

Members Present: Gary Wells, Chair, Lisa Blazejewski, Ed Behn, Peter Allen, Tara Howard, Beth Blumberg, Hank Rauch, Jim Tepper. Absent: Sharon Kaiser.

At 7:00 p.m. Mr. Wells called the meeting to order in Room 23 of the Forbes Municipal Building.

Open Forum

There were no requests to address the Committee.

Chairman Opening Comments

Mr. Wells informed the Committee that he invited Bob Deysher, Chairman of the Charter Review Committee, to tonight's Advisory Finance Committee meeting so he could explain where they have come from, where they are now, and where they hope to go from here in the Charter review process. Mr. Wells felt it was important that the AFC understand the overall educational process. Mr. Wells mentioned Mr. Malloy's comprehensive diagram containing the Town's Organizational Chart that was emailed to Committee members. The chart makes it easier to visualize how various sections, duties, and responsibilities interact. Mr. Wells pointed out that there have been many opinions and thoughts given on how the Charter can be changed, amended, or left as is.

Bob Deysher – Chairman, Charter Review Committee – Comments, Charter Review Process

Mr. Deysher, Chairman of the Charter Review Committee, provided a brief history on how the group was assembled. He explained that at the end of 2013, the Board of Selectmen created the Committee of seven people, which is a combination of four boards (George Barrette - Selectmen, Brian Bush - Planning Board, Steve Doret - School Committee, and Lisa Blazejewski - Advisory Finance), along with three town residents (Bob Deysher – Chair, Michael Wilsker – Vice Chair, and Bill Linnane). Their first order of business was to determine what's in scope and what's out of scope, and they created a list of what should be discussed. After creating the list, they put it aside and have been listening to individuals, obtaining input from other Boards, and getting some legal guidance and housing expertise from sources external to the Town. They have seen suggestions from "do nothing" to "change everything" regarding the current Charter. Mr. Deysher informed AFC members that the Charter Review Committee has not made any recommendations to date. Mr. Deysher pointed out that they will be meeting Thursday evening and AFC members could provide input at that time. Ms. Blazejewski mentioned that the process provides everyone with an equal opportunity for participating. After Thursday's meeting, Mr. Deysher said that the Charter Review Committee will determine their focus areas moving forward and establish an agenda. Then their next step will be to provide a report to the Board of Selectmen (BOS) in December on where they are at in the Charter Review process. Mr. Deysher pointed out that they are aware the Annual Town Meeting (ATM) is in March, but the Charter Review isn't "date" or "calendar" driven, and they would rather take their time and weigh the consequences and know the implications of any changes. Mr. Wells said that when the time comes for modifications to the Charter that the AFC would like to be able to recommend - or not recommend - why they agree or disagree with the proposed changes. Mr. Deysher said that their expectation is that the Charter Review Committee will present their official recommendation which will trigger open forums. Mr. Deysher mentioned that there won't be any changes to the Charter unless the BOS agrees, and then the change will be in the form of an article in the warrant. Mr. Behn asked when the Charter Review Committee would have their final recommendation to the BOS, and Mr. Deysher thought they should have a progress report to the BOS by Thursday, 12/4, prior to the BOS meeting on 12/9. Mr. Deysher noted that the Charter Review Committee would just be providing the BOS with a progress report - not a final recommendation. Mr. Behn asked when the final recommendation would be given and Mr. Deysher said he didn't know and that it depended on the length of discussion regarding the proposed changes, but he thought something simple could come about in the first quarter of 2015. Mr. Deysher mentioned that recommendations may come out in pieces or themes, but he will not hold

