

## Accepted Minutes 10/27/2022

Charter Review Committee Minutes  
Wednesday October 19, 2022 - 7:00 PM  
Jaillet Meeting Room - Westwood Police Station  
588 High Street  
Westwood, MA 02090

### **Welcome:**

### **Call To Order:**

The meeting was called to order at approximately 7:01 pm by Co-Chair Paul Fitzgerald.

### **Present:**

Paul Fitzgerald-Co-Chair, Peter Cahill-Co-Chair, Nancy Hyde and Dottie Powers.  
Ex-Officio Member: Christopher Coleman, Town Administrator & Patrick Ahearn, Town Counsel.  
Lauren Goldberg, Special Counsel, KP Law.  
Jessica Cole recorded the Minutes.

### **Meet/Discuss matters with Elected Officials:**

Marianne LeBlanc Cummings-Select Board

- Interested in the discussion about the size of the Select Board.
- Generally, the Town is running exceedingly well.
- Views on the size: She is curious if Attorney Goldberg has any data.
- Attorney Goldberg said it was common to have 5 Select Board members in towns of similar size to Westwood.
- Ms. Cummings believes a 5-member board helps with representation and diversity and allows for more work to get done efficiently if members can communicate outside public meetings.
- Larger board might help achieve quorum.
- Mr. Cahill: Benefit of the Town to have confidence, when members are speaking policy it is in a public forum, which is a benefit of 3 members.
- Concern with confidence in communication among 3 members.
- Ms. Hyde: 5 members increases the workload for a Town Administrator. Are we staffed up for a 5 member Select Board?
- Factions within the Select Board-2 aligned and there could be tension among the members.
- Open Meeting Law violations-Serial Communications, if we make the change, we would need to take large steps to educate.
- Attorney Goldberg: Remote participation is now codified, it is authorized under law even before COVID. The requirement is that you have a quorum physically present, the person running the meeting is physically present, all votes have to be by roll call and need to be able to hear and be heard.
- 5 year vs. 3 year term should the board be increased to 5 members? Ms. Cummings had not considered it, it is a long term, but not opposed to it.
- 3 members, staggered 3 years, they never run against each other.
- Mr. Coleman mentioned the number of members on various boards/commissions in town. FinCom-15; Planning Board-5; School Committee-5; Assessors-3; Library Trustees-6. Would be helpful for members to talk to the Chair if it is a 5-member Board.

- Mr. Cahill: What is the FinCom commitment? *Recruiting FinCom members the commitment varies, in general very busy in the spring with a lot of reading. The fall is quiet. 15 is a good size, it works and allows for diversity, no reason to reduce the size.*
- Mr. Cahill: Vision of interaction of FinCom with other Boards in Town. Expectation? *All information would be given to us and it was provided. Subcommittees would meet with Department Heads. FinCom needs to know that its role is advisory, it is not a policy making position. It is in the Charter, but may need to be more clear. Role of the Town Administrator and Finance Director to propose the budget.*
- Ms. Hyde: The Charter prohibits FinCom members from serving on other Boards. Spoke about ex-officio members. Thought on that? *Served on working groups, not on boards. Appointed positions. It did happen, and it was helpful to have a FinCom representative.*
- Independence of FinCom is essential.
- The Long Range Financial Planning sub-committee was also on FinCom when Ms. Cummons was chair. They helped put current requests into a longer-term context.
- Ms. Hyde: What do you think about a FinCom member being a petitioner of a warrant article and serving as a voting FinCom member on the warrant article? *It is troubling. The independence of the FinCom is primary, you cannot be independent if you are a petitioner.*
- Attorney Goldberg: At an Open Town meeting a person can vote on anything they want. Under Chapter 268A Section 17 *You are not supposed to represent anyone other than yourself.*
- Attorney Goldberg: There needs to be some clarity and look at separately, there may be other ways to address it.
- Mr. Fitzgerald: Town Meeting, improve the process, what comes to mind? *Minority decision on a FinCom vote. Always ask, who was the 1? Popular question at Town Meeting.*
- Mr. Fitzgerald: Indefinite postponement? *It is confusing to people.*
- Tax Collector/Treasurer, appointed or elected? *They should be appointed, they are so important to the Town's finances. We have been lucky. They need to be filled with qualified professionals.*
- Mr. Fitzgerald: The Municipal Finance Director was created in the Charter last time, in your experience is there anything we need to do? Does it work well? Any suggestions? *No, but having the Collector and Assessor as appointed positions will create more cohesion on the Finance Team going forward.*

Thomas McCusker-Elected, Appointed, Town Counsel-43.47

- Mr. McCusker started out by saying that all has worked out over the years and the Town has been lucky.
- Elected Treasurer and Tax Collector-agree we should not rely on luck, it is a huge corporation.
- 5 member Select Board? *Used to be 3 precincts. Used to be a member from each precinct.*
- A 3 member board is tried and true and efficient.
- With 5 members, the meetings will be much longer.
- Mr. Fitzgerald: Town Meeting: Open or Representative? *Our Town meeting is manageable and best for the town.*
- Not requiring a quorum for town meeting? *He thinks it might be problematic.*
- Ms. Hyde: Quorum to start? We may want to remove the option to doubt the presence of a quorum.
- Mr. Fitzgerald: Whoever shows up is the quorum. *He had not thought of it. It really isn't zero. People will always come to the Town meeting.*
- Ms. Hyde explained that it is not zero, but those present. How is it handled in other communities? *Attorney Goldberg: There is no reference to a quorum, it is not a concept that is*

