

Members Present: Ian Johnson, Chair, Cliff Watts, Ronn Moody, Jo Lown, John Arnold, Brigitte Casemyr, Carolyn Spring (arrived 7:10 p.m.), Judy Lucas (arrived 7:53 p.m.). Absent: None.

At 7:03 p.m. Mr. Johnson called the meeting to order in the Selectmen's Meeting Room.

Open Forum

There were no requests to address the Committee.

Approval of minutes – Meeting No. 23, April 14, 2008, FY2008.

Approval of minutes was deferred until the next scheduled meeting.

Liaison Updates

- Mr. Arnold reported the Government Study Committee attended the Board of Selectmen presentation on 4/17.
- Mr. Watts and Ms. Lucas went to Assabet Valley Regional Technical School for lunch with Gene Carlo. No new budget issues came up. The food was very good.

Discussion and votes on various FY2009 budgets

Mr. Johnson noted that votes on the Fire Department budget on the agenda for this meeting will be postponed until next Monday. Budgets remaining to be voted are Assessor, MIS/GIS, Town Clerk, Fire Department, DPW, and Library. A table of votes taken is attached to these minutes.

Article Review – ARTICLES 27, 28 and 30. Revisions to Home Rule Charter (Board of Selectmen)

Kris Allen, Government Study Committee Secretary, Sue Abladian, Board of Selectmen Chair, and Tom Shea, Government Study Committee Chair, presented Article 27, Article 28 and Article 30. The Government Study Committee has been reviewing the Town Charter and Town Bylaws for the last 1½ years, and has recommended several changes to make the Charter more accurately reflect the current town. These recommendations were presented to the Board of Selectmen in several meetings, and will be presented to the townspeople in an Educational Session to be held on May 7, 2008.

Article 27 includes 'housekeeping' changes:

- Delete Article 8 from the existing Charter as it no longer has any impact. This Article was adopted to define transitional provisions from the pre-1974 Charter to the 1974 Charter.
- Correct a transcription error from the 2007 ATM action – Section 2-2 should say 'nominate' rather than 'appoint' in the process for the naming of the Deputy Moderator.

Article 28 includes changes to the structure and process of town government. These changes will clarify and make consistent the appointing authority for all town positions, re-define 'Town Coordinator' as 'Town Manager' with specific responsibilities and authority to reflect what is currently occurring, and define some process improvement. It will make NO changes to the Legislative Branch – Open Town Meeting is retained. All currently elected officials remain elected. Key Personnel (as defined in the revised Charter) will continue to be appointed by the Board of Selectmen.

Currently in Westborough the Board of Selectmen are the Chief Executives of the town, and are responsible for setting policy and appointing policy-making bodies. They define the priorities, programs, and services offered in town, and appoint the 'Key Personnel' in positions of Town Manager, Town Counsel, Police Chief,

Fire Chief, and DPW Manager. They also appoint members of all Policy Boards such as the Conservation Commission, Election Officers, Registrars of Voters, Water Resources Management Committee, Westborough TV, Historical Commission, Cultural Council, and many others.

The Chief Administrator for the Executive Branch is the Town Manager. This position is responsible for the day-to-day operations of the town and is the primary contact point and main liaison between the Selectmen and the administrative team. The position is accountable to the Board of Selectmen and has authority and accountability matching the responsibilities of the position. The title itself does not imply any specific authority – the Charter defines authority and responsibilities.

Article 28 defines appointing authority and accountability for executive positions in town government. The Town Manager is appointed by and reports to the Board of Selectmen. The Town Manager is a member of any search committee to fill the Key Personnel positions. The Town Manager provides evaluative comments to performance reviews of Department Heads, but does NOT decide on the final evaluation except for the positions that report directly to him/her. The Town Manager leads the finance and administrative teams. Town Manager and Selectmen must concur with appointments of Chief Assessor, Town Accountant, Treasurer/Collector, Commissioners of Trust Funds, and Veteran's Agent/Director of Veterans Services. For Boards, Commissions, and Committees appointed by the Board of Selectmen the Board/Commission/Committee and the Town Manager must concur with Department Head and Assistant Department Head appointments. This applies to Youth and Family Services, Recreation, Council on Aging, and the Board of Health. The Town Manager alone appoints other Administrative Personnel such as the Affirmative Action Officer, Sealer of Weights and Measures, and Municipal Hearing Officer, among others.

