

**Government and Charter Study Task Force
Meeting Summary 03/16/2011
Board of Selectmen Meeting Room**

Attendance: Peter Cahill, Chairman, Tom Daly, Charlie Flahive, Ken Foscaldo, Frank Jacobs, Alice Moore, Dottie Powers, Town Clerk, Michael Jaillet, Town Administrator, Anne Marie McIntyre, Staff Administrator , Lauren Goldberg, Consultant.

Absent: Karen Manor Metzold, Paul Fitzgerald, Margery Eramo

Guest: Doug Hyde, Member of the Personnel Board

Approval of Minutes

The summary from the February 16 meeting was approved with technical edits.

Mr. Cahill stated that Ms. Moore, Mr. Hyde and Ms. Goldberg worked with the Personnel Board's request to recommend new language to address the Personnel Board's concerns. Mr. Hyde expressed the Personnel Board's appreciation for the collaborative efforts with members of the Task Force to create language in the charter that satisfied the concerns of the Personnel Board. Speaking on behalf of the Personnel Board, he indicated that the Board has reviewed the proposed changes to the charter and approved the latest revisions to the language relative to the Personnel Board. Mr. Hyde stated that the Board understands that there may be other issues to be addressed in the bylaws or personnel policies.

Chairman's Update

Mr. Cahill explained that he and other Task Force members attended the Finance Commission meeting on February 28. He stated that the Finance Commission continues to be supportive of the Task Force efforts and that members received positive feedback from the Finance Commission. Ms. Moore said that the questions from the Finance Commission were about the Town Administrator's powers, goals and changes in the Finance Department and the centralization of power. Ms. Goldberg added that the Finance Commission was interested in the research the Task Force performed in review of the issues. Ms. Moore added that the Task Force consider preparing a question and answer document to explain and anticipate any questions from the floor at Town Meeting.

Mr. Cahill recounted that, at the request of Mr. Foscaldo, he had a lengthy discussion with resident Joseph Previtera on the proposed pre-petition process. Mr. Previtera had concerns that petitioners might find the pre-petition process burdensome. Mr. Cahill and Mr. Foscaldo both described to Mr. Previtera that this process is completely optional and was designed for the benefit of the petitioner so that petitioners have the benefit of advice in drafting to avoid mistakes and delay in Town Meeting consideration of petitioner articles. The committee crafted this provision in response to comments from frustrated petitioners who had to withdraw articles on town meeting floor and also comments from the Finance Commission that they wished this process was more flexible to allow petitioners to amend articles to ensure the language effectuated the intent of the petitioner. Ms. Moore requested that members compose talking points on the pre-petition process in preparation for Town Meeting to explain this.

Mr. Foscaldo questioned the language for the second town meeting and whether elections were required. Ms. Goldberg explained that the elections language is archaic and elections in the second town meeting do not have to take place because the language expressly states that a second town meeting is for business purposes only.

Mr. Cahill said that, at Town Meeting, the Task Force will plan to have a precise presentation and leave time for questions. The Task Force members agreed to request that the clean Charter be printed in the warrant with the red-lined version of the Charter in the appendix to the warrant book mailed to town residents. Ms. Goldberg suggested adding a summary of recommendations in letter form to precede the clean version of the Charter..

Ms. Goldberg reviewed the subsequent technical edits from the February 25 version of the Charter to include: Personnel Board language, Town Administrator language, issue on the transfer of funds from line items, removed language on the time frame to find a Town Administrator, and language in the Finance Director section. Ms. Goldberg said she added the Transition Provisions in Chapter 13 and addressed a concern Town Counsel had with the language in 12-1-1. She replaced the words 'town meeting' with 'legislative body'.

Mr. Cahill indicated that the charter would go through a process in the legislature to put the document in legislative form. Ms. Moore explained that we can request that the Charter be sent to the Legislature for review for grammar and appropriate legislative drafting.

Mr. Cahill added he met with Representative McMurtry and Senator Rush's aide John Regan, and they will be supportive of the efforts of the Task Force when the Home Rule Petition reaches the Legislature.

Ms. Goldberg read the changes in the language to the Personnel Board in 6-2-1 a (i) and b. Ms. Moore explained that this language would ensure uniform implementation of the policies of the Personnel Board that are currently in place. There was a brief discussion about the Town Administrator's and elected officials' appointing and reporting authority.

Jerry Smith, a Westwood resident and Fire Department employee, attended the meeting and inquired about the appointing authority of the Town Administrator and Board of Selectmen with respect to the Fire Chief and with regard to the Civil Service laws as applied to employees of the Fire Department. After a brief discussion, the Task Force answered and satisfied his concerns. Ms. Goldberg will review the Civil Service language and statute for any inconsistencies in the Charter.

Mr. Cahill suggested that the Task Force allow for review for legislative drafting as well as the Personnel Board edits, circulate the document and present the approved final document to the Finance Commission Monday evening. He will prepare a summary to send to the Board of Selectmen to be signed by all members of the Task Force.

Ms. Moore made a motion to approve the charter contingent on incorporation of the Personnel Board changes as discussed and Ms. Goldberg's recommendation on how the Civil Service laws and Fire Department interact with the Town Administrator's role and that the charter will be circulated to all members for review by email and comment so that Mr. Cahill would be in the position to present a final document approved by the Task Force for the Finance Commission and then Town Meeting. Any vote tonight is contingent on members satisfaction with proposed changes for the final document."

Mr. Jaillet suggested that the members meet before the Finance Commission meeting on Monday night for a final approval vote. Mr. Cahill said if there is a letter with all signatures that would be a final approval.

Mr. Flahive made a motion that Ms. Moore design a motion that the Task Force could vote on to approve the proposed charter to be sent to the Finance Commission.

Ms. Moore motioned to approve the Charter as discussed tonight with the Personnel changes that Ms. Goldberg outlined along with the non-substantive editorial changes to clean up the document and any change that may be made as a result of the question about how Civil Service interacts with the Board of Selectmen appointment of the Fire Chief and with the Town Administrator's authority over Civil Service employees.

The motion was seconded by Mr. Flahive and thirded by Mr. Foscaldo. There was a unanimous vote in favor of the motion.

Mr. Cahill will have a summary available for signature by all members on Monday evening and the summary will be in the Town Clerk's office for anyone who cannot make the meeting on Monday.

Ms. Moore motioned authorizing Mr. Cahill to draft a summary of the charter review and changes. Mr. Foscaldo seconded the motion. There was a unanimous vote in favor of the motion.

Members will respond individually to Mr. Cahill and Ms. McIntyre with any comments and/or approval of the document.

The Task Force members will plan to meet Monday March 21, at 7:15 pm in the High School Little Theater prior to the Finance Commission meeting.

Mr. Foscaldo made a motion to adjourn the meeting seconded by Mr. Daly.