

Members Present: Gary Wells, Chair, Ed Behn, Lisa Blazejewski, Jim Driscoll, Hank Rauch, Jim Tepper, Beth Blumberg. Absent: Phyllis Jaffee, Tara Howard.

At 7:05 p.m. Mr. Wells called the meeting to order in Memorial Hall of the Town Hall.

Open Forum

Dr. Alan Ehrlich from the Board of Health (BOH) approached the Committee to discuss the BOH's position on Article 20, Section I regarding the appointing authority. He informed the AFC that the BOH took a vote last night on the change being proposed to the Charter in this article and the BOH unanimously opposes the way in which the Health Director is selected. Dr. Ehrlich explained their reasoning and pointed out that the BOH is more knowledgeable in hiring a Health Director since they have more detailed expertise in making the selection and understand the duties covered under the role of this job. He felt it was a conflict of interest if the Health Director didn't report to the BOH and noted that the BOH's authority comes from the State Public Health Department. Dr. Ehrlich noted that, if the State issues a regulation, then they need someone responsible to the BOH to enforce it. He also pointed out that having someone directly responsible to the BOH cuts down on any conflict of interest. Dr. Ehrlich added that the Board of Selectmen and Town Manager are responsible for selecting members of the BOH. Mr. Tepper asked about the context of the discussion they had with the Town Manager. Dr. Ehrlich said that no one discussed this change with them. Ms. Blazejewski, as liaison from the AFC to the Charter Review Committee, mentioned that they did reach out to the former Health Director who recently retired, Paul McNulty, and extended an invitation to get his thoughts. Dr. Ehrlich clarified that Mr. McNulty was not on the BOH but rather worked for the BOH. Ms. Blazejewski noted that the Charter Review Committee reached out to department heads.

Approval of Past Minutes

Meeting No. 19, February 11, 2016

Mr. Behn made a motion to accept the minutes of 2/11/16. Voted: 4-0-3 (abstention: Blazejewski, Blumberg, and Tepper).

Budget Review – School Department, Conclusion of Budget Discussions – School Superintendent, Amber Bock, and School Committee Chairman, Nicole Sullivan

School Superintendent, Amber Bock, Assistant School Superintendent, Daniel Mayer, and Director of Business and Administration, Irene Oliver, were in attendance to finish up discussions on the school's budget. Ms. Bock thanked the AFC for their opportunity to come back and meet again. She provided a brief slide show presentation and informed the AFC that the Board of Selectmen voted 4-0 to support the school's FY17 budget. Regarding her budget guidelines, Ms. Bock said that the schools try to manage growth & budget impacts. She noted that without enrollment driven increases, their budget would have only increased by 1.67% instead of 2.7%. Ms. Bock stated that some of their biggest budget increases were due to expanding enrollment, English Language Learners (ELL) growth, technology initiatives, and curriculum programs to serve all students. However, she noted that the budget trend has seen the percent increase going down over the past few years. Regarding staffing detail, Ms. Bock mentioned that grants were used to offset salaries for 12.8 full time employees. Mr. Driscoll asked about the grants used to support salaries and the likelihood of that continuing. Ms. Oliver pointed out that these are Title 1 grants that are funded by the State and they've had them for several years. She stated that they wouldn't attach salaries to grants that weren't going to be available for the long term. Ms. Blazejewski had a follow up question about the grants since it was noted that there's been a change in the way we are using them and asked how we

used them before. Ms. Bock replied that these grants were associated with tuitions. They have since shifted tuitions over to circuit breakers, which opened up these grants for use toward salaries. Mr. Behn was concerned with transportation costs and pointed out that they just added buses. He asked if the schools had enough budgeted for FY17. Ms. Oliver felt they did have enough budgeted since they knew they would be adding buses, however, she noted, along with Ms. Bock, that it can be difficult to determine transportation costs. Mr. Driscoll mentioned the transportation savings from this year that was used to prepay tuitions for next year. He asked if they had any idea if they would have any savings next year in order to pre-pay tuitions for the following year. Mr. Mayer said that they wouldn't be able to predict that at this time. Mr. Rauch pointed out that there has been positive progress with regard to the School Department's budget. Ms. Bock mentioned that the School Department works hard to keep their budget down. Mr. Behn agreed and stated that the school budget has been extremely well done over the past two years.

