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By:Westwood Town Clerk

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Charter Review Committee Minutes
(Charter Review Committee Attendance at Select Board Meeting)
Monday December 4, 2023
6:00 pm
Via Zoom Remote Participation
Westwood, MA 02090

Call To Order

The meeting was called to order at approximately 6:35pm by Co-Chair Paul Fitzgerald and did a roll call vote.

Present via Remote Participation

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

Ex-Officio Member: Patrick Ahearn, Town Counsel and Christopher Coleman, Town Administrator. Attorney Lauren Goldberg, Special Town Counsel.

Jessica Cole recorded the Minutes.

Mr. Fitzgerald was present to discuss the the Charter Review Committee's finalized draft recommendations and the next steps for articles at the Spring Town Meeting. Mr. Fitzgerald had a PowerPoint Presentation and Summary Chart with the Charter Review Committee's recommendations.

Board Comments:

- Mr. Gotti-clarified-the position of Town Clerk would remain elected. Co-Chair Fitzgerald stated that currently the position is an appointed position. It would not change the status under the current legislation that granted Clerk Powers the appointed position. When she finishes her term of service, it would go back to an elected position. The Charter Review is recommending that it remain an appointed position.

Substantive Articles

Mr. Fitzgerald went into detail.

Section 2-8-1 Quorum

Update the article to only require quorum at the commencement of Town Meeting. The quorum number will be established by bylaw and not within the Charter. The Charter Review Committee suggests that when the Charter Review is finished that the Town should have a Bylaw Review.

Section 4-2-1 Elected Officers

Town Treasurer and Tax Collector. No change to Town Clerk in this Charter.

Section 7-3-1 Finance and Warrant Commission

Allow for 9-15 appointed members at the discretion of the Town Moderator. It provides for flexibility.

Section 7-4-1/7-4-2 Personnel Board
Change to Personnel Advisory Board.

Section 7-5-1/7-5-2/7-5-4 Permanent Building Commission
Requires a school committee member to be included on any school project. And allows the PBC to decline jurisdiction for smaller projects.

Technical Articles

Designed to make the charter clearer and easier to follow.

Housekeeping Articles

Edits and typos.

Housing Authority

Make the language as simple as possible and codify it in the Charter.

“There shall be a Housing Authority of 5 members elected and appointed as provided by law.” This could be technical, but we wanted to allow for full vetting and discussion.

We have made all our meetings public and have invited many members of Boards in Town.

Mr. Fitzgerald had a Summary Chart that was shared on the screen.

Ms. LeBlanc Cummings said that no voting would happen tonight.

Quorum Comments:

- Ms. LeBlanc Cummings was curious about what was happening in other Towns. *Attorney Goldberg: In her opinion it is consistent with other towns in MA. It is a compromise because it still requires a quorum to start the meeting and allows the meeting to continue its business*
- Mr. Gotti: Meeting since March 2022, and have had many people in Town to talk to the Charter. *Mr. Fitzgerald: There was a survey sent out to all Board and Departments in Town. And then had a process of having people come in to discuss parts of the Charter as well as their Board/Committee.*
- Mr. Gotti: Quorum: Recommending greater flexibility? *Mr. Fitzgerald: We don't believe the number of a quorum is appropriate for the Charter, we believe that it is something that the Town and other towns do via bylaw. The bylaw would have the specific number that is needed to commence the Town Meeting. It also allows us to revisit it on an annual basis if necessary.*

Town Clerk Comments:

- Mr. Gotti: Did this follow the same recommendation from the state about the Town Treasurer and Tax Collector? *The Town Clerk has become a vitally important position in the Town, particularly as it relates to elections. The Town should have someone who is trained, certified and up to date on the changes in technology.*

The Fin Com Article

- Ms. LeBlanc Cummings stated that it can be a struggle, when people miss meetings, even with 15, you may not have 15 in attendance. Could get you down to 6 members attending a meeting. She is concerned with the number 9, she is more comfortable with keeping it at 15. *Mr. Cahill: 15 is on the upper end, trying to balance the input that allows up to 15 with diversity. It can be difficult for the Moderator too. Ms. Hyde: The most dedicated will show up, we don't want to change the number, but it allows for flexibility.*

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- Ms. LeBlanc Cummings: Consider upping the lower number? *Ms. Hyde: Trying to see what works best for the Town.*
- The lower number should be a higher number, uncomfortable with 9.
- Naturally cycling 5 per year, does that become a challenge to fill the vacancies? Is that a factor on why you are recommending the range? *Mr. Fitzgerald: The Moderator has less than 15 days to place new FinCom members. Looking for flexibility.*
- The ability to have FinCom members serve as ExOfficio members on other Boards and Committees. It would be helpful, and 2 members of the Select Board support it as a change.
- In the 1990's if on FinCom, you couldn't run for election. FinCom not being on other Boards may have brought it. If they want to run for office they need to leave Fin Com.

Personnel Board Article Comments:

- We have professionalized that Department over the past several years.

Permanent Building Committee Article Comments:

None.

Public Comments:

- Ms. Fusco-20 Pine Lane typed in chat. There is interest in expanding the select board to five members instead of three. Could this idea move forward? In the Charter Review Committee minutes it said it would be more work for town staff and that should not be a factor. Given that the town has grown and many other communities have five select board members, this seems to be a normal progression. *Mr. Fitzgerald stated that Public meeting and Open Law meeting challenges can engage in discussions. The Charter Review did not see a need to move it to 5 from 3 members. Mr. Cahill: The number of towns that have 5 and 3 in MA are similar. It is unlike the Tax Collector and Town Treasurer.*

Select Board Comments:

- It was a well organized and clear presentation.
- 6.2.1- How long ago was the \$100,000 threshold set? *Mr. Fitzgerald: It has been there for a while and it is long overdue.*

Adjournment

Upon a motion made by Ms. Hyde and seconded by Ms. Powers, the Charter Review Committee voted in favor (5-0) to adjourn at 7:35pm.

Roll Call Vote:

Paul Fitzgerald-Yes

Peter Cahill-Yes

Nancy Hyde-Yes

John Loughnane-Yes

Dottie Powers-Yes