

Accepted on 10/19/2022

Charter Review Committee Minutes
Wednesday October 12, 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 7:02 pm by Co-Chair Paul Fitzgerald.

Present:

Paul Fitzgerald-Co-Chair, Peter Cahill-Co-Chair, Nancy Hyde, John Loughnane and Dottie Powers.
Ex-Officio Member: Christopher Coleman, Town Administrator & Patrick Ahearn, Town Counsel,
who arrived late.

Lauren Goldberg, Special Counsel, KP Law.

Jessica Cole recorded the Minutes.

Meet/Discuss matters with Elected Officials:

Jim O'Sullivan-Town Moderator

- Mr. O'Sullivan only has issues related to Town Meeting.
- He likes the Open Town meeting
- Even during COVID we had enough members
- Participation seems to be good
- Quorum? Something to think about.

Board Comments:

- Mr. Loughnane: Is there an association of Town Moderators? Yes, Mass Moderators Association and an email chain called Gavel Line. It was great during COVID, he is on the Board of Directors. Have a lot of information and can get statistics from them if interested.
- Mr. Loughnane: What are other Towns doing, any trends from chatter with Towns comparable to Westwood? Representative or Open Town meeting. During COVID, the statute was changed so you could meet remotely for Representative Town meetings, but the technology is not there yet.
- Ms. Hyde: Remote participation at Town Meeting? Flexibility in the Charter. Ms. Powers: It can't happen with Open Meeting. Attorney Goldberg: A lot of activity on this topic, needs to be secure and don't have the technology yet. State will need to authorize. Something to think about to add to the Charter. "Meeting that is allowed by law..."
- Attorney Goldberg will look into language for the Charter.
- Ms. Powers: 1-year term? Selfishly wants it to be a 3-year term, but has concerns.
- Attorney Goldberg: Have people sworn in after the election at Town meetings.
- Attorney Goldberg: Pros and cons to both-Sworn in right away, negatives they have not participated before then.
- How do you mediate a longer term? Attorney Goldberg: Some Towns have a FinCom appointing committee, everyone on FinCom has a 3-year term and other options.
- Mr. O'Sullivan likes the idea of a FinCom appointing committee. However, he still thinks the moderator should be the only one making the final decision.

- Mr. Fitzgerald: Moderator being sworn in right away, how would you have felt if you had to preside over a meeting just days after being sworn in? It was helpful to see the outgoing Town Moderator preside over Town Meeting. Experience of candidates would be a concern if you start right away.
- Mr. Cahill: Are you involved in the planning of Town Meeting? No, Select Board calls the meeting and is responsible for the warrant.
Are you involved in any planning? A little, the Select Board plans the meeting. The Moderator is invited to a meeting with a briefing in advance of Town Meeting. Moderator has control over presentations and has control over what is allowed and not allowed.
- Mr. Fitzgerald: Is there a struggle with finding people to serve on FinCom? Mr. O'Sullivan wants to find the correct people. Looking for the skillset and focusing on diversity as well. Sometimes there are too many people and sometimes not. Ms. Powers is a great resource.
- Attorney Goldberg: If a Town wants a FinCom Appointing Committee, it needs to be created in the Town by a bylaw or a Charter. It is a public discussion.
- Mr. O'Sullivan has asked FinCom if they have suggestions or needs.
- He appoints for FinCom, Personnel Board and Perm Building Committee.
- Ms. Powers: Think about term limits for members of FinCom? People know when to go. Newer members like the knowledge from longer term members. Chair Term limits? Not needed; let FinCom decide.
- Mr. Cahill: What towns have zero quorum? Attorney Goldberg said that many do.
- Mr. O'Sullivan: Consider eliminating calling it Indefinite Postponement. Attorney Goldberg: A lot of towns say Pass Over. Postpone for future consideration.
- Attorney Goldberg: Suggesting move to approve or not to approve.
- Withdrawal is a Town to Town type thing.
- Citizens' petitions seem to be something the committee should think about.
- FinCom is the ways and means committee, makes recommendations.
- Ms. Hyde: How many people should be on Fin Com? I think 15 is a good number, hard to have a diverse FinCom.
- Ms. Powers: Diversity is good, but qualification is also helpful.
- No quorum prevents the possibility of a faction in town leaving Town Meeting and having someone question the presence of a quorum in order to stop an article from being heard. Want to continue doing business.
- Mr. Fitzgerald: Does the 10 p.m. rule cause you any issues? *It works.*
- Ms. Powers recommended looking at the quorum. Some meetings almost had no quorum. Want to reduce the quorum. Unless there is an issue, a lot of people won't show up.
- Mr. Loughnane: If we want to propose changes, we need to back it up and feedback on trends or other towns would be helpful. *Attorney Goldberg: A quorum, if any, set forth by bylaw. There would be more flexibility in the Charter.*
- Consider changing the start time of Town Meeting in the Charter.
- Attorney Goldberg: A suggestion is to start the meeting quorum, but can proceed if attendance drops below 'X' number of people.