Article 28 makes the use of Search Committees mandatory for 'Key Personnel' except when reappointing an incumbent and defines a process for filling temporary vacancies of Department Heads.

Article 30 is a process change to strongly encourage regular participation by *appointed* members of Boards, Commissions, and Committees by stating that the removal process MAY be initiated if a member fails to attend 4 or more consecutive meetings. Removal of members must be done by the appointing authority. This does not apply to elected Boards.

Ms. Abladian noted that missing from the Articles are term limits. The Board of Selectmen has changed the appointing policy to consider each opening on a committee as OPEN. Re-appointments are not automatic. The Board of Selectmen liaisons work with Committee Chairs on committee membership. This provides a non-regulatory approach to solve a problem noted by both the Board of Selectmen and the Government Study Committee. Ms. Abladian thanked all members of the Government Study Committee for their hard work.

Article Review – ARTICLE 32. Request for Additional Wine and Malt Restaurant License (Citizens' Petition)

Anyu Caj, owner of Chef Sun Restaurant, and Steve DeVincent, restaurant patron, presented a request for a Wine and Malt Restaurant License. Mr. Caj bought the restaurant two years ago, before larger chains opened stores in town and increased competition. He is hoping that being able to serve wine and beer will increase his business and his income. The restaurant currently has a Bring Your Own Bottles policy but gets regular calls from prospective patrons requesting beer and wine with dinner. Mr. Johnson highly recommended the food at Chef Sun, and thanked Mr. Caj for appearing before the Advisory Finance Committee. Mr. Harrington offered to meet with Mr. Caj to explain the process for presenting at ATM.

Article Review – ARTICLE 26. Department Head Employment Contracts and ARTICLE 31. Establish Fall Town Meeting (Board of Selectmen)

Sue Abladian, Board of Selectmen Chair, and Leigh Emery, Board of Selectmen Vice-Chair presented **Article 26**, a request to change the DPW Manager position to a contracted position from a staff position included in

the Salary and Administration Plan. This change has been in the works for many years. All other 'Key Personnel' positions that report to the Board of Selectmen are currently under contract except Town Counsel. This change would give the Board more flexibility to hire experienced, educated persons (who may have to move to town) for this position by allowing negotiation of salary and benefits such as vacation. The current Salary and Administration plan does not allow for creative hiring plans. The current Salary and Administration plan also does not allow step/lane increases to be withheld – the change to a contract position would allow the Board to set performance goals for salary increases. If this article passes, the Board will ask the Personnel Board to remove this position from the Salary and Administration Plan. This change is more for the future when the current Manager retires, and correlates to the other Charter changes proposed. This change would be implemented immediately, and would then apply to the current DPW Manager.

Ms. Lown notes that putting the position under contract would make it more difficult to remove the DPW Manager until the contract is up. Mr. Danis replied that the contract must be drawn up with good terms to prevent this problem.

Ms. Emery presented **Article 31**, which would establish a set time for Fall Town Meeting if it is needed. Ms. Emery feels this would allow for better planning of Articles for committees. Some issues may be better discussed at a Fall Town Meeting when the town's finances are set. Many towns regularly hold two meetings each year. The date and time for a Fall Town Meeting would be the third Monday in October commencing at 7:00 p.m. If there is nothing to be decided the meeting would not be held.

Ms. Lown asked if all Articles on the Warrant were approved unanimously by the Board of Selectmen. Ms. Abladian said they were not, but the last two presented here were unanimous.

Proposition 2 ½ Primer – Town Moderator

Mr. Harrington presented a memo on override language needed at ATM. The memo gave three examples of situations where specific language would be needed, including orders of voting. Upon further consideration, Mr. Harrington would like to change Case 2 by reversing the order of voting. The vote on the budget to be reduced would be taken first so the town would know the result before voting on an increased second budget. Mr. Harrington would entertain a single motion to get both the increase and decrease, then split the question and discuss and vote on the decrease first. Then he would hold discussion and vote on the increased budget regardless of the outcome of the first vote. Mr. Harrington will edit the memo and send it again.

