

# AGENDA

## FINANCE AND WARRANT COMMISSION OCTOBER MEETING

Wednesday, October 12th, 2022

**REMOTE MEETING - ZOOM WEBINAR**

**7:00 P.M.**

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Pursuant to Chapter 20 of the Acts of 2021, On June 16, 2022, Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted during the State of Emergency. This Act includes an extension, until March 31, 2023, of the remote meeting provisions of his March 12, 2020, Executive Order. This meeting will be conducted via in-person & remote means. Members of the public who wish to access the meeting may do so either in- person or by using the Webinar link below. In-person attendance of members of the public will be permitted based on space availability following CDC, State and Local guidelines, every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means and in-person. In the event that we are unable to do so, for reasons of economic hardship and despite best efforts, we will post on the Town website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

The meeting will be live streamed by Westwood Media Center and the public can view the meeting there or on our government channels broadcasting the meeting on Comcast channel 12 and Verizon channel 42.

The public is encouraged to watch our meeting via Westwood Media Center live stream and join via Zoom webinar as instructed below. The public will be allowed to make comments, if they wish to do so, during the portions of the meeting designated for public comment.

**Please click the link below to join the webinar:**

You are invited to a Zoom webinar.

When: Oct 12, 2022 07:00 PM Eastern Time (US and Canada)

Topic: Finance and Warrant Commission Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84302561319?pwd=UjFiUE5OU1d4d2hYVW9vM0Z3MklUUT09>

Passcode: 748933

Or One tap mobile :

US: +13092053325,,84302561319# or +13126266799,,84302561319#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 386 347 5053 or 833 548 0282 (Toll Free) or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free) or 833 548 0276 (Toll Free)

Webinar ID: 843 0256 1319

International numbers available: <https://us02web.zoom.us/j/84302561319>

- I. Call to Order at 7:00 P.M.
- II. Grant permission to Westwood Media Center to live stream and videotape the meeting. Ask if anyone else wishes to record this meeting.
- III. Welcome all participants including members, presenters, and members of the public and press.
- IV. Pledge of Allegiance.
- V. **Member Roll-Call.**
- VI. Presenters: Town Administrator, Chris Coleman, Members of Select Board
- VII. Presenters: Superintendent Emily Parks and Director of Student Services Abby Hanscom, Members of School Committee
- VIII. Presenters: SBC Chair Maya Plotkin and Chair John Cummings, Permanent Building Committee
- IX. Chair's update –.
- X. New Business – Clarification of Remote participation vs Zoom Attendance
- XI. Old Business –. Approval of 09.08.22 Minutes
- XII. Public and Press -.
- XIII. Adjournment – **Roll-Call Vote.**

# Budget Update & Planning

**Presentation to FinComm**

**Oct. 12, 2022**

**Robert Gotti** (Select Board Chair)

**Christopher Coleman** (Town Administrator)

**Pam Dukeman** (Finance Director/Asst. Town Administrator)

# Agenda

- State of the Town & Highlights
- Budget Update
- 5 Year Capital Planning
- Long Range Financial Planning Committee
- FY24 Budget Planning Next Steps & Timing
- Questions

# State of the Town

- The state of our town is **strong**:
- Excellent financial position & budget management
  - ❖ Weathered pandemic without significant financial stress
  - ❖ AAA Bond Rating recently reaffirmed
- Good governance
- Excellent town services  
(Safety, Public Works, Human Services)
- Top tier school excellence - top 10 district in MA
- “Best Places” to live
- Homes in Westwood continue to be in high demand

# Highlights

- Dedication of Wentworth Hall - Islington Library & Community Center
- Ground breaking at Hanlon/Deerfield
- Continued revitalization of Islington Center - welcomed new retail business:
  - ❖ Muffin House Cafe
  - ❖ Neroli Mercato
  - ❖ Neroli Restaurant (coming soon)
- ❖ Obed Baker to be redeveloped into multi-use

# Highlights - Quality of Personnel

- Very fortunate to have outstanding leadership and staff in place
- Some receiving state and/or national recognition in last 12 months:
  - ❖ Dottie Powers (Mass. Clerk of the Year)
  - ❖ Todd Korchin & Brendan Ryan (Recognized for Route 109 Road projects)
  - ❖ James McCarthy (APWA Professional of the Year for Facilities)

# Some transition

- Some natural transition in key leadership roles within town staff:
  - ❖ New Faces
    - ✓ Molly Kean - HR Director/ATA replaced Joan Courtney Murray (retired)
  - ❖ Currently in process of filling several key positions:
    - ✓ Finance Director/ATA (Pam Dukeman retiring as of 10/19)
    - ✓ Treasurer - SB appointed Phil Shapiro to replace Jim Gavin - resigned after 20 years of service to the town
    - ✓ Town Planner



# Good Governance

- Town Charter & Bylaws lay out roles, responsibilities, policies & procedures
- Charter Review every 10 years to update as needed
- Charter Review Committee currently engaged in that process

# Financial Policy Highlights & Benefits

- Structurally sustainable budgets
- Hotel & Meals tax not used for operating budgets, but for one time capital projects
- Non-exempt debt policy - not to exceed 8% of general fund revenue
- Annual Audit by independent 3rd party
- Audit Committee regular review
- Quarterly Reporting in accordance with GAAP
- Goal of achieving/maintaining strong credit rating (currently AAA)
- Reserve Fund
- Policies guiding use of Free Cash\*
- Policies reviewed every 3 years

