

**Accepted as amended with screen shot 3/13/2024**

**Charter Review Committee Minutes**  
**Tuesday February 20, 2024**  
**7:00 PM**  
**Via 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 February 20, 2024, the Charter Review Committee meeting was conducted via remote participation.

**Call To Order:**

The meeting was called to order at approximately 7:02pm by Co-Chair Paul Fitzgerald.  
All attendees participated remotely, and the meeting was recorded.

**Present via Remote Participation:**

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

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

Lauren Goldberg, Special Counsel.

Jessica Cole who recorded the Minutes.

Mr. Fitzgerald explained what the Charter Review Committee is doing, what they are proposing and recommending. The intent will open it up to the public as it is every meeting we have had.

**Discuss the Purpose Behind a Charter Review.**

Mr. Fitzgerald shared with the community and committee some of the slides that we have put together. The Charter Review happens every 10 years. The Committee is behind because of the pandemic and have been meeting monthly since March 2022.

**Summary of the Process taken by the Charter Review Committee.**

The first part of the Charter Review Committee happened at the 2022 Town meeting. It is still before the Massachusetts legislature. Mr. Ahearn stated that the Select Board was asked for specific language and it has been sent back to the State.

Mr. Fitzgerald continued that in December the Charter Review Committee presented their Draft Articles to the Select Board, and in January they presented them to the Finance & Warrant Commission.

Preparing to meet with the Select Board on Monday and Fin Com on Tuesday.

Ms. Hyde added that we interviewed elected, past elected and Town Staff and we looked through the Town Charter; it was an integral part of the process. We spoke to just about every Board in Town.

**Presentation of recommended Charter Amendments/Questions.**

**Quorum**

1st Article-Select Board Article #5

**Elected Officers**

2nd Article-Select Board Article #6-change

Change Town Clerk from Elected to Appointed. The Committee discussed in detail what the Town Clerk's position entails.

- Ms. Powers stated that there are over 270 duties of the Town Clerk.
- Mr. Loughnane: When reviewing the Charter we did not view it as a commentary, the purpose is to focus on the workings of the document and need a good structure in place. WE were aided by special counsel who let us know what other towns in the state are doing.
- Mr. Fitzgerald: Dire consequences to Towns. Elections and Town Meeting especially.

- Mr. Ahearn added that elections have changed, they are far more complex.
- Ms. Powers: We are looking long term, not the person, but the position.

#### **Finance & Warrant Commission**

3rd Article-Select Board Article #7:

Discussed the flexibility of 11-15 appointed members, and allowing members to be appointed as ex-Officio members of other boards/committees.

#### **Personnel Board**

4th Article-Select Board Article #8

Change the name to Personnel Advisory Board.

#### **Permanent Building Commission**

5th Article: Select Board Article #9

Adds flexibility to the make-up of the Permanent Building Commission.

Requires a School Committee member be included on any school project which is consistent with State Law.

Allows PBC to decline jurisdiction for smaller projects.

#### **Technical Articles**

6th Article-Select Board Article #10

Paul explained it...

The Charter will be included in the Warrant book for Town Meeting.

#### **Housekeeping Articles**

7th Article: Select Board Article #11

Proposed edits, typos, reformatting,

#### **Housing Authority**

8th Article-Select Board Article #12

Attorney Goldberg will help update the slide for our next meetings.

#### **Review and Discuss Charter Updates**

- FinCom is concerned that the article will cause difficulties and believes that it should have 15 members. 15 members would be most conducive. Seriously consider the feedback.
- Mr. Ahearn had a conversation today too, 15 is the goal, but if the Moderator lets it fall below 15 he will have flexibility.
- Mr. Hertz wanted to comment: Legitimate reasons why to drop below 15, most of the time the Commission is close to or at 15. A 15 member group gives broad diversity and opinion. They have a complex committee structure. Spoke with Mr. Ahearn, can we add language if we drop below 15? We can operate with less than 15 members, but more members is a benefit to the town.
- Jim O'Sullivan, Town Moderator. He stated that he would be reluctant to appoint someone to Fin Com late in the budgetary process. And have the Commission be allowed to operate with less than 15. Mr. Hertz was in agreement.
- Attorney Goldberg: Nothing prohibits the commission from operating with fewer than 15 members. the quorum does not change. 7 vacancies would still need 8 members for quorum. Come up with a workable schedule that we could turn into Charter language.
- Mr. Hertz would like to leave it at the discretion of the Moderator.
- Ms. Hyde: It is already challenging appointing the positions in Town. We aspire to 15.
- Mr. Loughnane: We spent a lot of time discussing this topic, we are still listening and we have already made some changes to this proposal.
- Mr. Cahill: The 11-15 member is more protective and flexible.
- Mr. O'Sullivan: How is the quorum affected? Attorney Goldberg: The committee did include language that would alter the quorum based on the number of members then in office.
- Ms. Powers: There are a lot of times that we can't find residents to fill the seats. Did a survey with the local communities and most were 9 members.