Mr. Johnson asked about possible amendments to the Stormwater Bylaw. Mr. Harrington will speak to Carl Balduf before making his determination. The AFC will discuss the article at Monday's meeting and make recommendations to be given to the Water Resources Committee and Town Counsel.

Discussion and votes on various Town Warrant Articles

Mr. Johnson noted that votes on Articles 16, 17, and 18 on the agenda for this meeting will be postponed until next Monday. A table of votes taken is attached to these minutes.

Comments and Concerns of Committee Members

None stated.

Adjournment

At 9:23 p.m. Mr. Watts moved to adjourn the meeting. The vote to adjourn was unanimous (8 members present and in favor).

Votes taken at the Finance Committee meeting on April 17, 2008

1) Budget votes

Budgets are voted on using figures current as of 4/17/08.

Election & Registration, Dept. No. 11621, 11623 Salary \$13,375, Expenses \$22,455, Total \$35,830

Mr. Moody moved to accept the \$13,375 salary and \$22,455 expenses.

Vote to approve the budget recommendation is unanimous, 7 in favor with 7 being present.

Police Department, Dept. No. 12101, 12103 Salary \$2,523,413, Expenses \$102,884, Total \$2,626,297

Mr. Moody moved to accept the \$2,523,413 salary and \$102,884 expenses.

Vote to approve the budget recommendation is unanimous, 7 in favor with 7 being present.

Dept. of Public Works, Dept. No. 14201, 14203 Salary \$1,456,858, Expenses \$714,750, Total \$2,171,608

Mr. Watts moved to accept the \$1,456,858 salary and \$714,750 expenses.

Ms. Lown questions the contract service/ballparks figure.

Vote on the budget recommendation is deferred pending information from John Walden, DPW Manager.

DPW Snow and Ice, Dept. No. 14232, 14233 Salary \$142,396, Expenses \$306,815, Total \$449,211

Mr. Moody moved to accept the \$142,396 salary and \$306,815 expenses.

Vote to approve the budget recommendation is unanimous, 7 in favor with 7 being present.

Country Club Enterprise Fund, Dept. No. 60200 Salary \$7,100, Expenses \$467,600, Total \$474,700

Mr. Moody moved to accept the \$7,100 salary and \$467,600 expenses.

Vote to approve the budget recommendation is unanimous, 7 in favor with 7 being present.

Sewer Operations, Dept. No. 64301, 64303 Salary \$614,013, Expenses \$289,544, Total \$903,557

Mr. Moody moved to accept the \$614,013 salary and \$289,544 expenses.

Vote to approve the budget recommendation is unanimous, 7 in favor with 7 being present.

Sewer Debt and Interest, Dept. No. 64305, 64306 Salary \$0, Expenses \$682,726, Total \$682,726

Mr. Moody moved to accept the \$682,726 expenses.

Vote to approve the budget recommendation is unanimous, 7 in favor with 7 being present.

Treatment Plant Board, Dept. No. 64401, 64403 Salary \$14,880, Expenses \$3,172,200, Total \$3,187,080

Mr. Moody moved to accept the \$14,880 salary and \$3,172,200 expenses.

Vote to approve the budget recommendation is unanimous, 7 in favor with 7 being present.

Committee members noted this is a \$10,000 reduction in Legal Services from the original request.

Water Operations, Dept. No. 64501, 64503 Salary \$484,929, Expenses \$1,649,141, Total \$2,134,070

Mr. Moody moved to accept the \$484,929 salary and \$1,649,141 expenses.

Vote to approve the budget recommendation is unanimous, 7 in favor with 7 being present.

Water Debt and Interest, Dept. No. 64505, 64506 Salary \$0, Expenses \$1,931,004, Total \$1,931,004
Mr. Moody moved to accept the \$1,931,004 expenses.
Vote to approve the budget recommendation is unanimous, 7 in favor with 7 being present.