Mr. Mayer mentioned that he has current enrollment numbers since today was the last day for kindergarten registration. He pointed out that the schools historically track enrollment figures in February, May, and October. As of today, Mr. Mayer said they have 237 kindergarten students as compared to 211 from last year and 213 from the year before. Mr. Mayer noted that 237 kindergarten students has been the highest enrollment in the last 6 years. He said that the schools typically gain 46 more students between now and October. Mr. Mayer mentioned that these numbers don't include the Westborough Woods complex, which has them a little concerned. Ms. Bock noted that they are committed to tracking the data and that it's helpful that they can shift teachers into other grades depending on where they are needed. Ms. Blumberg asked if there's a hard line on the age a student can enter kindergarten. Ms. Bock said there is and also for first grade since they want to ensure that students are coming in at the appropriate grade. Mr. Mayer mentioned that they've seen substantial growth in the school district over the last few years, and it's actually the most they have ever seen. He pointed out that the majority of the students (60%) are coming in at grades kindergarten through six. There was a discussion about pre-kindergarten numbers and it was noted that it is difficult to tell what will come in at the kindergarten level since parents can send their children to private kindergarten. Ms. Bock added that they have a good relationship with the preschools in town so they can get some sort of an idea. Ms. Bock referred to the enrollment study that was done in conjunction with the Board of Selectmen and Planning Board. Ms. Bock noted that she knows Westborough residents vote the budget and expect them to stick to it and they try to do the best they can. Mr. Driscoll asked about benefits and cost of living increases (colas) for staff. Ms. Sullivan pointed out that they need to treat union and non-union employees similarly. Mr. Doret referenced the salary tables and mentioned there are steps, lanes, and colas. Mr. Driscoll asked how long the teacher contracts are good for and Mr. Doret said three years.

Budget and Warrant Article Review/Votes – Continued:

Since there were no more questions from AFC members, Mr. Wells called for a vote on the school budget. Mr. Behn referred to Article 7 and made a motion that we recommend that the Town vote to raise and appropriate the sum of Forty Six Million Three Hundred and Thirty Thousand Six Hundred and Ninety One (\$46,330,691) for the purpose of the school's FY17 budget. Voted: 7-0-0.

Mr. Wells noted that now that the budget is done, he'd like to try to get through the rest of the warrant articles that have not yet been voted.

Article 6 – Amend Wage and Salary Schedule – Mr. Behn made a motion that we recommend that the Town so vote. Voted: 7-0-0.

Article 8B – Reserve Funds (AFC) – Mr. Behn mentioned that in the R&R book it is noted that the \$250,000 for the AFC Reserve Fund is through a raise and appropriate. He would like to change the way the AFC Reserve Fund is replenished to \$210,000 from free cash and \$40,000 through a raise and appropriate. Mr. Behn noted that in FY15, which we just closed out, the AFC turned back \$210,000 to free cash since they only used \$40,000. Ms. Blazejewski felt that using a combination of funding works best since we will take back the \$210,000 that was just turned over and raise and appropriate what was spent. Mr. Behn mentioned that by replenishing the Reserve Fund this way, it would bring down the budget increase from 3.74% to 3.4%. Mr. Tepper asked about the history

of what has been done previously. There was a discussion and it was noted that the free cash balance is high right now. Mr. Rauch pointed out that the Town has some large expenses coming up for building renovations and we'll need that cash. Mr. Rauch was also concerned with the Pre-K to 3rd Grade School Building Committee and pointed out the upcoming Gibbons renovations and not being entirely sure that project will come in at the amount voted. Mr. Wells said that he spoke with Town Accountant, Leah Talbot, and she said to jump a year and use FY15 numbers, which are known, to project FY17 numbers. Mr. Behn made a motion that we recommend that the Town vote to raise and appropriate the sum of Forty Thousand Dollars (\$40,000) and transfer from free cash the sum of Two Hundred and Ten Thousand Dollars (\$210,000) for the Finance Committee General Reserve Fund, transfer Fifty Thousand Dollars (\$50,000) from Water Retained Earnings for the Water Enterprise Reserve Fund, transfer Fifty Thousand Dollars (\$50,000) from Sewer Retained Earnings for the Sewer Enterprise Reserve Fund, and transfer Twenty Thousand Dollars (\$20,000) from Country Club Retained Earnings for the Country Club Enterprise Reserve Fund. Voted: 7-0-0. Mr. Wells noted the change to the wording of Article 8B and also the change to the AFC's recommendation. Mr. Behn pointed out that this is an AFC motion since it is their article.

Article 10B – Capital Improvement Plan – Utility Truck – Mr. Behn referred to Article 10 and made a motion that we recommend that the Town vote to transfer from Water Retained Earnings the sum of Sixty Thousand Dollars (\$60,000) for the purpose of purchasing this vehicle as long as the Town's fleet does not increase due to any purchases related to this article. Voted: 7-0-0.

Regarding the following three Charter articles, Ms. Blazejewski mentioned that there is another Open Forum tomorrow night for the Charter Review Committee where more explanation will be provided for those residents requiring more information. She noted that any areas of confusion in these three articles should be answered at the Open Forum. Mr. Wells asked Ms. Blazejewski, as the AFC liaison to the Charter Review Committee, to explain the Charter articles.