# Financial Status

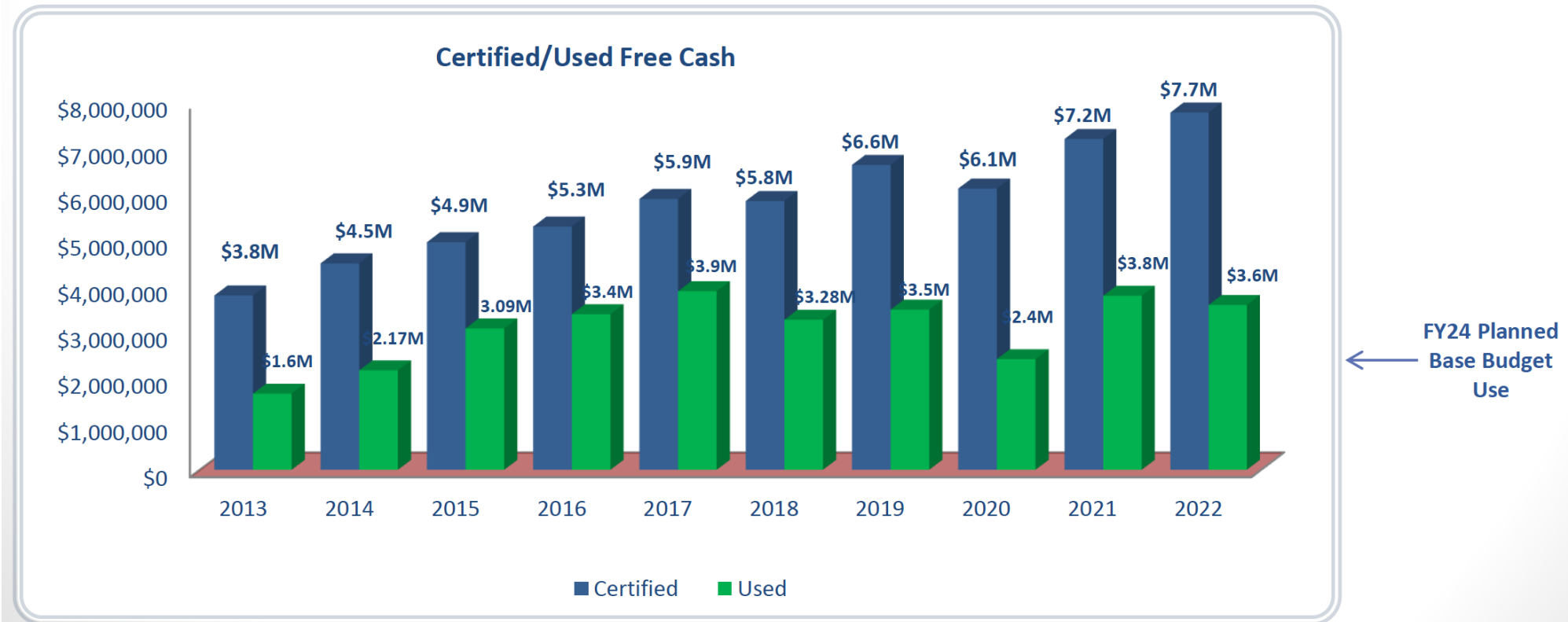
- Fall extremely busy time of year with significant activity on 3 fiscal years at same time:
  - ❖ Close out of FY22
  - ❖ Completion of FY23 budget process
  - ❖ Kick off FY24 budget process

# FY22 – year end close out

- Free Cash certification Completed in the fall with Department of Revenue (DOR)
- Significant State reporting requirements October.
  - ❖ Department of Revenue and Department of Education.
- FY22 Audit - On Site Audit completed in fall, FY22 Financials (ACFR) by 12/31/2022.
  - ❖ Audit Committee meets with auditors reports to Select Board
  
- Overall Summary: **on target**
  - ❖ Revenue FY22 revenue closed out smoothly.
    - Real estate tax & motor vehicle revenue collections were right on target and collections remained strong.
    - While Hotels and Meals tax revenue had been down due to COVID impact, this revenue seems to have rebounded in FY22.
  - ❖ Expenditures FY22 expenditures closed out smoothly.
    - Departments largely remained within budget funds
      - ✓ Any overages were able to be covered either by Select Board transfers or Town Meeting Articles 1 and 2.

# Free Cash

- Recently certified by Mass Dept. of Revenue
- Balance = \$7,772,702 strong position in line with prior years.



*\*Financial Policies target unallocated at \$3.7M*

# Free Cash

- Disciplined use of free cash balance.
  - ❖ Not applied to operating budgets. Not using full allowance.
  - ❖ In line with Financial Policy, available amount used for capital needs, not operating budget
  - ❖ Good FY22 budget to actual results, strong management of COVID impact.
- FY23 current budget was funded by \$3,833,250 of free cash :
  - ❖ \$2,373,250 for school and municipal capital
  - ❖ \$125,000 for Stabilization
  - ❖ \$1,335,000 for Town Meeting Articles Snow & Ice (\$335K), Aid to the Elderly (\$300K), and purchase of American Legion property (\$700K)

**MA Dept. of Revenue definition:** *Free cash is a revenue source that results from the calculation, as of July 1, of a community's remaining, unrestricted funds from its operations of the previous fiscal year based on the balance sheet as of June 30. It typically includes actual receipts in excess of revenue estimates and unspent amounts in departmental budget line items for the year just ending, plus unexpended free cash from the previous year. Cities and towns generally use free cash to support current-year operations or to provide a revenue source for the ensuing year's budget. However, free cash is not available for use until after the accountant, auditor, or comptroller submits a prior-year balance sheet to the Division of Local Services (DLS) and the Director of Accounts certifies the free cash. The DLS certification protects communities from relying on free cash that might not materialize due to inaccurate local estimates. Under sound financial policies, a community strives to generate free cash in an amount equal to three to five percent of its annual budget.*

# FY23 – Completion of budget process

- Finalize FY23 Property Values October/November
- Finalize and get DOR approval for all FY23 values, including **final FY23** new tax growth.
- FY23 Tax Rate - November
  - ❖ Select Board hold classification hearing, this year it is November 7<sup>th</sup>.
    - Set shift factor for residential/commercial split.
  - ❖ Get FY23 tax rate approved by Department of Revenue.
  - ❖ Actual FY23 tax bills mailed January 1, 2023

# FY24 BUDGET PROCESS



# Balancing Act



# Tax Levy Calculation per Proposition 2 ½

Tax Levy Calculation	FY2019	FY2020	FY2021	FY2022	Budget FY2023	
Prior Year Levy Limit	\$73,558,364	\$76,623,854	\$79,703,916	\$83,076,625	\$86,718,329	
Plus 2.5% Increase	\$1,838,959	\$1,915,596	\$1,992,598	\$2,076,916	\$2,167,958	Plus 2.5%
Plus New Growth	\$950,531	\$661,466	\$889,111	\$1,356,788	\$450,000	Estimated New growth
New Tax Levy - University Station	\$276,000	\$503,000	\$491,000	\$208,000	\$100,000	Estimated Univ Station new growth
General Overrides	\$0	\$0	\$0	\$0	\$0	General Override
<b>Tax Levy Limit</b>	<b>\$76,623,854</b>	<b>\$79,703,916</b>	<b>\$83,076,625</b>	<b>\$86,718,329</b>	<b>\$89,436,287</b>	
<b>Exempt Debt</b>	<b>\$1,429,505</b>	<b>\$1,320,986</b>	<b>\$1,217,416</b>	<b>\$1,048,819</b>	<b>\$1,059,561</b>	Exempt Debt
<b>Levy Capacity</b>	<b>\$78,053,359</b>	<b>\$81,024,902</b>	<b>\$84,294,041</b>	<b>\$87,767,148</b>	<b>\$90,495,848</b>	What we could tax
Actual Levy Assessed	\$76,955,697	\$80,224,068	\$83,468,800	\$86,593,963	\$90,335,810	What we do tax
Excess Levy(Taxes not raised )	\$1,097,662	\$800,834	\$825,241	\$1,173,185	\$160,038	Unused Tax Levy

- The Town has not taxed to maximum capacity
- No general override since 2007

# The Town's main revenue source is property tax revenue. In Massachusetts, tax revenue is governed by Proposition 2 ½

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## What is Proposition 2 ½?

