

Minutes Accepted 9/26/2023

Charter Review Committee Minutes
Thursday June 15, 2023 -6:00pm
Via Zoom Remote Participation
Westwood, MA 02090

Pursuant to Chapter 2 of the Acts of 2023, On March 29, 2023, Governor Maura Healey signed into law, an Act Extending pandemic-related authorizations related to public meetings, allowing remote meeting options for public bodies through March 31, 2025. The June 15, 2023 Charter Review Committee meeting was conducted via remote participation.

Call to Order

The Charter Review Committee meeting was called to order at 6:12pm by Chair Paul Fitzgerald.

Present via Remote Participation

Paul Fitzgerald-Co-Chair, Nancy Hyde, John Loughnane and Dottie Powers.
Ex-Officio Member: Patrick Ahearn, Town Counsel.
Lauren Goldberg, Special Counsel.
Jessica Cole recorded the Minutes.

Continue discussion of Chapters 6, 7 & 8

Chapter 6 - Town Administrator

All set.

Chapter 7-Boards and Commissions Appointed by Moderator

All set.

Chapter 8-Departments

Section 1

Finance Department

8-1-1

Created during the last Charter Review.

No issues need to be addressed.

A Placeholder was suggested to find out if it is covered by the Home Rule Petition.

Promotion reclassification.

Ask Attorney Goldberg to see who makes the appointment.

Mr. Ahearn will follow up with Attorney Goldberg.

8-1-2

Ask Mr. Coleman about the name in the Charter: Finance Director/Assistant Town Administrator.

8-1-3

Looks good.

8-1-4

Works well.

Appointment of the Treasurer and Tax Collector and how we want to raise that.

Section 2

Other Departments

8-2-1

All set

8-2-2

All set

8-2-3

Police-

Consultation with the Select Board

The Select Board delivers the budget for approval at Town Meeting.

Good with Chapter 8.

Why is Section 2 so short? *The Municipal Finance Department, Section 1, was not established by State Law. It was created at the last review and it was built into the Charter. Fire and Police involves state law.*

We may want to add why there are not more specifics, we may want to address it to the Town.

Discuss Town Charter Chapters 9, 10 and additional chapters if time allows

Chapter 9-Financial Procedures

Section 1

Fiscal Year

All set.

9-2-1

Where is it, in the bylaws, only serving 2 terms in the Audit Committee.

Not in the Charter or By-laws.

We may want to look at term limits.

Some committees have term limits.

It works.

9-3-1

Should it include the school department?

The budget referenced is the total budget.

9-4-6

Placeholder and ask Attorney Goldberg. Any benefit to reference to be inclusive of the School Department at any point in this section.

It is a bottom line budget.

9-4-1

The School follows it, they do it by the end of January.

This section works well.

9-4-5

Edit? Ask Attorney Goldberg.

At least 1....meetings or meeting or hearing.

9-4-7

Provide flexibility when needed.

There is a process to adopt a by-law.

Consider adding to this section:

Town meeting may, by town by-law(propose pursuant to Chapter 10). Reference this section to incorporate that there is a process. Ms. Powers can look back and see if there is information why this was added.

Chapter 10-Town By-Laws

Section 1

How Proposed

Section 2

How Adopted and Revised

Two-thirds fix the space.

Mr. Ahearn suggested adding a statement here. The MBTA Community Zoning by-law was passed by a simple majority.

Add to the end: Or as otherwise provided under General law.

Section 3

Revision and Publication

10-3-1

Maybe write as needed.

Upon review

There is no practice every 5 years.

Placeholder to ask Attorney Goldberg.

Section 4

Continuation of Town By-Laws

All set.

Chapter 11-Severability

Section 1

All set.

Chapter 12-Charter Revision

All set.

The Chair gave a summary of what we still need to discuss.

- Size of the Select Board
- Talk to the Town Moderator
 - Finance & Warrant Commission: 9, 11 or 15 members.
 - The Personnel Board
 - Permanent Building Commission.
- Town Clerk-Elected Town Boards and Officers. Section 7.
- Propose to let Attorney Goldberg do some drafting.
- The Charter Review Committee should reach out to Mr. Fitzgerald or Mr. Cahill at the end of July to go over what Attorney Goldberg has proposed.
- Mr. Coleman needs to speak to the Select Board.
- Policy questions.
- Bring the Finance & Warrant Commission up to speed.

Attorney Goldberg joined the meeting.

Questions for Attorney Goldberg:

Chapter 8:

- The position of Tax Collector and Treasurer, we need to codify in the Charter that they report to the Municipal Finance Director.
- Who is the hiring authority for the Tax Collector and Treasurer? *Attorney Goldberg: Definitely the Town Administrator, they can always delegate.*

Chapter 9:

9.4.3

- Operating Budget, can 'school' be added? *Attorney Goldberg stated that it was discussed about 10 years ago, if we are concerned, we can add it, the Town is the Town.*

9-4-6

- Select Board-School is a line item, there is usually almost no questions about the school budget. It may not be necessary to add school.

9-4-1

- The Town Administrator the operating budget-Attorney Goldberg: What this section was trying to say it is for the whole town. The Superintendent is a Department Head. We could say it more directly. Clarity makes sense. Attorney Goldberg suggested leaving it as is.
- Attorney Goldberg: Submission of all departmental budgets, including without limitation the School Department.

9-4-5

- Change meeting to *hearing*.

9-4-7

- Attorney Goldberg: Do not need to add duly adopted in Chapter 10.

10-2-1

- Attorney Goldberg: Add except as mandated by State Law.

10-3-1

- It does not happen every 5 years. Change to: *that they are reviewed periodically*.

10-3 2

- The Town Clerk shall periodically codify and republish the Town by-laws.

Attorney Goldberg will make changes and will circulate a redlined version of the Charter and send it out in July.

Discuss and vote on future meeting dates

No dates discussed.

Approval of Minutes: May 4, 2023 & May 18, 2023

Upon a motion made by Ms. Hyde and seconded by Mr. Loughnane, the Charter Review Committee voted in favor (3-0-1) to accept the minutes from May 4, 2023 as presented.

Roll Call Vote:

Mr. Fitzgerald-Abstain
Ms. Hyde-Yes
Mr. Loughnane-Yes
Ms. Powers-Yes

Upon a motion made by Ms. Hyde and seconded by Ms. Powers, the Charter Review Committee voted in favor (3-0-1) to accept the minutes from May 18, 2023 as amended.

Roll Call Vote:

Mr. Fitzgerald-Yes
Ms. Hyde-Yes
Mr. Loughnane-Abstain
Ms. Powers-Yes

Public Participation

None.

Other Business not anticipated by the Chair

None.

Adjourn

Upon a motion made by Ms. Hyde and seconded by Mr. Loughnane, the Charter Review Committee voted in favor (4-0) to adjourn at 7:20pm

Roll Call Vote:

Mr. Fitzgerald
Ms. Hyde
Mr. Loughnane
Ms. Powers