- Mr. Ahearn: Wants language that if we are under 15 we are okay.
- The Charter Review Committee will attend the Select Board meeting on Monday-adjust the ask and let the Select Board know. Ultimately it is the Select Board's article.
- Mr. Ahearn: Needs to develop language that can be decided at the Select Board meeting.
- There will be 2 public meetings in front of the Finance & Warrant Commission. What the Committee proposes will be good for the Town.

**Discuss and vote on future meeting dates.**

Attend the Select Board meeting on Monday February 26, 2024 @ 6pm via Zoom.

Finance & Warrant Commission-Tuesday February 27, 2024 @ 7pm @ the Main Library in the Community Room.

Finance & Warrant Commission-March 26, 2024

**Approval of Minutes: January 3, 2024, January 8, 2024 & January 16, 2024**

Upon a motion made by Ms. Hyde and seconded by Mr. Loughnane, the Charter Review Committee voted in favor (5-0) via roll call vote to accept the minutes from January 3, 2024 as presented.

**Roll Call Vote:**

Paul Fitzgerald-Yes

Peter Cahil-Yes

Nancy Hyde-Yes

John Loughnane-Yes

Dottie Powers-Yes

Upon a motion made by Ms. Hyde and seconded by Mr. Loughnane, the Charter Review Committee voted in favor (5-0) via roll call vote to accept the minutes from January 8, 2024 as presented.

**Roll Call Vote:**

Paul Fitzgerald-Yes

Peter Cahil-Yes

Nancy Hyde-Yes

John Loughnane-Yes

Dottie Powers-Yes

Upon a motion made by Ms. Hyde and seconded by Mr. Loughnane, the Charter Review Committee voted in favor (4-0-1) via roll call vote to accept the minutes from January 16, 2024 as presented.