*of concern. It isn't zero, it is common to have no quorum with the idea that people should be responsible for participation.*

- Mr. McCusker asked, what towns don't have one? *Attorney Goldberg replied: Bellingham, Weston, Wayland, Upton, there are a lot of them.*
- Ms. Cummings: Having a quorum motivates people to come out. How does that skew who is going to Town meeting? We need to have access for people to get there. *Ms. Powers: We are trying to help, and have worked with the National Honor Society at WHS. Educating residents on how Town meetings work.*
- Mr. Fitzgerald: Indefinite Postponement? *It is difficult for the person who wants to see it pass. It has always been problematic.*
- Mr. Ahearn: Is the solution a majority vote? It could help.
- Attorney Goldberg: It is uncommon to have  $\frac{2}{3}$  vote to overturn indefinite postponement, it is usually a majority vote. A majority vote is Take no Action, we are not going to talk about this.
- Mr. Fitzgerald: Town Moderator appointments: Thoughts on an Informal or formal group to identify potential candidates? *The Moderator is an unbiased, informal group, they may already have one now.*
- Ms. Cummings: We need to be better about the diversity of our Boards-life experience, demographics, gender, race, and people need to be vetted as to their understanding of the Charter.

After the election, Mr. Coleman will schedule a meeting with the Department Heads to walk through the Town Charter.

**Public Participation:**

None.

**Review/Discuss the responses to the survey received:**

No new surveys.

**Discuss invitations/schedule for meetings with elected/appointed officials:**

- 10/27: Michael Walsh (7pm), Chris Pfaff & Ellen Larkin Rollings (7:25), Julianne Bride (7:55) in the Champagne Room, 50 Carby Street.
- Virtual Nov 10th @ 6pm: Rob Gotti, Division of Local Services and Molly Kean, Asst. Town Administrator/HR Director.
- School Committee-Mr. Coleman will reach out to School Superintendent Emily Parks.

**Approval of Minutes October 12, 2022 meeting:**

Upon a motion made by Mr. Cahill and seconded by Ms. Hyde, the Charter Review Committee voted in favor (4-0) to accept the minutes from October 12, 2022 as amended.

**Other Business:**

(Continuation of discussion regarding status of Town Treasurer and Tax Collector positions)

- Ms. Hyde wanted to discuss the Town Treasurer/Tax Collector and how we can change it and what the process should be. She is concerned that the town is vulnerable.
- Mr. Coleman had a conversation with Attorney Goldberg about it. The key time frame is that we need to tie it to an annual election.
- Attorney Goldberg: You would have to send the change to the Attorney General at least 90 days before the election. 90 days after the Attorney General gets it that it would go on the ballot, and 64 days before the election.

- Attorney Goldberg: A Special Town Meeting can occur at any time. After the Special Town Meeting it goes to the Attorney General's office. From the day that the AG gets it until the election has to be 90 days and the 64 days is within the 90 days.
- Mr. Cahill: Walk through the timeline if we want to start in April or May. Attorney Goldberg: 2 ways to have the change approved:
  1. Without going to the General Court, have the meeting and give the AG the change at least 90 days before the next election. So if it is done in May it would go on the next year's ballot. You cannot have a Special Election.
  2. Other option, use a special act, that is majority vote at Town Meeting, there is no set time frame, the Town could submit the Act and it could get passed. These types of Special Acts are more likely to get approved when there are not elected incumbents. If done at Town Meeting in the spring, and then submit to the general court it would happen before next year's annual election. And could have terms end and make appointments.
- Ms. Hyde: Can we bring a proposed change of Town Treasurer and Tax Collector becoming appointed positions to the May 2023 Town Meeting?
- Will have an elected Tax Collector and Treasurer at the next Town Meeting if going the Legislative route.
- Attorney Goldberg: The Treasurer and Collector appointments under GL section 41-40 can be for the remainder of the unexpired term rather than just until the next annual election. 41-40 does not say you cannot be appointed for the whole term.
- Attorney Goldberg: Have it on the warrant, let anyone who is going to run for Tax Collector know that they should be advised that there is an article on the upcoming warrant to change this position from elected to appointed, so your term may be cut short.
- Ms. Hyde asked if making the Treasurer and Tax Collector positions appointed will create additional staff positions. Will it be a Staff position? Yes, but it could be attached to another already existing position.
- Attorney Goldberg: So many communities are changing from elected to appointed and combining the Tax Collector and Treasurer position that they actually amended Chapter 41-1b. We cannot do it because we have a Charter that has 2 separate positions.

**Adjourn:**

Upon a motion made by Ms. Hyde and seconded by Mr. Cahill, the Charter Review Committee voted in favor (4-0) to adjourn at 8:57pm.