Article 18 – Re-Organizing the Town Charter – Ms. Blazejewski mentioned that this is a housekeeping article. They deleted some footnotes and notations that weren't relevant to clean up the document. She also pointed out that they moved information together for better organization, which resulted in having to re-number some of the sections. Ms. Blazejewski felt these changes made the Charter a more user friendly resource for residents that may take a look at it. Mr. Wells read through the subsections and asked Committee members to note if they had a question. Ms. Blumberg had questions on subsections D&H. Mr. Behn read through the motion that we recommend that the Town so vote and excluded subsections D&H. Voted: 7-0-0. Ms. Blumberg asked what changes were made to these two subsections and Ms. Blazejewski noted that they only took information and reorganized it for better clarity. Mr. Behn re-read the motion to include all subsections. Voted: 7-0-0.

Article 19 – Charter Amendment – Conflicts with State Law – Ms. Blazejewski explained that this article is cleaning up conflicts with state law. She mentioned the Home Rule Petition where the State allows us to administer local government to a point but we don't want to have direct conflict with state law. Ms. Blazejewski pointed out that Legal Counsel reviewed and recommended cleaning up some of the language and providing a timeline as to when things need to be done in town. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20A – Time of Meeting – Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20B – Absences – Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20C – Warrants – Ms. Blazejewski explained that they rewrote the text to include electronic copies of the warrant. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20D – DPW Director – Ms. Blazejewski explained that they are changing the DPW Manager's title to DPW Director. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20E – Residency Requirement – Ms. Blazejewski explained that the Charter Review Committee wanted four key employees (Town Manager, Fire Chief, Police Chief, and DPW Director) to reside in town and not just the Town Manager. Ms. Blazejewski noted that anyone currently employed by the Town would be exempt if they were hired for one of these four positions in the future. Ms. Blumberg asked about the School Superintendent. Ms.

Blazejewski said that the schools are not included since they operate under state statute and not the Town Charter. Mr. Tepper didn't realize that all existing Town employees would be grandfathered, rather than just the four key employees currently in those roles. Ms. Blazejewski said that the Charter Review Committee's thought process was that they didn't want to lose an experienced employee. Mr. Rauch asked if the BOS could still make the request that the candidate live in town and Ms. Blazejewski said she didn't think they could discriminate and make that requirement. There was a discussion about pay and having to offer salaries high enough so these key employees could reside in the community. Mr. Behn mentioned that he's heard a couple of arguments in support of the residency requirement, such as having "skin in the game" so there's a greater impetus for the head of a large department to be careful with their budget since they are paying property taxes. The other argument was - using the Police Chief as an example; they would want a safe town since they are living here with their family as a part of the community. Mr. Rauch added that these key positions are 24/7 jobs and there is easier access if they live in town. Mr. Wells felt that Article 20E needed to be voted up or down since they cannot change it. The Committee discussed and some felt that this article could be changed since Town Moderator, John Arnold, would entertain a motion from the floor if it was within scope. Mr. Tepper said that he would like to change the last line of this article to read "any employee in the current position" is exempt and not "any employee". Mr. Behn made a motion that we recommend the Town so vote. Voted: 3-4-0. Mr. Behn made an alternate motion that we recommend the Town defeat this article. Voted: 4-3-0. Mr. Wells pointed out that the AFC's recommendation will be to defeat this article. Mr. Tepper said that he would like to make an alternate motion when the time is appropriate.

Article 20F – Investigations – Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20G – Housing Authority – Ms. Blazejewski explained that the Housing Authority shouldn't be in the Charter since they are an independent group that makes their own rules. Mr. Behn made a motion that we recommend the Town so vote. Voted: 6-0-0 (Mr. Tepper was absent for this vote).

Article 20H – Renumbering – Mr. Behn made a motion that we recommend the Town so vote. Voted: 6-0-0 (Mr. Tepper was absent for this vote).

Article 20I – Appointing Authority of Appointed Boards – Ms. Blazejewski explained that this article would change the appointing authority for the department head from the appointed board to the Town Manager. This article would affect the Recreation Director, Council on Aging Director, Youth & Family Services Director, and Health Director. Mr. Behn noted that he sent an email to Town Moderator, John Arnold, asking if this article could be broken down into subsections for voting purposes at Town Meeting. Ms. Blazejewski said she wasn't sure that could be done but would send an inquiry to the Chair of the Charter Review Committee, Bob Deysher, who may need to check with Legal Counsel. Mr. Behn made a motion that we recommend the Town so vote. Voted: 4-3-0.