back if there's something he can recommend a change on. Mr. Behn pointed out that certain recommendations may hinge on other recommendations. Ms. Blazejewski agreed and said that in her experience certain parts of the Charter are connected while other parts are more free standing. Ms. Blumberg asked how often the Charter Review Committee was meeting and Mr. Deysher said that meetings are the first and third Thursday of each month – though they may change the frequency of their meetings as issues come up. Ms. Blumberg asked why the Charter Review commenced now and Mr. Deysher didn't want to speak for the BOS so Town Manager, Jim Malloy provided a reply. Mr. Malloy referred to his memo to the Charter Review Committee and said that the Selectmen's mission statement was "to improve the Town's organizational structure to provide improved accountability (and) appropriate authority for day to day management through a Town Manager to allow Boards and Committees to focus on policy setting, statutory planning, and regulatory responsibilities while maintaining the current form of government". Mr. Malloy mentioned that the BOS initiated the Charter review process since the current form of government cannot be changed without changing the Charter first. The process would be that the Charter Review Committee would recommend changes, bring those changes before the BOS, and then the changes would be voted on at Town Meeting. Mr. Deysher said that the process could take 5, 10, or 15 years. Mr. Wells thought that the Charter Review Committee could recommend a 5 year cycle (for example) and let government stay as is for 5 years. Ms. Blumberg asked how long the current Charter Review Committee would be together and Mr. Deysher hoped they'd be done by the fall of 2015 for STM. The BOS will decide what goes on the warrant and voters will decide any changes to the Charter at Town Meeting.

Jim Malloy – Town Manager – Presentation of Charter Review for the AFC

Mr. Malloy handed out copies of his memo to AFC members that he had sent to the Charter Review Committee. He said he has attended the Charter Review meetings and listened to what people have had to say. He noted weaknesses in the Charter and marked up a clean copy of the Charter with his proposed changes which Mr. Wells emailed to AFC members. Mr. Malloy reviewed his proposed changes to the Charter with the AFC. In Article 1 of the Charter, Mr. Malloy is suggesting only one change under Section 1-3 regarding clarifying the wording for the intent of the Charter. In Article 2, Section 2-3, Mr. Malloy would like this section to be pluralized to reflect two Town Meetings, and he would also like the date of the Special Town Meeting changed from the third Monday in October to a date determined by the BOS to adjust for any conflicts. The date of the STM would be decided on in July to give voters notice. Mr. Malloy also had some changes to Section 2-7 regarding legislative powers, and Section 2-8 concerning submission of articles for the Annual Town Meeting; along with clearing up some redundancy between the Town's Charter and State laws. In Article 3, Mr. Malloy is recommending that the Town Clerk be appointed by the Town Manager rather than an elected official. Mr. Allen asked if there was a pre-dominance among other towns between having the Town Clerk elected or appointed and Mr. Malloy said it is even. Mr. Malloy said the thinking was that an elected official would oversee elections and cut down on corruption, however, the position of Town Clerk requires someone who has an understanding of regulatory laws. Additionally in Sections 3-1 and 3-5, Mr. Malloy is removing wording related to the Housing Authority since it was suggested that Housing Authority rules and regulations do not need to be addressed in the Charter. In Section 3-2, Mr. Malloy added Town Manager under certain powers and duties, along with proposing that the BOS appoint members to Boards, Committees, and Commissions. Mr. Malloy would like the Town Counsel position appointed by the Town Manager, and he would like to dissolve the Personnel Board since most labor issues are now handled by the Assistant Town Manager. Mr. Malloy suggested including in Section 3-2(e) that the BOS may investigate, or authorize the Town Manager to investigate, any Department or Department Head. In Section 3-4(b). Mr. Malloy wants to eliminate the sentence indicating that School Committee members serve without a salary since it is understood. In Section 3-6 and 3-9(c), Mr. Malloy is suggesting that the Town Planner and Library Director are appointed by the Town Manager for two reasons. The first reason is so that the professional staff has a buffer between themselves and elected bodies, and the second reason is so that full-time supervision and administrative oversight can be provided. Mr. Malloy provided the example of the Recreation Committee. The BOS appoints the Recreation Director subject to the Town Manager's authorization, but the Town Manager has no say in who is appointed as the Board of Health Director. Mr. Malloy pointed out that these rules are inconsistent and that there are labor laws that need to be followed for municipal employees. Mr. Malloy said that department heads are able to take disciplinary actions under municipal labor laws, but procedures would be

