that the Town Accountant and Finance Director may logically be appointed by the Town Administrator, subject to approval by the Board of Selectmen. The appointing authority under Massachusetts General Law will continue to provide that the Town Clerk will appoint the Assistant Town Clerk, the Town Treasurer will appoint the Assistant Treasurer, the Tax Collector will appoint the Assistant Tax Collector and the Board of Assessors will appoint the Assistant Assessor.

There was discussion that the Town Administrator offers the support and guidance to the Town's employees and that the department heads, staff and employees should be accountable to the Town Administrator. The members agreed to shift the supervisory and reporting authority to the Town Administrator.

Chapter 6 Section 5

The new language regarding acting and temporary Town Administrator was reviewed. Reference to not more than twenty days, weekends and holidays was removed.

Chairman's Update

Mr. Cahill indicated that Ms. Goldberg will redraft the charter and circulate before the next meeting with the goal of the Task Force approving that document.

Meeting adjourned at 10:40 p.m.

Next meeting on Wednesday, December 1, 2010 at 7pm.