- Limits the property taxes a community can charge.
- Total taxes can increase:
  - 2.5 %
  - New growth.
- A town may choose to “override” these limits.
  - Placed on the ballot by a vote of the Select Board
  - Must be passed by a majority of voters.

There are Different types of Overrides

## General Override

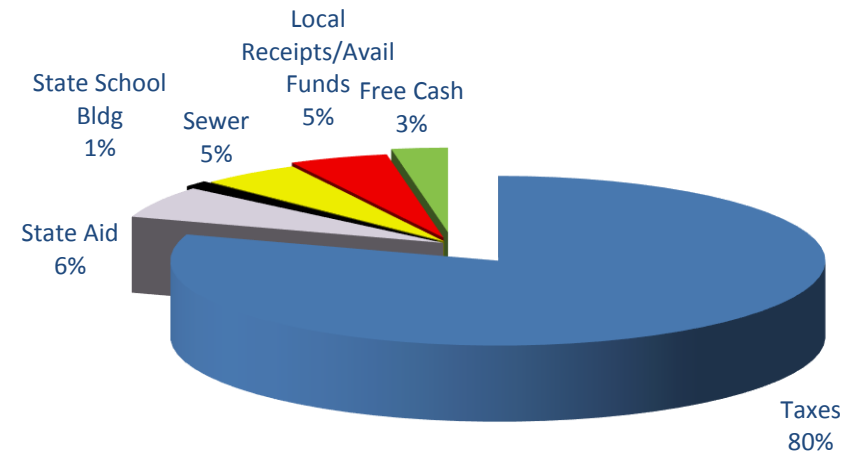
- Additional funds for any purpose.
- Permanently increases levy limit.

## Debt Exemption

- Pay for capital projects.
- Annual debt service added to tax levy.
- Not permanent, when bond ends, taxes end.

Detailed history of Town's override activity is included in the Budget Summary book and ATM Warrant book.

FY2023 Projected Budget Revenue

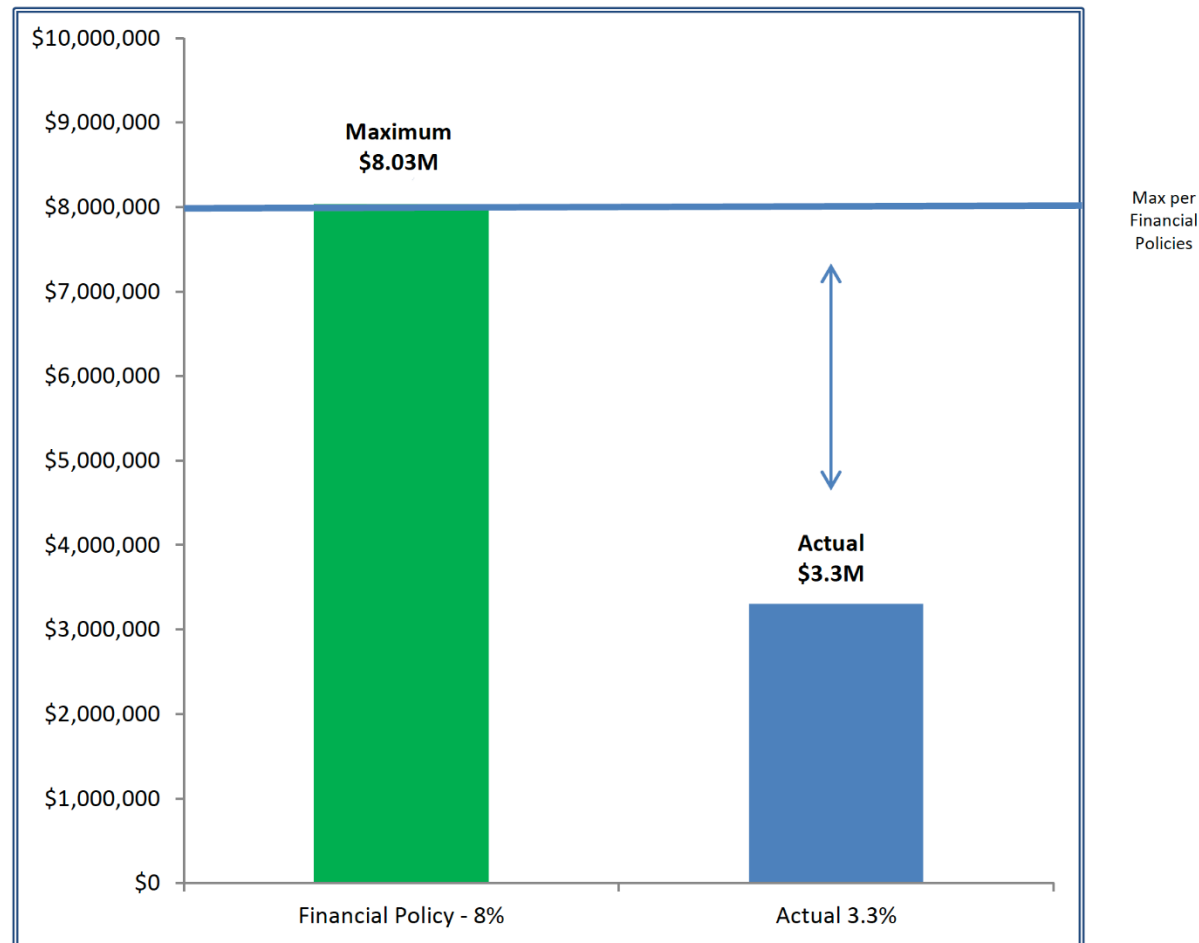


Proposition 2 ½ controls the total taxes a Town can raise.  
It does not apply to an individual tax bill.

# Debt Management within Prop 2 1/2

## Town Financial Policy sets cap at 8% of general fund revenue

- Financial Policies annual non-exempt debt payments should not exceed 8% of net general fund revenue.
- Debt levels are an important component of credit ratings. The Town holds a AAA rating.



