

Accepted 2/7/2023

Charter Review Committee Minutes
Tuesday November 29, 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 7:00 pm by Co-Chair Paul Fitzgerald.

Present:

Paul Fitzgerald-Co-Chair, Peter Cahill-Co-Chair, Nancy Hyde, John Loughnane and Dottie Powers, Town Clerk.

Ex-Officio Member: Christopher Coleman, Town Administrator & Patrick Ahearn, Town Counsel.

Special Counsel for the Charter Review Committee, Attorney Lauren Goldberg.

Jessica Cole recorded the Minutes.

Meet/Discuss matters with Elected Officials:

Molly Kean-Assistant Town Administrator & HR Director

Ms. Kean was present to specifically talk about the Personnel Board in Westwood.

For the record Ms. Hyde is on the Personnel Board and made sure it was okay for her to participate.

Mr. Ahearn stated that it was.

The Personnel Board was started in Westwood in the early 80s.

The Personnel Board is appointed and has the HR experience and knowledge to make HR decisions for the town.

Having a Personnel Board has worked well, but now the town has a professional HR staff.

Historically, the Personnel Board has set the classification and compensation schedules, reviews job descriptions, places new job descriptions or updates job descriptions on the Compensation Plan, reviews and adopts Personnel policies and very specific Personnel matters.

The Personnel Board was also involved in collective bargaining and the grievance procedure, but they do not do that today.

Today the Personnel Board has three main jobs:

- Reviews policies written by HR and will then adopt the policy.
- Annually they adopt the classification Compensation Plan.
- Reviews job descriptions and puts them on the Classification and Compensation Plan.

Ms. Kean stated that in the current job market it has been difficult to find, recruit and keep talent.

The timeline is becoming a challenge especially when you need to meet in an open body.

A committee member asked if the Personnel Board is a value added voice? *Ms. Kean: When it is not a time constraint, yes, and creating a new job! Timeliness can be challenging.*

Some Towns are trying to eliminate their Personnel Board.

Attorney Goldberg stated that there is definitely a trend of eliminating Personnel Boards. A number of communities have changed it to a Personnel Advisory committee and change the duties and can assist the HR director.

Who checks on the HR director? *Attorney Goldberg stated that there are existing rules/laws in place.*

Have you talked to the Personnel Advisory Board about this? *No. You should now that it is public record.*

Mr. Coleman stated that school districts do not typically have Personnel Boards, rather works with the School Committee and that process has been successful.

If we go to Town Meeting and eliminate the Personnel Board, the jobs that the Personnel Board does will be performed by the HR staff.

Ms. Powers asked Ms. Kean about what her vision was. *Having an Advisory Commission would be helpful with ideas to attract more talent and keep talent.*

Attorney Goldberg stated that the reason you have a Charter is to rearrange. The trend is moving towards having the boards and committees policy making entities and having staff carry out the initiatives.

Currently the Personnel Board members are appointed by the Town Moderator. If we move to an Advisory committee would the members be appointed by the Select Board?

Mr. Coleman stated that he would need to talk to the Personnel Board and the Town Moderator about any changes the town may be making.

Christopher Pfaff-Chair of the Planning Board:

Mr. Pfaff does not see any changes necessary to the Planning Board.

He does see a divide between the Finance & Warrant Commission and the Planning Board.

We had information changes that were made 10 years ago that are impactful and helpful to the Planning Board.

5-member works? *Mr. Pfaff agreed, it does allow for a collaboration of talents and viewpoints, 7 members would be too many and with 3 there would not be enough voices and different perspectives.*

Keep it as an elected board? *Mr. Pfaff: Yes, it helps bring in an outside perspective.*

Attorney Goldberg stated that most Planning Boards are elected.

Misunderstanding by the Finance & Warrant Commission.

Feedback zoning and projects.

Any thoughts on the size of the Finance & Warrant Commission, rotating 3 year terms of 15? *Mr.*

Pfaff: A lot of missed meetings, it is difficult, 11 or 13 may be better.

How about a 5 year term? *Mr. Pfaff: 3 year term works.*

Any Town Meeting better practices? *Mr. Pfaff: The Planning Board has been successful at Town Meeting.*

Discussed lowering the Town quorum, thoughts? We have had trouble reaching the 175 person quorum. *Mr. Pfaff: You did all that work, zoning has to go to 2/3rds. His gut says don't lower it.* Ms. Hyde explained, if we start at a quorum, it will remain a quorum for the rest of the night.