Article 20J – Police Chief Appointing Authority – This article would change the appointing authority for Police Officers and Dispatchers from the BOS (Board of Selectmen) to the Police Chief. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20K – Department of Public Works Manager – Ms. Blazejewski explained that they would like to change the title of the DPW Manager to DPW Director. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20L – Organizational Plan – Ms. Blazejewski explained that they are deleting this unnecessary segment. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20M – Key Personnel – Ms. Blazejewski explained that they are changing the references in this section so they are correct based on changes proposed above. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20N – Town Wide Management Team – Ms. Blazejewski explained that this article would centralize daily administration under the Town Manager. There was a discussion and Mr. Tepper noted that more control has been given to Town Manager, Jim Malloy, and he wondered if Mr. Malloy had time for the additional day to day oversight. Mr. Behn made a motion that we recommend the Town so vote. Voted: 4-3-0.

Article 20O – Precedence of Appointing Authority – Ms. Blazejewski explained that this article establishes that the appointing authority described in the Charter takes precedence. Mr. Behn made a motion that we recommend the Town so vote. Voted: 6-1-0.

Article 20P – Submission of Budget and Budget Message – Ms. Blazejewski explained that this article establishes requirements as to when the budget needs to be posted on the Town’s website for public review. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20Q – Action on the Budget – There was discussion about the date for the public hearing occurring in January. Mr. Behn felt that the first BOS (Board of Selectmen) meeting in January was too soon since the budget comes out at the end of December and there’s not enough time to review. Mr. Wells suggested having the Town Manager give a formal presentation at the first BOS meeting in January and then hold the joint meeting in February. Mr. Rauch pointed out that we can’t mandate what the meeting will cover only when it is held. Mr. Behn made a motion that we recommend the Town so vote. Voted: 2-5-0. Mr. Behn made another motion that we recommend the Town vote to defeat this article. Voted: 5-2-0.

Article 20R – Capital Improvement Program – Ms. Blazejewski explained that the Charter Review Committee is recommending deleting this program since they would have to hire someone to administer. Mr. Wells felt it was an undue burden on the Town. Ms. Blazejewski noted that this wasn’t a Charter issue and thought it could be added to the bylaws. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20S – Removals and Suspensions – Ms. Blazejewski explained that they streamlined this section since the previous text was confusing and mentioned that there is an HR Policy and Procedures manual in place. Mr. Behn asked about the probationary period for employees and wondered how long it was. The Committee thought that it would be in the manual for non-union employees and in the contract for union employees. Ms. Blazejewski said that she could check with Assistant Town Manager, Kristi Williams. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 20T – Personnel Board – Ms. Blazejewski explained that the Charter Review Committee is recommending the elimination of the Personnel Board since their duties have been absorbed by the Assistant Town Manager/Human Resources Director. They felt the Personnel Board was redundant. Mr. Tepper pointed out that he could make an argument to keep the Personnel Board. Mr. Behn made a motion that we recommend the Town so vote. Voted: 5-2-0.

Article 20U – Animal Control – Ms. Blazejewski explained that they’d like to change the appointing authority for the Animal Control Officer from the Board of Selectmen (BOS) to the Town Manager. She noted that the Town Manager would hire the Animal Control Officer and then could designate responsibility for who that person reports to, such as to the Chief of Police. Mr. Behn mentioned the “home rule” and that we don’t have to follow state statute where it says the Animal Control Officer has to report to the BOS. Mr. Behn made a motion that we recommend the Town so vote. Voted: 7-0-0.

Article 31 – E. Main Street to Lyman Street Trail Construction and Easement Survey (BPAC) – Mr. Behn made a motion that we recommend that the Town vote to transfer from free cash and appropriate the sum of Forty Three Thousand One Hundred and Twenty Dollars (\$43,120) for the purpose of this article. Voted: 7-0-0.

Committee Liaison and Department Liaison Reports

Mr. Wells mentioned that he will begin working on another draft of the Report & Recommendation (R&R) book. He hopes that by Thursday, March 3rd, the AFC will be ready to begin their review of the R&R book. Mr. Wells pointed out that he will stick with the current format of listing the AFC’s vote, along with the Board of Selectmen’s vote, after each article. Mr. Wells asked AFC members if someone would like to draft a message to the voters on 20 E and 20 Q since the AFC recommended defeating both of these articles. If so, please place any comments on the Dropbox and inform the Committee. Mr. Behn verified with Mr. Wells that the R&R book will be ready by Thursday and that he has all of the numbers. Mr. Wells confirmed that the book will be done and noted that there may be a reduction to the Salary & Wages line item for the Police Department since they hired a new officer at a lower salary to replace an officer that resigned. Mr. Wells pointed out that the R&R book needs to be to the printer by next Tuesday, March 8th.

Comments and Concerns – Committee Members

None

Public Reminders for Viewers

None

Adjournment

Mr. Behn made a motion to adjourn the meeting at 10:19 p.m. The vote to adjourn was 7-0-0 in favor, with 7 being present.

Document List

Chart for Articles 18, 19, and 20 – Ed Behn

Respectfully submitted,
Jessica Thomas,
AFC Administrative Assistant