# 5 Year Capital Plan

- Sound financial policies serve as guard rails
- Comprehensive review & report issued annually
- Flexibility as circumstances change and/or opportunities arise
- Select Board & School Committee work with respective town department heads to review and prepare a recommended capital budget for presentation to FinComm for recommendation to ATM.
  - ❖ Base capital has been level ~ \$2.3M for proper maintenance of municipal/school buildings and equipment
  - ❖ Augmented for additional needs by available free cash

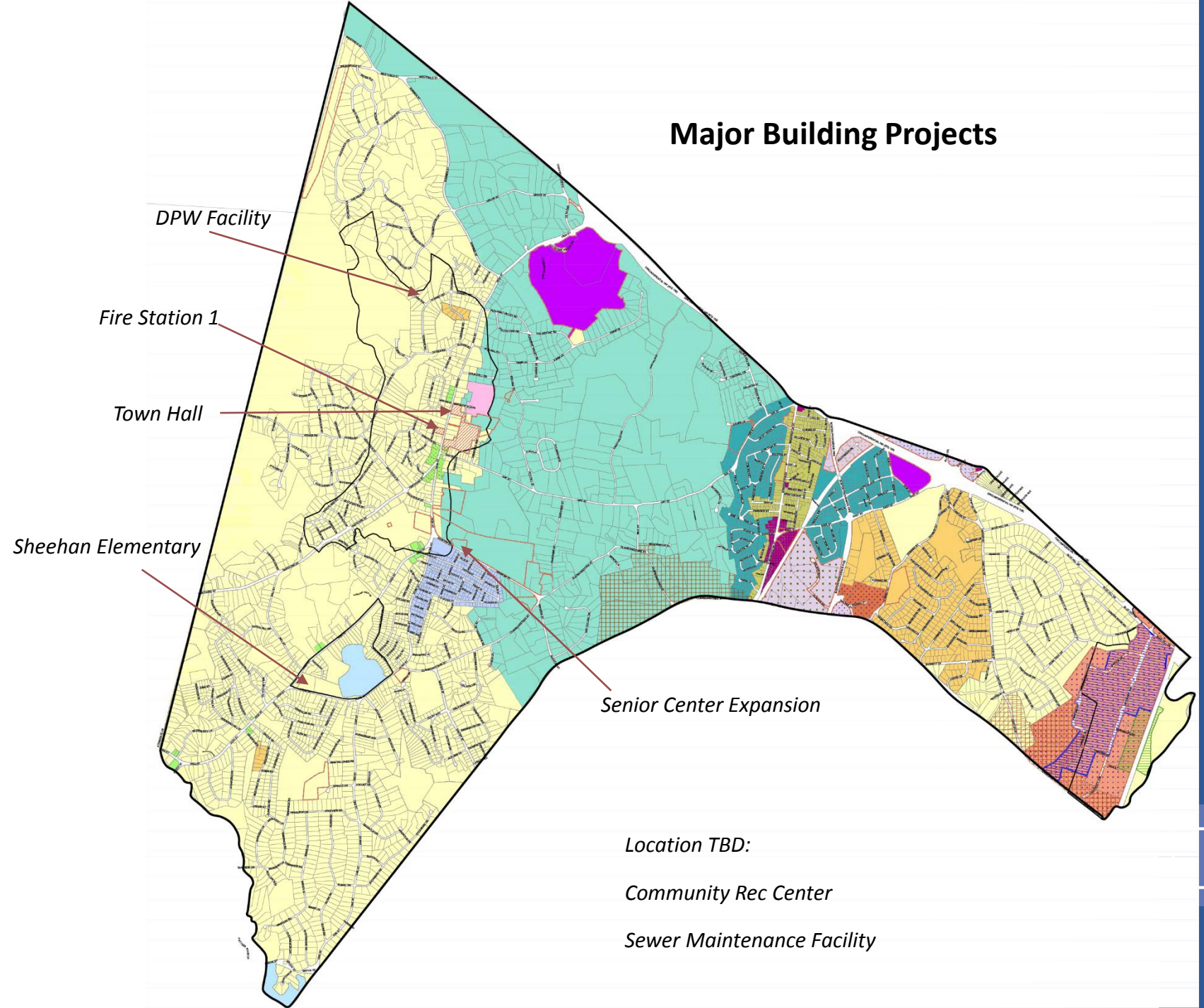
# 5 Year Capital Plan

**Includes on-going capital purchase, maintenance, replacement needs**

- Input from department heads
- Rotating capital heavy/intensive equipment
  - Police Cars
  - Fire vehicles
  - DPW trucks & equipment
- Building maintenance

# 5 Year Capital Plan

## Major Building Projects



# Long Range Financial Planning Committee

## ➤ Composition

- ❖ Representation from key boards, departments + at large community members
  - Select Board, School Committee, Planning Board, Board of Assessors, Town Administrator, Tax Collector, Treasurer, Economic Development, Town Administration, School Administration

## ➤ Mission

- ❖ Focus long term financial concerns/needs & advise on prioritization

## ➤ Appointment Timing

- ❖ Complete by November

## ➤ Meeting Schedule

- ❖ Quarterly



# Next Steps & Timing

- November 7, 2022
  - ❖ Tax Classification Hearing
    - Determine Commercial/Residential Tax shift.
    - Get tax rate approved by the DOR.
- November through February Select Board Meetings:
  - ❖ Continue update and review of FY24 revenue projections.
    - Local Revenue Sources.
    - FY24 State Budget.
    - Tax Levy calculation including FY23 new growth.
  - ❖ Continue to review capital budget articles with Select Board
    - Ongoing Annual Capital.
    - Timing of larger projects being considered.
    - Review FY24 municipal budget requests
    - Base budget.
    - Any Requested new positions/programs.
    - FY24 State aid
- Governor's budget typically at end of January.
  - ❖ Preview at MMA meeting in January.
  - ❖ With new governor, five week extension.
- BOS proposed budget document February 1, 2023
  - ❖ Municipal Budget Document.
  - ❖ Overall Budget Summary.
  - ❖ Capital Budget Articles.
  - ❖ Present proposed FY24 budget to Fincomm February 2023.