Associate Members? Any thoughts? *Mr. Pfaff: The process is good with the Planning Board, and the current members are extremely knowledgeable with zoning.*

Attorney Goldberg:

Mr. Pfaff believes that every effort should be exhausted to make sure that you have 5 people at a hearing and that is why we have Associate Members.

Attorney Golderg: Has the Town adopted Chapter 39 section 23d? Which is if you cannot attend a hearing you cannot vote. They can miss one hearing. The Charter could indicate a preference, it is preferable that in the absence of a full board that an Associate Member be named for the purpose of the public hearing.

Does the Chair designate the Associate Members to sit in the absence, could you have a majority of the elected members of the board designating? *Attorney Goldberg: Yes, you probably could. Under the Open meeting Law, the Chair Is in charge of everything including the agenda. It would give the Planning Board a more substantial right than any other board.*

The $\frac{4}{5}$ vote for the Planning Board makes it so important because most other boards they are approving things by a majority vote.

Discussion of the role of the Chair.

Attorney Goldberg: Elected as Chair for the year and it doesn't say there can be a reorganization then the Chair cannot be removed.

Ms. Powers read from the Town's bylaws: Organization of the Elected Boards: All elected boards of the Town shall organize after the Town election and shall notify the Town Clerk in writing within 30 days after said election of their selection of the Chair and clerk for the ensuing year subject to provisions of the Town Charter.

Mr. Fitzgerald wanted to make a note of this for the Bylaw Review.

Philip N. Shapiro-Town Treasurer

The Town has been very fortunate.

Can't think of any problems due to the structure.

Mr. Shapiro stated that it would make a lot of sense, Kathy Foley is very capable, no reason why the Town Treasurer can't be done by a professional staff.

Argument about electing the treasurer? *We vote for the Select Board and the Select Board will appoint the Treasurer.*

The Treasurer needs to be bonded.

Attorney Goldberg stated that it is not about who the people are, it's about what the job is.

Thoughts on combining the Tax Collector and Treasurer? *There may be efficiency there, but not a lot. It's not easy to find people now. Attorney Goldberg: State Law allows for it now.*

Do we need to prescribe that Tax Collector/Treasurer become combined? *Attorney Goldberg said that we can write it so it can be either. The job functions are broken down differently. The positions may be combined. We want flexibility.*

Mr. Shapiro was concerned that there should be checks and balances. *Attorney Goldberg stated that there are checks and balances. It is written into state law.*

15 members of the Finance & Warrant Commission? Nothing magical about 15 members.

Can it be up to? *Attorney Goldberg stated that it would need to be decided and announced annually. It cannot change midyear.*

4 or 5 subcommittees: Each committee has 2-3 people on it.

Update from Department Heads:

Will be discussed at the next meeting.

Discuss recommendations to the Select Board for the May 2023 Town Meeting:

Appointed Treasurer/Tax Collector.

Can write a special act. Always controversial.

Under 41-1b:

Attorney Goldberg stated that there are 2 ways to do it:

Town meeting by $\frac{2}{3}$ vote onto the ballot.

Special Act-can specify a date. Signed by the Governor

Not sure one is quicker than the other.

Attorney Goldberg recommended handing out a memo with nomination papers: *This will be on the Town Warrant it is possible the position may become appointed.*

Ms. Powers stated that Nomination papers will be available on January 10, 2023.

The Charter Review Committee agreed that the Tax Collector/Treasurer being appointed is the only change they want to recommend to the Select Board for the May 2023 Town Meeting. The committee will then continue with the Charter Review for Fall Town meeting 2023 or May 2024 Town Meeting.

All Committee members support a meeting with the Select Board.

The Committee will draft a recommendation in advance of the December 19, 2022 Select Board and provide a copy of the recommendation to the Tax Collector and Treasurer.

Attorney Goldberg will put together a memo for the Select Board.

Mr. Cahill will generate a PowerPoint presentation and will share it with Attorney Goldberg, Mr. Coleman and Mr. Ahearn.

The Charter Review Committee will meet on Monday December 12, 2022 at 9am via zoom to prepare for the Select Board meeting on December 19th where the Committee will present their recommendation.

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

None.

Public Participation:

None.

Approval of Minutes November 10, 2022 meeting:

Upon a motion made by Mr. Loughnane and seconded by Ms. Powers, the Charter Review Committee voted in favor (5-0) to accept the minutes from November 10, 2022 as amended.

Other Business that the Chair did not anticipate:

None.

Adjourn:

Upon a motion made by Ms. Hyde and seconded by Ms. Powers, the Charter Review Committee voted in favor (5-0) to adjourn at 9:25pm.