**Roll Call Vote:**

Paul Fitzgerald-Yes

Peter Cahil-Abstain

Nancy Hyde-Yes

John Loughnane-Yes

Dottie Powers-Yes

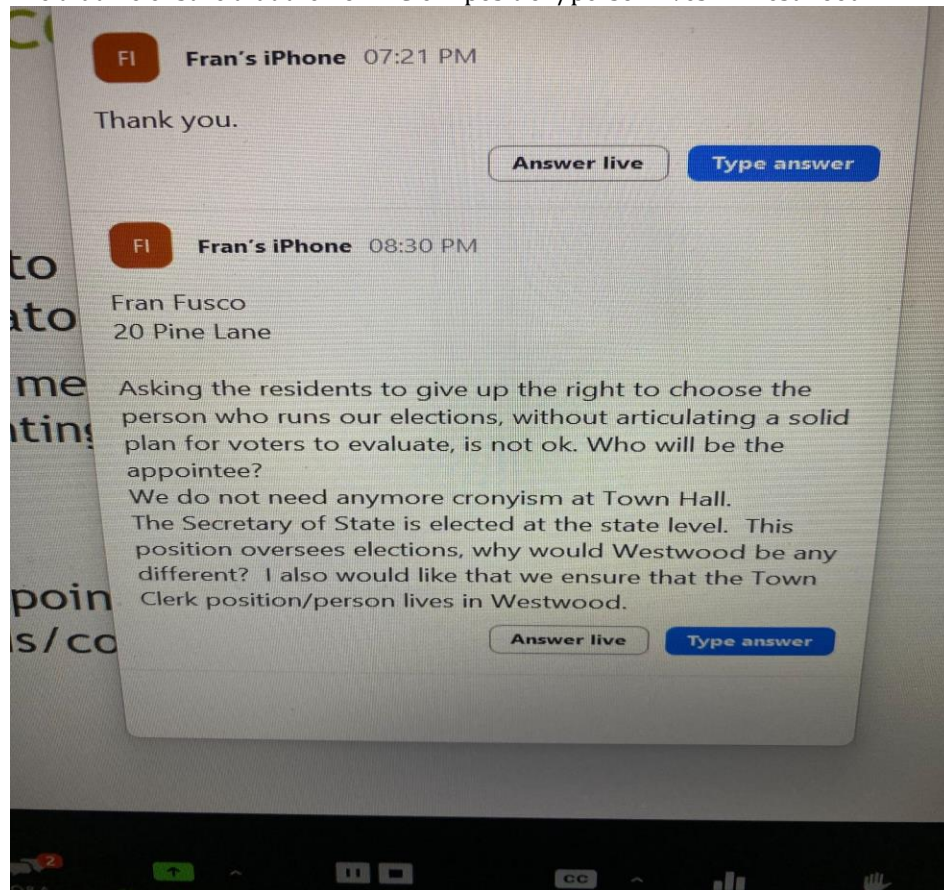
**Public Participation**

F. Fusco, 20 Pine Lane typed in chat and Ms. Hyde summarized the question: *Who will be the appointing authority for the person who runs our elections? The Town Clerk runs the elections. Who will be the appointing authority? and the comparison is made that at the State level, the Secretary of State is elected. We have made a large case for why the Committee is suggesting that the Town Clerk become an appointed position which is the equivalent of hiring the person versus elected. We think that it will be the Town Administrator, but that is something that we want to take up with the Select Board, it is the Select Board's article. We are still in discussion with the Select Board.*

In response to an Open Meeting Law complaint by Ms. Fran Fusco, 20 Pine Lane she would like the minutes to reflect her complete statements offered in chat that night.

F. Fusco, 20 Pine Lane, typed in chat: Asking the residents to give up the right to choose the person who runs our elections, without articulating a solid plan for voters to evaluate, is not OK. Who will be the appointee? We do not need anymore cronyism at Town Hall. The Secretary of State is elected at the state level. This position oversees elections. Why would Westwood be any different? I also would

like that we ensure that the Town Clerk position/person lives in Westwood.



#### Other Business not anticipated by the Chair

- Jim O'Sullivan, Town Moderator was present to ask the Committee to look at Chapter 12 and consider some changes. Section 3.1 of Chapter 12. There is no requirement that the Charter should be every 10 years. It is healthy and should be mandatory. This section should require a report. The Moderator should be involved in appointing at least some of the members of the Charter Review Committee.
- Mr. Fitzgerald stated that the Charter Review Committee will be submitting a report to the Select Board and to advise the Select Board to follow up with a Bylaw Review Committee.
- Attorney Goldberg: 12.2.1: Must happen at least once. It could be stated more directly.
- Attorney Goldberg: 12.2.1: A Committee and a review must happen at least once within 10 years after the previous review. The Committee has to make a recommendation to a subsequent Town Meeting to replace, revise or amend. Nothing prohibits the Committee from seeking a petitioned article.
- Mr. O'Sullivan: The Select Board did not confer with the Moderator for the Charter Commission appointments.
- Ms. Hyde: The Committee Voted in December not to take up any new issues. Could we include the Moderator's comments in our report to the Select Board.
- Any changes need to be considered by the Select Board and the Charter Review can raise it to the Select Board.
- Mr. Loughnane: There were a number of areas that we looked at that really need attention now. Will make the Town more efficient. We had to prioritize.

- Attorney Goldberg: It does not prohibit the appointment of a Charter Review Committee at any time it is saying that it has to happen at least once. Every 10 years. There is nothing that would prohibit the Select Board from appointing a Charter Review Committee at its convenience.
- The Committee thanked the Town Moderator for bringing the perspective to the Charter Review Committee.

**Adjournment**

Upon a motion made by Ms. Hyde and seconded by Mr. Loughnane, the Charter Review Committee voted in favor (5-0) via roll call vote to adjourn at 9:02 pm.

**Roll Call Vote:**

Paul Fitzgerald-Yes

Peter Cahil-Yes

Nancy Hyde-Yes

John Loughnane-Yes

Dottie Powers-Yes