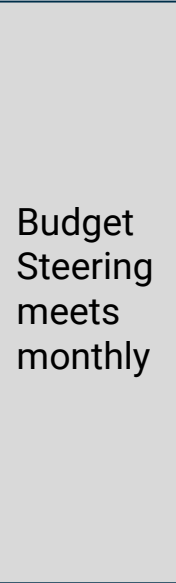
# Westwood Public Schools

Update to Fin Com

October 12, 2022

# Budget Development Process:

- **Oct:** Initial discussion of priorities at Oct. SC meeting
- **Nov:** Cost center leaders submit requests
- **Dec:** District leadership team evaluates priorities and develops proposed budget
- **Jan:** Supt's proposed budget presented at Jan. SC; SC holds public budget hearing
- **Feb:** Proposed budget presented at Fin Com; SC votes school budget
- **Mar:** Fin Com public hearings
- **Apr:** Town Ballot vote
- **May:** Town Meeting



Budget  
Steering  
meets  
monthly

# Annual budget drivers:

- Meet contractual **salary obligations** and other fixed costs
- Maintain reasonable **class sizes**
- Address **special education** needs
- Continue to make progress on the **program goals** articulated in the *Strategy for District Improvement*

# Unique FY'23 and FY'24 Budget Drivers

# Unique FY'23 and FY'23 Budget Drivers:

- Personnel costs
- Class sizes as we stabilize from pandemic
- Hanlon-Deerfield consolidation timeline
- Inflationary and supply chain pressures
- Increased costs and volatility in special education
- Specific capital needs

# Personnel Costs:

- Unsettled contract with the WTA (our largest bargaining unit)
  - Settled in the spring with Custodians and Administrative Assistants; will bargain with IAs and Food Services this year)
- Labor market disruption
  - Difficulty finding candidates for paraprofessional roles (e.g. Instructional Assistants, ABA Tutors, substitute teachers and nurses)
  - Forced to use contracted service providers to meet legal obligations in special education
  - Model is less cost-effective (higher rates, frequency of on-boarding/off-boarding)
  - Non-financial costs: Level of disruption, uncertainty, increased need for ongoing hiring and training

# Class Sizes:

- Current class sizes are almost all within the School Committee's class size guidelines.
- Continued desire to keep class sizes (especially at elementary) small as we continue to stabilize after the pandemic disruption.
- Over the last two years, we have seen more movement in the early grades over the summer, making kindergarten enrollment harder to predict.



# Hanlon-Deerfield Consolidation:

- New building scheduled to open in February, 2024.
- Budget development is being conducted with an eye toward consolidation.
  - Some staffing decisions already made with this timeline in mind (e.g. elementary librarians)
  - Currently, some staff assigned to multiple buildings; staffing model will consider consolidation
  - General education classrooms will not be consolidated in Feb. 2024 (i.e. sections will simply be moved to new buildings);
  - May be opportunities to create more efficient class sections the following year

# Inflation and Supply Chain Pressures:

- Rising transportation costs:
  - New 3-year yellow bus contract, with 7.43% increase in first year, including 3.3% attributable to fuel costs (we budgeted for 3% increase)
  - Negotiating special education transportation contract (10% increase this year, future TBD)
- Rising facilities costs (Ex. Recent quote for HVAC units, cost escalated 20% from 9 months ago)
- Anticipating increasing costs for heat
  - Electric utility costs are locked in through a fixed price contract until FY'27

# Increased costs and volatility in special education:

- Notification from state's Operational Services Division (OSD) to expect a 13% increase in social service costs (last 12 years has been 2-3%; significant implication for special education tuitions; last 12 years has been 2-3%)
- Multiple special education student "move-ins" requiring out-of-district placements on their IEPs
- New Extended School Year (ESY) transportation requirements

# Special Education Costs:

- FY'23 special education costs are exceeding budget
  - As of Oct. 1, special education staffing, transportation, and tuitions are approx. \$1.14M over budget for FY'23. (**This is highly unusual at this point in the school year.**)
  - Held over approx. \$653K in IDEA grant funding
  - Will need to draw on special education reserve account (balance currently approx. \$900K)
  - Will request “Extraordinary relief” from state
  - Continue to focus on realizing as much circuit breaker and Medicaid
- Significant implications for FY'24 budget
  - Examine our in-house programming (ex. PEER Program)
  - Increase funds available in the special education reserve account

# Capital Needs:

- Districtwide Network Upgrade, for which materials will be procured soon, is anticipated to cost \$1.13M (this is \$400K over budget and will require an additional allocation from the Town)
- WHS auditorium lighting and dimming system, constructed in 2004, is reaching the end of useful life and will require update in FY'24 at an estimated cost of \$400K
- School vehicles for our Facilities team need replacement.
  - Tractor over 14 years old was replaced this year, when it suddenly failed.
  - Van purchase was delayed. Van for Maintenance staff will be 17 years old in FY'24.
  - On the horizon: A tractor will be required for Hanlon-Deerfield walkway snow removal.

# Questions?



# Westwood Public Schools

## Hanlon-Deerfield Elementary School Building Project

Finance and Warrant Commission – 10/12/2022

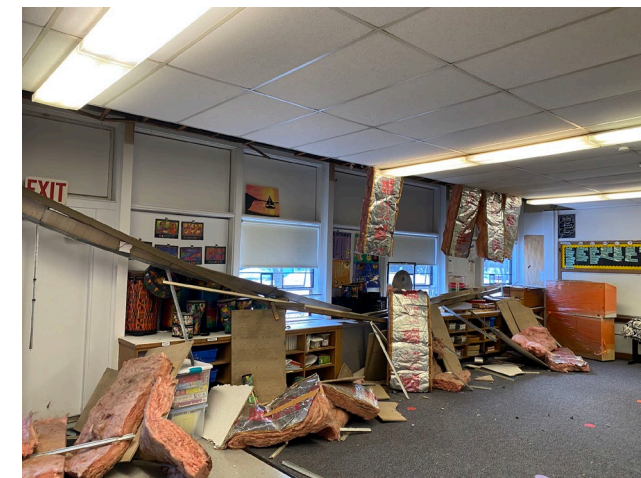
# A school for the community



- ❖ Playing fields
- ❖ Large gymnasium
- ❖ Additional performance space
- ❖ High-quality instructional space
- ❖ Retain access to Lowell Woods
- ❖ Traffic mitigation plan



# Hanlon, Deerfield, & Sheehan Need Modernization



# MSBA Funding

- **April 2017:** Westwood submitted a Statement of Interest (SOI) to the MSBA for Hanlon
- **December 2017:** Westwood was accepted into the MSBA program on its first try
- **April 2021:** MSBA voted to grant Westwood a reimbursement amount of up to \$18,235,725 for the construction of a new Hanlon-Deerfield school if the project is approved by residents at Town Meeting and Election.



## Massachusetts School Building Authority

*Funding Affordable, Sustainable, and Efficient Schools  
in Partnership with Local Communities*

A quasi-independent public authority that partners with Massachusetts communities to support the design and construction of educationally-appropriate, flexible, sustainable, and cost-effective public school facilities.

