

**Ad Hoc Government Study Committee (Westborough, MA)**

**Minutes of March 12, 2008**

**Approved 4-23-08**

Present: John E. Arnold, Sue Abladian, Thomas Shea, Christopher Senie, Kris Allen .

Absent: Manohar Vichare Guest: Brigitte Casemyr.

The Committee discussed and made revisions to the proposed charter as recommended by the Board of Selectmen at their meetings with the Committee on February 26 and March 4. as follows:

**Article 3: Elected Officials**

Section 3-1 (a): Commissioners of Trust Funds will be deleted from the list of (2) Elected Offices.

Section 3-2: Replace the list of specific appointments under Board of Selectmen with general descriptions that refer to the new Section 5-2 of the charter, which includes a listing of Selectmen's appointments.

Section 3-3: (d) Re-statement of Moderator's appointments to reflect the charter changes voted at the ATM 2007.

Section 3-6: Re-statement of Planning Board appointments

Section 3-9 (c) : Library Trustees appointments re-worded to refer to Section 5-2 to be consistent with other elected boards. To read:

- Library personnel (as defined in Section 5-2 of this Charter.

Section 3-10: Delete Commissioners of Trust Funds section. Following precedent, these will be appointed positions.

**Article 4: Town Manager**

4-2 Powers and Duties: Verify the inclusion of the following language under the Town Manager's appointments:

"These appointments shall become effective on the fifteenth day following the day notice of the appointment is filed with the Board of Selectmen unless the Board of Selectmen shall within that period by a majority of all of its members vote to reject the said appointment."

**Section 5-2 Organization Plan: Appointing Authorities**

- The Board of Selectmen's list of appointments will include:  
Country Club Operating Committee  
Sandra Pond/Conservation Area Wardens

Board of Health will be returned to Town Manager/Town Coordinator appointments.

**5-2 (d) Appointed Town Employees**

- The employees making up the financial team will be appointed by the Town Manager as chief financial officer, with the concurrence of the Board of Selectmen. These include the Chief Assessor, Town Accountant, Town Treasurer/Collector, and Commissioners of Trust Funds. The Veterans' Agent will also be appointed by the Town Manager with concurrence of the Selectmen.

- “Sexual Harrassment Officer” will be added to the list of Town Manager appointments.

- 5-2 (e) Town Manager Appointments: The Board of Health will continue to be appointed by the Town Manager/Coordinator.

#### In Section 5-3(c) Town-wide Management Team

- (1) The Town Manager shall provide evaluative comments to the appointing authority of each chief staff employee/department head for use in the respective performance review process.

#### Section 5-3(d) Town Employment Process.

Acting key personnel or department heads will be appointed in the manner as the original appointment. Added:

- In cases where the appointment of the permanent position requires the concurrence of another body or officer, such body or officer must concur with the appointment of any acting Key Personnel or Department Head.

#### Section 5-3(e)(3)

Filling Vacancies on Boards, Commissions, or Committees. Notwithstanding any contrary special or general law, all vacancies on any board, commission, or committee for permanent and temporary positions shall be filled in the same manner as prescribed for the initial appointment.

#### Article 7-8 Removals and Suspensions

Section 7-8 includes the change of ‘cause’ to ‘good cause’ and includes the reference to allow ‘good cause’ to cover the case of a member of an appointed body who fails to attend 4 or more consecutive meetings.

- In the case of appointed members of Town Boards, Commissions and Committees, the term 'good cause' shall include, but not be limited to, failure to attend four (4) or more consecutive meetings of the member's board, commission or committee.

Kris Allen moved and Chris Senie seconded to have proposed charter of March 12 with the recommended revisions presented to the Board of Selectmen. All voted in favor.

John Arnold then presented his recommendation for structuring the proposed Charter into 3 warrant articles to be presented to the May 2008 Annual Town Meeting. After discussion of the structure, John Arnold moved, and Susan Abladian seconded that the

revised March 12 version of the proposed charter and following structure for the three draft articles be presented to the Board of Selectmen. All voted in favor.

Warrant Article 1: Remove Article 8: Transitional Provisions (completed in 1974).

Warrant Article 2: New Charter Articles 3, 4, 5 as interrelated parts of the organizational structure of the Town. Also include Charter Articles 6 and 7 for changing the title of “Town Coordinator” to “Town Manager” wherever it occurs.

Warrant Article 3:

a. Article 5-3(e)(4) Term Limits

Term Limits. The appointment of the same individual to a specific appointed Board, Committee, or Commission shall be limited to a maximum of three (3) consecutive terms. However, after a period of not serving on such Board, Committee, or Commission for one (1) year, the individual becomes eligible for future appointment to that body. This limitation does not apply to any *ex officio* members.

b. Article 7-8 Removals and Suspensions

“ The term ‘good cause’ shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination, and conduct unbecoming the office. In the case of appointed members of Town Boards, Commissions and Committees, the term ‘good cause’ shall include, but not be limited to, failure to attend four (4) or more consecutive meetings of the member's board, commission or committee.”

John Arnold agreed to prepare copies of the revised charter and the three draft articles for the Selectmen to be discussed on March 18. Kris Allen agreed to write a cover letter to accompany the revised charter that summarizes the changes.

The Committee also discussed holding another public forum just before Town Meeting in May to explain the proposed charter revisions to any interested citizens. They went on to discuss the presentation of the three articles at Town Meeting, should the Selectmen vote to include them on the warrant. By popular consensus, Chris Senie was selected to present the articles.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Kristina N. Allen, secretary