different if they report to a board or committee due to different laws that need to be followed. Mr. Malloy mentioned that he would rather have an employee appointed by him as a department head - with employees reporting to that department head and not to a Board or Commission. Mr. Allen asked what the Library's opinion on this change was and Mr. Malloy said they were opposed. He said that the Planning Board hasn't weighed in yet on their opinion. Ms. Blumberg brought up her concern that the Board members may have more knowledge on what's needed in a department head than the Town Manager since they have more specialized knowledge. Mr. Malloy said that he attends a lot of these meetings and has a good understanding of what is going on in the Town. Mr. Malloy proposed changes to Article 4 regarding the residency requirement and thought we may want to waive that requirement if the top candidate interviewing for a Town job doesn't want to move their children out of their current school system. Mr. Tepper asked if Town jobs are based solely on geography. Mr. Malloy said he understands the thought process that if the Town Manager resided in Town then they would feel the same "pain" as the residents when instituting certain laws. Mr. Malloy pointed out that he gets his paycheck from the Town so if the residents aren't happy - then they can fire him - so he feels he is invested in what goes on. Some additional changes proposed by Mr. Malloy in Article 4 include having town staff appointed by the Town Manager and the Boards, Committees, and Commissions appointed by the BOS; having the Police Chief, Fire Chief, and DPW Manager hired through a search committee consisting of two Selectmen, the Town Manager, and two other department heads or residents with final confirmation through a vote by the BOS and having consistent terms; giving the Town Manager authorization to initiate an independent audit - with a copy of the audit going to the BOS and Finance Committee; allowing the Town Manager to make organizational changes with BOS approval, and adding a process for appointing an Acting Town Manager for a longer term in the event there is a vacancy in that position. Comments from Finance Committee members on these proposed changes in Article 4 included hiring an independent auditor or review team that is financially trained, and posting the audit on the website for transparency. Mr. Malloy noted that in Article 5 some of the content has been moved to Articles 3 and 4 so it flows better. In Sections 5-1 and 5-2, Mr. Malloy is suggesting changing the wording so reorganizations can be undertaken by the Town Manager and presented to the BOS; having reorganizations with no financial impact taking effect within 30 days - but reorganizations with a fiscal impact not taking effect until July 1st (start of the new fiscal year); and having department employees reporting to the Town Manager who would be responsible for ensuring the effective administration of these departments - with elected officials still responsible for setting the policy direction of their departments. In Article 6, Mr. Malloy would like to change the public hearing that is held prior to the ATM to a BOS meeting in January, rather than in early March (two weeks prior to the ATM is what's currently stated in the Charter). Mr. Allen pointed out that the meeting that occurs in January is far from the intent of the meeting suggested two weeks prior to Town Meeting. He said that the AFC hasn't had time to provide opinions on articles in the warrant since they have just received this information in January. Mr. Allen felt that the purpose of the public meeting and when it should be held needs to be more clearly defined. Mr. Malloy's suggestions for changes to the remaining sections of the Charter (Sections 7, 8, 11, 13, and 19) included clarification to the current language, deleting language that is no longer applicable, and having rules and regulations stated in the Town Charter that are consistent with existing State laws. Mr. Malloy discussed his suggestion to dissolve the Personnel Board since he felt the Town may be at a point where we don't need it. Currently the Personnel Board only approves job titles, establishes pay classification, and deals with tuition reimbursement and sick leave buyback. Mr. Malloy also pointed out that he felt everyone employed by the Town should be answering to someone. Mr. Malloy gave the example of the Fire Chief and how that position doesn't answer to anyone and the term is indefinite. He said the rationale was so that the BOS didn't appoint a department head based on a whim, but he felt there should be more accountability. Mr. Tepper asked about Section 11 - Transitional Provisions - and Mr. Malloy's reasoning for wanting to add it to the Charter. Mr. Malloy mentioned that currently the Fire Chief, Police Chief, and DPW Manager are appointed by the BOS. Both the Fire Chief and Police Chief are turning 65 years of age this term so Mr. Malloy wanted to add language regarding a transitional period. Mr. Malloy said this would include any separation of employment, including resignations. Mr. Behn pointed out that the changes have fallen in to two categories - cleaning up language and organizational changes - and perhaps that's how they should be presented. Mr. Tepper asked about Article 2 and if there was language regarding the submission of articles proposed for the warrant at Town Meetings. Mr. Malloy said he has that defined and that the BOS is in control of approving what is added to the warrant. Ms. Blazejewski brought up the

recent STM where the BOS added articles that they then voted down. Ms. Blumberg suggested – in that situation – that the BOS inform proponents that they will put their article on the warrant but will vote against it. Mr. Malloy mentioned that some of the wording is confusing and he hopes to have Town Counsel provide clarification. Mr. Malloy also pointed out the difficulty of working under time constraints leading up to Town Meetings and that it comes down to a timing issue. Mr. Malloy finished up his discussion with the AFC by reviewing the current organizational charts and his proposed changes to these charts (see handouts provided).