2) Warrant article votes

ARTICLE 1. Annual Town Election (Board of Selectmen)

Article is accepted, no vote is necessary

ARTICLE 2. Rule of the Meeting (Town Coordinator)

Mr. Moody moved to recommend the town vote to approve this article.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 3. Town Reports (Advisory Finance Committee)

Mr. Moody moved to recommend the town vote to receive the reports of the various officers and committees and that the report of the Advisory Finance Committee be acted upon item by item under the various articles of the warrant.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 4. Fiscal Year 2008 Budget Transfers (Town Coordinator)

Mr. Moody moved to recommend the town vote to transfer \$93,237 from Water Retained Earnings to the Fiscal Year 2008 Water Budget.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 5. Prior Year's Bills (Town Coordinator)

Mr. Moody moved to recommend the town vote to transfer \$197.19 from the FY 08 Insurance Budget to Marjorie Peairs and to transfer \$93,237 from Water Retained Earnings to Veolia Water for the purposes of this article.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 6. Amend Salary Administration Plan (Personnel Board)

Mr. Moody moved to recommend the town vote to approve this article.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 7. Amend Section 25 Wage and Salary Schedule (Personnel Board)

Mr. Moody moved to recommend the town vote to approve this article.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 9. Regularly Recurring Articles (Town Coordinator)

A. (Fire Department)

Mr. Moody moved to recommend the town vote to approve this article.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

B. (Youth and Family Services)

Mr. Moody moved to recommend the town vote to approve this article.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

C. (Board of Assessors)

Mr. Moody moved to recommend the town vote to approve this article.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

D. (Finance Committee)

Mr. Moody moved to recommend the town vote to raise and appropriate \$300,000 for the Finance Committee General Reserve Fund, transfer \$50,000 from Water Retained Earnings for the Water

Enterprise Reserve Fund, transfer \$50,000 from Sewer Retained Earnings for the Sewer Enterprise Reserve Fund, and transfer \$20,000 from Country Club Retained Earnings for the Country Club Enterprise Reserve Fund for the purposes of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

E. (Police Department)

Mr. Moody moved to recommend the town vote to raise and appropriate the sum of \$69,855 for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

F. (Recreation Department)

Mr. Moody moved to recommend the town vote to raise and appropriate the sum of \$2,500 for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

G. (Board of Health)

Mr. Moody moved to recommend the town vote to raise and appropriate the sum of \$16,000 for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

H. (Local Emergency Planning Committee)

Mr. Moody moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

I. (DPW)

Mr. Moody moved to recommend the town vote to raise and appropriate the sum of \$23,798 for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

J. (DPW)

Mr. Moody moved to recommend the town vote to raise and appropriate the sum of \$10,750 from Water Enterprise Funds and the sum of \$43,001 from Sewer Enterprise Funds for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

K. (Fire Department)

Mr. Moody moved to recommend the town vote to raise and appropriate the sum of \$61,201 for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

L. (Assessors)

Mr. Moody moved to recommend the town vote to transfer the sum of \$25,000 from Free Cash for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 11. Adopt Bylaw Governing Discharges To The Municipal Storm Drain System (DPW Manager)

Mr. Moody moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 12. Reconstruction and Improvement of Town Roads (DPW Manager)

Mr. Moody moved to recommend the town vote to transfer from available funds the sum of \$616,424 for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 13. Various Town Buildings and Grounds Repairs (Asst. Town Coordinator)

Mr. Moody moved to recommend the town vote to raise and appropriate the sum of \$110,000 for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 19. Purchase Equipment (DPW Manager)

Mr. Moody moved to recommend the town vote to raise and appropriate the sum of \$7,000 under the Water Enterprise Fund and to transfer \$54,200 from the Water Enterprise Fund and to transfer \$16,800 from the Sewer Enterprise Fund for the purpose of this article.

Ms. Spring voiced concern that one of the vehicles to be replaced has lower mileage than usual for cars in the town fleet that are replaced.

Mr. Moody withdraws his motion.

Vote on the Article is deferred pending information from John Walden, DPW Manager.

ARTICLE 20. Purchase Vehicle for Fire Department (Fire Chief)

Mr. Moody moved to recommend the town vote to raise and appropriate the sum of \$35,000 for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

Mr. Moody amended his motion to include “that the size of the Town’s fleet not be increased because of this purchase.”

Vote to approve the amended recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 22. Cemetery Development (DPW Manager)

Mr. Moody moved to recommend the town vote to transfer the sum of \$20,000 from Cemetery Trust Funds for the purpose of this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 23. Accept Easements (Town Counsel)

Mr. Moody moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 25. Accept Chapter 59, Section 5, Clause 5B (Assessors)

Mr. Moody moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.