# Community participation

Since December 2018:

- ❖ Letters to residents
- ❖ School tours
- ❖ 75 open public meetings
  - ❖ 14 Community forums
  - ❖ 52 School Building Committee meetings and Subcommittee meetings
  - ❖ 10 Fin Com meetings
  - ❖ Meetings with community groups
- ❖ Newspaper articles
- ❖ Information brochures
- ❖ WMC Video updates
- ❖ Opportunities for written and in-person input and feedback



# Evaluation Process

Identified 15 potential projects → Short list of 7 projects → One recommended project

## **Education:**

How well does the option meet the goals of Westwood?

## **Community:**

To what extent does the option provide benefits to the community?

## **Cost:**

How do the per student and overall cost to the Town compare?

## **Site:**

How does the option maximize parking, circulation, and access to fields?

## **Sustainability:**

How does the option align with the Town's sustainability goals?

## **Traffic:**

What is the impact to the traffic in the neighborhood and in the town?

## **Construction Impact:**

What is the project impact to students during construction?

# Hanlon-Deerfield Consolidation



- New construction
- Design enrollment of 560 students
- At current Hanlon location

# Sustainability Highlights

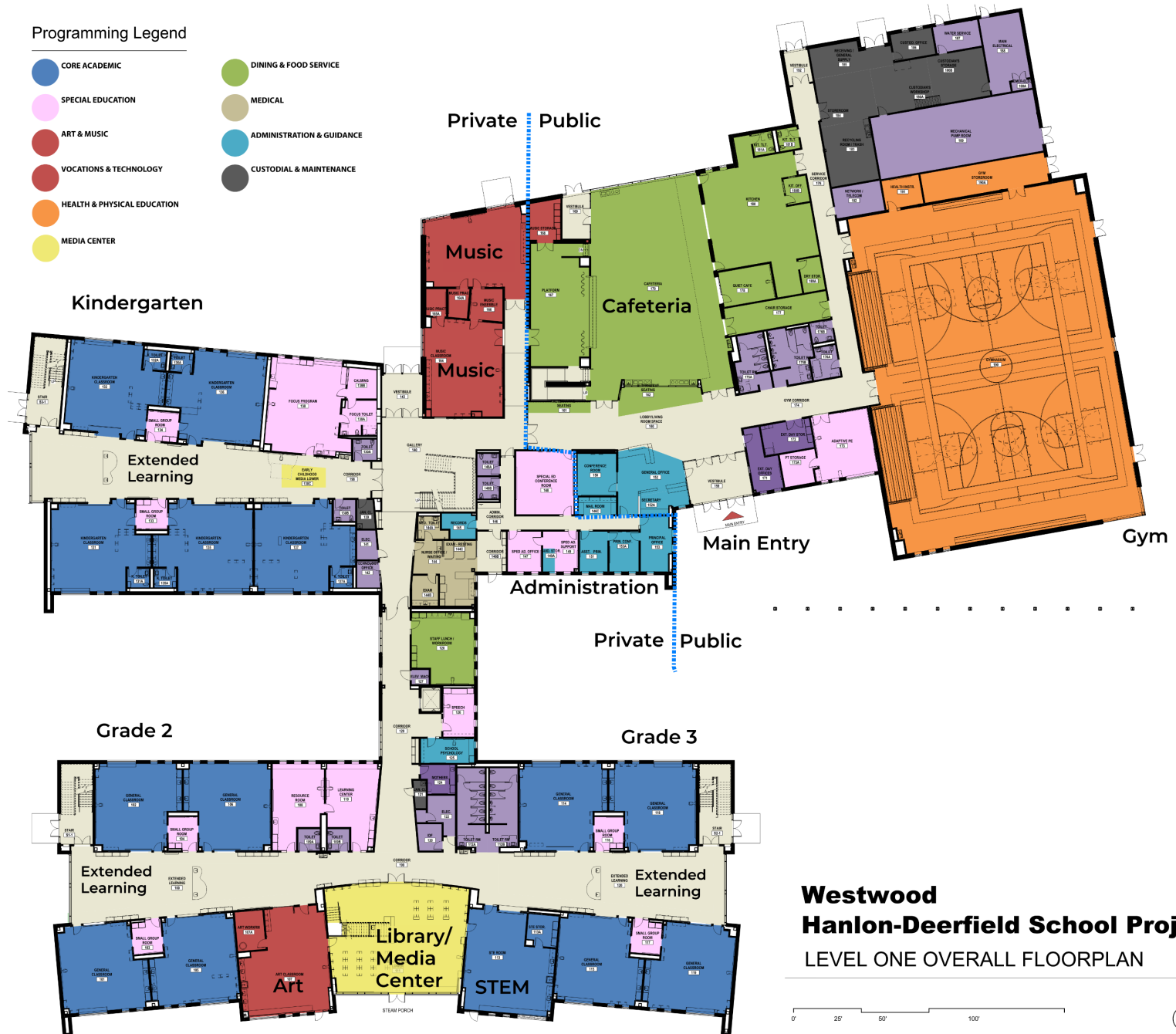
- **Net Zero Ready**
- **Tracking LEED Silver**
- **Fossil Fuel Free**
- **PV-Panel Ready Roof**
- **Geothermal Heating and Cooling System**
- **Highly-efficient Building Envelope**
- **Low Energy Use Intensity**
- **Native Plantings**



# First floor plan

## Programming Legend

- CORE ACADEMIC
- SPECIAL EDUCATION
- ART & MUSIC
- VOCATIONS & TECHNOLOGY
- HEALTH & PHYSICAL EDUCATION
- MEDIA CENTER
- DINING & FOOD SERVICE
- MEDICAL
- ADMINISTRATION & GUIDANCE
- CUSTODIAL & MAINTENANCE



**Westwood  
Hanlon-Deerfield School Project**  
LEVEL ONE OVERALL FLOORPLAN













# RECEPTION



# CAFETERIA



HOME	SCORE	GUEST
125	31	96
PERIOD	PLAYERS	FOOT
6	31	
SCORE	TIME	

GYM



# CLASSROOM







# Budget Diligence

Original Budget:	\$87,820,386
Over/Under at 60% CD Estimate (January 24, 2022):	\$0
Over/Under at 90% CD Estimate (April 4, 2022):	\$1,460,000
V/E and Alternate Efforts (April – June 2022):	(\$3,370,000)
<hr/>	
Over/Under Buffer going into Bid Day:	(\$1,910,000)