Approval of Past Minutes:

Meeting No. 6, October 6, 2014

Ms. Blazejewski requested corrections to the minutes. Mr. Rauch made a motion to approve the amended minutes from 10-6-14. VOTED: 6-0-2 (abstentions: Allen, Behn).

Meeting No. 7, October 14, 2014

Mr. Wells and Ms. Blazejewski requested corrections to the minutes. Mr. Behn made a motion to approve the amended minutes from 10-14-14. VOTED: 7-0-1 (abstention: Rauch).

Meeting No. 8 (STM), October 20 & 21, 2014

Mr. Wells requested a correction to the minutes. Ms. Howard made a motion to approve the amended minutes from October 20 – 21, 2014 (STM). VOTED: 4-0-4 (abstentions: Allen, Rauch, Behn, Tepper)

Charter Review Open Discussion – AFC Bullet Points for Charter Review Meeting – Nov. 6th

Mr. Wells asked Committee members if they had anything else to add and, if so, to send suggestions to liaison, Ms. Blazejewski. Ms. Blazejewski mentioned that – from a financial standpoint – she would address the subject of the public meeting that is supposed to occur prior to the Town Meeting and how that procedure isn't reflective of what occurs now. Ms. Blazejewski pointed out that the Charter Review meetings are open to anyone who would like to attend and take place the first and third Thursday of the month starting at 6:30 p.m. This Thursday's meeting (11/6) will be held in the Meeting Room at the new Fire Station and the agendas are posted on the Town website.

Chairman, Committee Liaison, and Department Liaison Reports

Mr. Allen reported on the Municipal Building Committee and said that move in day from the old station to the new station will begin this Wednesday, 11/5. The move will be a several day process, with the hope of having the new station fully operational by 6 p.m. Sunday evening. The next phase of construction will involve demolishing the old station. Mr. Allen said that the General Contractor's are doing a good job on the new station and Town Hall renovations and both projects are going well. Mr. Wells mentioned that Selectman, George Barrette, said that the new windows will be installed at the Town Hall this week.

Mr. Tepper informed the Committee that the next Gibbons School Building meeting will take place the following Monday, 11/10. The subject of school enrollment will be discussed. Mr. Tepper pointed out that the cost of this project has doubled from \$9 Million to approximately \$18 Million and there is now some question as to what they should do. Mr. Tepper said he will learn more at the next meeting and report back.

Ms. Blazejewski updated the Committee on the Capital Expenditure Planning process. They are up and running for the new budget season and have already met with a number of departments. The next step will be to have a question and answer session among the Capital Expenditure Planning Committee members and then start rating the requests in order of importance. The numbers will be compiled and then they'll see how the rankings end up.

Mr. Behn reported that the School Committee has begun their budget meetings and will present next year's budget by the end of December.

Comments and Concerns – Committee Members

Mr. Behn said that he, along with Mr. Wells, attended the Association of Town Finance Committees Annual Meeting held on Saturday, October 18th. Mr. Behn mentioned that one of the presenters spoke about Town Finance Committees putting together their own impact statement, which looked like an independent evaluation. Mr. Behn has requested additional information on this topic and will pass along to the Committee once he's done an analysis.

Mr. Wells reminded residents to vote tomorrow.

Adjournment

Mr. Behn made a motion to adjourn the meeting at 9:28 p.m. The vote to adjourn was 8-0-0 in favor, with 8 being present.

Document List

Westborough Town Charter – Clean Version

Westborough Town Charter – with Town Manager, Jim Malloy's edits

Town of Westborough Organization Chart

Town Manager, Jim Malloy's Memo to the Charter Review Committee – Re: Comments on Town Charter Revisions

Respectfully submitted,
Jessica Thomas
AFC Administrative Assistant