Elaine deReyna-Tax Collector

- Ms. deReyna said that the role is beneficial to the Town, the job is to make sure the Town collects the revenue. 2 staff members are good in the role, it is a little archaic, set up as if in the 1990's.
- It does function well, but could function better. Needs better communication.
- Has met with residents to plan how to pay for taxes.
- The Tax Collector role provides for checks and balances, has staff do work, Tax Collector, doesn't need to be an accountant, but needs a finance background.

- The Department needs to communicate better with other departments.
- Need guidelines when action is taken for missed taxes. Set of guidelines would be beneficial.
- 2 staff members report to the Finance Director.
- Overall it is beneficial to set up checks and balances and it is an important role. Just staff members doing it, there might be something that slips through the cracks.
- Someone in the role of Tax Collector needs knowledge of Tax Law & Finance. How do you qualify that?
- Attorney Goldberg: Elected vs appointed-key financial positions in Towns are appointed. DOR recommends it. Tax Collector, Treasurer & Auditor.
- The Appointed person should understand tax law, have a finance background and know how to mitigate sensitive situations.
- Who makes the appointments in other Towns? Attorney Goldberg: A lot are recommended by the Town Administrator to the Select Board and some are just made by the Town Administrator.
- Ms. Powers: We want an efficient Finance Department.

Final Board Comments:

- Likes the concept of Open Town meeting.
- Provision to allow us to do a Remote Town meeting if/when the state legislature grants this.
- Create an appointment, screening committee appointing members to Fin Com.
- The term, possibly a 2-year term for the Town Moderator.
- Appointment for Permanent Building and Personnel Board. Should these be Town Moderator appointments and should there be a Personnel Board?
- Attorney Goldberg: The trend is that Personnel Boards are more advisory policy committees that make recommendations. Some towns have eliminated it, what is the role in Town, but other towns have said there is too much risk with HR issues.
- Indefinite Postponement-Fin Com either Recommends, Yea or Nea, Postpone for Future consideration. This should be looked into.
- Attorney Goldberg will look at wording for Zero quorum.
- Open Town meeting remotely-huge push statewide, can add to Charter to be consistent with the State.
- Elected to Appointed-Attorney Goldberg can look into language for the Treasurer and Tax Collector.
- Attorney Goldberg explained, it is not about the people holding the office, it is about the office itself. Look towards the future. How does the risk get managed?
- Appointed Treasurer and Tax Collector is trending.
- Should a FinCom member who has submitted a warrant article as a petitioner also be allowed to serve as a voting FinCom member for the same article?
- Look at the Charter and Bylaw language on the role of FinCom members and what they are allowed to do.
- Are they legislative or advisory? They are Advisory. Can we make it clear in the Charter?
- Cannot serve on other committees. Attorney Goldberg: Very common to have a provision that prohibits serving on another committee. The Charter can decide about ex-officio.
- Last Charter Review tried to clarify language for FinCom to get the materials that they needed to make its recommendations for Town Meetings.
- Attorney Goldberg will look at the language from the current charter regarding FinCom.
- Mr. Ahearn said that the language created was meant to be neutral.

Review/Discuss the responses to the survey received:

No new surveys.

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

- Molly Kean, Asst. Town Administrator/HR Director.
- Zach Blake at DLS will come and have a meeting with us.
- 10/19-Marianne LeBlanc Cummings, Tom McCusker and Public Input meeting.
- 10/27-Michael Walsh, Chris Pfaff & Ellen Larkin Rollings in the Champagne Room.
- Virtual Nov 10th-6pm-Rob Gotti and Division Local Services-remotely.
- Julianne Bride-invite her to a meeting.

Approval of Minutes September 28, 2022 meeting:

Upon a motion made by Ms. Hyde and seconded by Mr. Loughnane, the Charter Review Committee voted in favor (5-0) to accept the minutes from September 28, 2022 as amended.

Public Participation:

None

Other Business:

Next meeting: Wednesday October 19, 2022 at 7pm in the Jaillet Meeting Room.

Adjourn:

Upon a motion made by Ms. Hyde and seconded by Mr. Loughnane, the Charter Review Committee voted in favor (5-0) to adjourn at 8:55pm.