# Project Budget v. Bid

Budget Item	Budgeted Cost w/ all Alternates 1-7 And 6.2% Contingency	Lowest Bid w/ Alternates 1 & 2 and 5% Contingency
Project Management, Design, Admin Costs	\$11,420,706	\$11,072,813
Construction Costs	\$69,583,062	\$74,352,876
Furniture, Fixtures and Equipment	\$950,000	\$950,000
Technology	\$850,000	\$672,000
Contingency	\$4,316,618	\$3,717,644
Owner's Contingency	\$700,000	\$500,000
<b>Total Project Costs</b>	<b>\$87,820,386</b>	<b>\$91,265,333</b>
<b>Over / Under Budget</b>		<b>\$3,444,947</b>

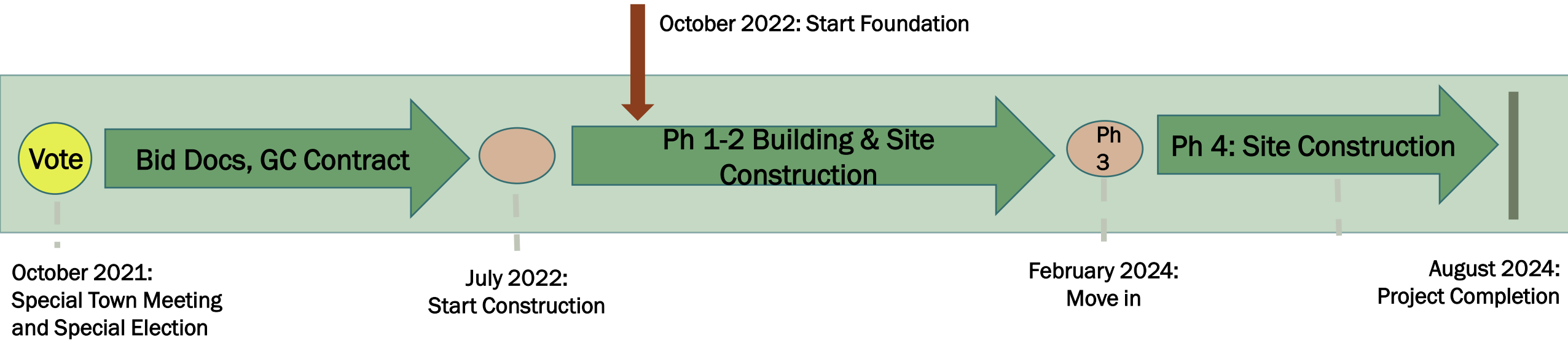
# Project Cost to Residents

<b>Total Project Cost</b>	<b>\$91,265,333</b>
Less Unspent Feasibility Funds	(\$203,000)
Less Eversource Incentive Funds	(\$140,000)
Less School District Mitigation Funds	(\$2,036,513)
Less American Rescue Plan Act Funds*	(\$1,100,000)
Less MSBA Reimbursement**	(\$18,235,725)
<b>Total Estimated Project Cost to Town Residents</b>	<b>\$69,550,095</b>

\*Funding application in process

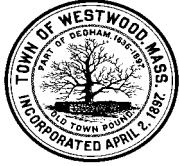
\*\*Estimated Amount

# Project Schedule





Questions?



# TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

## BOARD OF SELECTMEN

John M. Hickey, Chairman  
Nancy C. Hyde, Clerk  
Michael F. Walsh, Third Member

Michael A. Jaillet, Town Administrator  
Pamela M. Dukeman, Finance Director  
Christine E. McCarthy, Executive Assistant

### MEMORANDUM

**TO:** Board and Committee Members, Department Heads and Administrators

**FROM:** Christine McCarthy, Executive Assistant

**DATE:** December 5, 2017

**RE:** Revisions to the Remote Participation Policy – Updated 2017

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At its meeting on Monday, December 4, 2017, the Board of Selectmen unanimously voted to revise the Remote Participation Policy for the Town of Westwood. These revisions come from the Attorney General Office's recent updates to the Open Meeting Law Regulations, 940 CMR 29.10 which took effect on October 6<sup>th</sup>.

The most significant revision to this section replaces the five permissible reasons for remote participation with the sole requirement that, to participate in a meeting remotely, physical attendance at the meeting is unreasonably difficult. This single standard was meant to broaden the criteria and to help public body members and the public understand when it is appropriate to participate remotely. Another revision reflects a recently adopted amendment to the Open Meeting Law that applies to local commissions on disability.

Enclosed is both a clean version and a redline version for your records. The revised policy will be posted on the Town's website under the Board of Selectmen's Page.

The Board asked that all Board and Committee members seeking to use the Remote Participation Policy for vote at or participate at a meeting you are unable to attend, speak with the Selectmen's Office or Town Clerk's Office before submitting the form to your Chairman for an approval. All Chairs must review the request and determine if the accommodation for remote participation is reasonable and can be arranged. Any question or concerns about providing appropriate technology for this should be directed to the Selectmen's Office.

Finally, remember that a copy of the form signed both by the requestor and the Chair must be submitted to the Selectmen's Office and the Town Clerk's Office prior to the date(s) of the meeting.

Please do not hesitate to contact me with additional questions.



## **REMOTE PARTICIPATION POLICY**

### **Town of Westwood, MA**

#### **PURPOSE STATEMENT**

The Office of the Attorney General amended the *Open Meeting Law* regulations at 940 CMR 29.10 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town Boards and Committees should try to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when physical attendance would be unreasonably difficult.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards and Committees under the *Open Meeting Law*, M.G.L. c.30A, §§18-25.

#### **ENABLING AUTHORITY- 940 CMR 29.10(8)**

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

#### **ADOPTION OF REMOTE PARTICIPATION**

In accordance with 940 CMR 29.10(2)(a), the Board of Selectmen, on January 30, 2012, voted to authorize the adoption of 940 CMR 29.10 so that remote participation would be permitted for meetings of all local public bodies within the municipality. In accordance with 940 CMR 29.10(3), the Board of Selectmen may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

29.10(2)(g)Local Commissions on Disability. In accordance with M.G.L. c. 30A, § 20(e), a local commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub-committees and working groups regardless of whether such public bodies are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

#### **MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION**

Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other As required by M.G.L.c30A§20(d)

A quorum of the body, including the chair or, in the chairs absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

Members of the public body who participate remotely must have access to the same materials being used at the meeting location.

Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, §23D.

*Section 23D (a): Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.*

### **PERMISSIBLE REASON FOR REMOTE PARTICIPATION**

It is the express desire of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and Town Boards and Committees as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A Board member may attend a meeting through electronic conferencing only if physical attendance would be unreasonably difficult.

Any determination by the person chairing the meeting to allow or not to allow remote participation shall be final and shall not be appealable.

### **ACCEPTABLE METHODS OF REMOTE PARTICIPATION**

Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.

- (i) Telephone, internet, or satellite enabled audio or video conferencing.
- (ii) Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible and, if possible clearly visible to all persons present at the meeting location.
- (iii) If technical difficulties arise as a result of utilizing remote participation the Chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with remote participant's ability to hear or be heard clearly by all persons at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection if achieved shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the member shall be noted as absent.

### **PROCEDURES FOR REMOTE PARTICIPATION**

Any member of a public body who wishes to participate remotely shall, at least 48 hours or as soon as reasonably possible prior to the meeting, notify the chair or person chairing the meeting of his or her desire to do so and the reason for and facts supporting his or her request.

- (i) Prior to the meeting the Chair shall make every effort to ensure the equipment is available and functioning properly. If the required equipment is not available then the Chair shall deny the request for remote participation.
- (ii) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely This information shall also be recorded in the meeting minutes.
- (iii) All votes taken during any meeting in which a member participates remotely shall be by roll call vote. Members may participate remotely even if they are not qualified to vote.



- (iv) Remote participants shall preserve the confidentiality of the executive session. The remote participant shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by simple majority vote of the public body, and that the session is not being remotely recorded by any device.

*Note: Consideration should be given to the proposed language in the Charter regarding associate members on Boards and Committees, Associate members should be utilized in the absence of members of Boards and Committees when deemed appropriate by the Chair.*



## TOWN OF WESTWOOD REMOTE PARTICIPATION REQUEST

I, [Name](#), hereby request to participate remotely at the meeting of the [Board/Committee/Commission](#) to be held on [Date](#). I certify to the Chair that my absence which makes my physical presence unreasonably difficult:

Explanation: [Click here to enter explanation of absence.](#)

During the meeting, I will be at the following location:

[Click here to enter text.](#)  
Address

[Click here to enter text.](#)  
Phone Number

### SIGNATURE

I, the requestor for this Remote Participation to a meeting for the Town of Westwood, warrant the truthfulness of the information provided in this application.

Electronic Signature\* [Click here to enter text.](#)  
*Please type your First and Last Name*

\*I understand that checking this box constitutes a legal signature.

**Please sign and return to Chairperson**

Request received by \_\_\_\_\_  
Signature Date

Method of Participation \_\_\_\_\_ (i.e. speakerphone)

Request Approved \_\_\_\_\_ Request Denied\* \_\_\_\_\_

\_\_\_\_\_  
Signature of Chairman

\_\_\_\_\_  
Date

**Forward a copy of this signed form to the Board of Selectmen's Office and the Town Clerk's Office.**  
**\*All Denied Requests are Final and Not Appealable.**

*Westwood Finance and Warrant Commission*  
**SEPTEMBER 8, 2022 IN-PERSON MEETING**  
*Community Meeting Room - WPL*  
*7:00 PM*  
*Meeting Minutes*

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Finance Commission Chairperson George Hertz called the meeting to order at 7:00PM.

Finance and Warrant Commission members who were present: William Bruce Jr., James Ferraro, Lauren Fitzpatrick, Rene Gauthier, Mike Gay, George Hertz, George Laham, George Maroun, Christopher Poreda and Sean Weller.

Chairperson Hertz then granted permission to Westwood Media Center to live stream and record the meeting. He also asked if anyone else would like to record this meeting.

He then welcomed all participants including the new Finance Commission administrator Victoria Wong, members, presenters and members of public and press to the FinCom September 2022 Kick-off meeting.

The Chair led members in the Pledge of Allegiance.

The new Finance Commission administrator Ms. Wong then called the ROLL and asked members to state they are present. Chairperson Hertz took the moment to thank Jane O'Donnell for her outstanding work as Administrator. He then asked new members for 2022-23 to give a brief introduction. New members are Sean Weller, John Carey, and George Maroun.

Members were provided with the final agenda and all other related material prior to the meeting.

*The Evening's Presenters:*

*- Dottie Powers- Town Clerk – Ethics and Open Meeting Laws.*

The Chair introduced the evening's presentation. Dottie Powers, Town Clerk, was present. Ms. Powers gave an extensive and detailed presentation on Open Meeting Law and State Ethics. She spent considerable time answering members' questions throughout her presentation. At the end of her presentation, she asked all members to complete their ethics training and submit their certificate of completion. Chairperson Hertz thanked Ms. Powers for her excellent work and answering all questions on open meeting law and ethics.

Member Discussion:

- Members discussed the Finance Commissions recommendation on the Planning Board's Article passed at town meeting concerning zoning for increased housing in MBTA Communities.
- Members requested that information from the Select Board, School Committee and Planning Board concerning upcoming budget and warrant articles be provided to the Finance Commission much earlier in the budget and warrant preparation process. The School Committee will be attending the October meeting and the Planning board will be attending November's meeting. The Chair will ask the Planning board to discuss their roles and responsibilities at their meeting with the Finance Commission. The Chair emphasized a focus on openness, integrity and transparency with the need to listen to all points of view.
- An issue was brought up about the difficulty of being able to speak up and ask questions during zoom meetings.
- The first 2-3 Finance Commission meetings will be in person. This will give members an opportunity to meet in person and build relationships with the elected members of the Select Board, the Planning Board and the School Committee. It will also give members the opportunity to meet the Superintendent of Schools, the Chairs of both the School and Permanent Building Committees and other town leaders and volunteers.
- The Chair and members will continue discussions about in person versus remote meetings.
- The Chair and Vice Chair reviewed proposals for subcommittees: These may include a dividing Municipal into two groups--Public Safety Committee for Police, Fire and DPW. A Human Services and Municipal Department Committee to cover all other Departments. In addition, committees for Schools, Planning, Capital Budgets and Long Range Financial Planning.
- Members briefly discussed the possibility of some work involving Hale Reservation. The Chair suggested members read background material in the Towns, Open Space & Recreation Plan, Comprehensive Plan and presentations made by the Westwood Hale Task Force.

Chairperson Hertz then entertained questions from the public and press.

A resident of Westwood commented on the Open Meeting and Ethics laws, availability of presentaion material before meeting and on the towns web site and members comments on transparency and intergrity.

Chairperson Hertz thanked members for attending and asked for a motion to adjourn. A motion was offered and seconded. A ROLL CALL vote was taken in favor.

**Meeting Adjourned at 8:41PM**

For a complete video of the 9/08/22 FinCom meeting please see the following link:

<https://westwoodmediacenter.tv/>