

**Ad Hoc Government Study Committee (Westborough, MA)**  
**Minutes of January 10, 2007**

Present: John E. Arnold, Christopher Senie, Thomas Shea, Brigitte Casemyr, Kristina Allen,  
Manohar Vichare

Absent: Sue Abladian

Chairman Shea called the meeting to order @ 7:10 pm. He proposed that the outstanding minutes for the meetings of 11/14, 11/29, 12/13 and 1/3 be reviewed and voted on at the January 24 meeting. The agenda for the current meeting was to go over K. Allen's suggested housekeeping changes to the Westborough Charter and Bylaws, presented to the committee on December 10, 2006, based on the suggestions presented by Town Moderator Joe Harrington at the committee 9/20/06 meeting.

In anticipation of the committee's preparation of its interim report, Mr. Vichare suggested organizing the information in three major categories, OTM vs. RTM, Organizational Structure and Forward-looking Strategic Approach.

The committee discussed further how to best analyze, debate and document the items to be considered for inclusion in the interim report. The report would need to state the situation today and the proposed changes. To help the readability in these minutes, **proposed new language is entered in blue**, ~~proposed deletions are entered in red~~, and **language needing further study in green**.

**First Item**

**Charter Proposed Changes**

**Article 2 - Legislative Branch**

**Section 2-2 Presiding Officer**

Current Language

The Moderator, as provided in Section 3-3, shall preside at all sessions of the Town Meeting. He shall at the first session of the Town Meeting following the election of Town Officers, appoint a deputy moderator to serve in the event of his absence or disability, provided that the Town Meeting shall ratify said appointment. He shall perform such other duties as may from time to time be assigned to the office of Moderator by Bylaw, or other vote of the Town Meeting.

Proposed Change: addition of specific language

"The Moderator, as provided in Section 3-3...vote of the Town Meeting." **The Town Clerk shall serve as interim deputy moderator until a deputy moderator has been appointed.**

Mr. Arnold suggested that the committee consults with town counsel and town moderator on this change as there may be state statutes governing this particular item. Mr. Vichare made a motion to that effect, seconded by Ms. Allen, motion was approved unanimously with one absent.

**Second item**

**Charter Proposed Changes**

**Article 3 - Elected Officials**

**Section 3-2 Selectmen (d) Appointments**

Current Language

The Board of Selectmen shall appoint for fixed terms, the Town Accountant, \*Treasurer-Collector, Constables, and Election Officers. They shall appoint for fixed overlapping terms, the members of the Board of Appeals, Registrars of Voters, Conservation Commission, Recreation Commission, Airport Commission, and Industrial Development Commission. They (Board of Selectmen) shall appoint a Director of Veterans' Services, ... established by the Town Meeting. (\*99ATM)

Proposed Change: deletion of Airport Commission

The Board of Selectmen shall appoint for fixed terms, the Town Accountant, \*Treasurer-Collector, Constables, and Election Officers. They shall appoint for fixed overlapping terms, the members of the Board of Appeals, Registrars of Voters, Conservation Commission, Recreation Commission, ~~Airport Commission~~, and Industrial Development Commission. They (Board of Selectmen) shall appoint a Director of Veterans' Services, ... established by the Town Meeting. (\*99ATM)

Proposed Evaluation: Board of Selectmen to assess the need for an Industrial Development Commission, to define the role of this commission vs. the role of the Industrial Development Financing Authority and to clarify if the Industrial Development Financing Authority incorporates the Industrial Development Commission.

The Board of Selectmen shall appoint for fixed terms, the Town Accountant, \*Treasurer-Collector, Constables, and Election Officers. They shall appoint for fixed overlapping terms, the members of the Board of Appeals, Registrars of Voters, Conservation Commission, Recreation Commission, ~~Airport Commission~~, and ~~Industrial Development Commission~~. They (Board of Selectmen) shall appoint a Director of Veterans' Services, ... established by the Town Meeting. (\*99ATM)

Mr. Arnold moved to include the above **3-2 Selectmen (d) Appointments** changes in the committee's interim report, seconded by Mr. Senie, approved unanimously with one absent.

**Third item**

The committee observed that there are numerous regular, standing committees and commissions that are mentioned in town meeting articles, but are not in the Charter. The committee submits this observation for the consideration of the Board of Selectmen as the basis for a discussion on what should be documented in the Charter. Mr. Arnold moved to include this observation in the committee's interim report, seconded by Mr. Senie, motion was approved unanimously with one absent.

List of standing committees and commissions not listed in the Charter  
Appointed by Selectmen

Aquifer Protection Committee	Assabet Valley School Committee representative
Cable TV Supervisory Committee	Central Mass Regional Planning representative
Council on Aging: MGL Ch.40, Sec .8B- they appoint their director	Country Club Operating Committee
Cultural Council (by State Statute? not mentioned and needs further investigation)	Committee for Soldiers' Memorials (Bylaw 41, Sec. 2, p.61)
Disability Affairs Committee	Emergency Planning Committee
Fair Housing Committee (by state statute?)	Historical Commission, MGLCh40, Sec. 8D (they appoint a clerk)
Housing Partnership Committee (by State Statute, 1985-6)	Insurance Advisory Committee
MBTA Advisory Committee	Municipal Sites Committee (exact name unclear)
Open Space Preservation Committee	Public Transportation Committee
Wastewater Treatment Plant representatives	Youth & Family Services, MGL, Ch.40, Sec. 8E (they appoint their director)
Animal Control Officer (see Bylaws Article 19 D, p.39)	

Appointed by Town Coordinator

MIS/GIS Director	? Sexual Harassment Officer? -it's Town Accountant now
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**Fourth item**

**Charter Proposed Changes**

**Article 3 - Elected Officials**

**Section 3-3 Moderator (d) Appointments**

Current Language

The Moderator shall appoint for fixed overlapping terms members of the Advisory Finance Committee, the members of the Personnel Board, the members of the Permanent School Sites and Facilities Committee, three(3) members of the Capital Expenditures Planning Committee and such other committees special or standing as may from time to time be established, such that the terms of office of as nearly an equal number of member shall expire each year.

Proposed Change: deletion of Permanent School Sites and Facilities Committee

The Moderator shall appoint for fixed overlapping terms members of the Advisory Finance Committee, the members of the Personnel Board, ~~the members of the Permanent School Sites and Facilities Committee~~, two(2)<sup>1</sup> members of the Capital Expenditures Planning Committee and such other committees special or standing as may from time to time be established, such that the terms of office of as nearly an equal number of member shall expire each year.

The committee believes that no members have been appointed to that committee for some time, as the town deals with such items on a project-by-project basis. Ms. Allen moved to include this observation in the committee's interim report, seconded by Mr. Vichare, motion was approved unanimously with one absent.

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<sup>1</sup> See explanation for this change in the Fifth item.  
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**Fifth item**

<b>Article</b>	<b>6 - Finance and Fiscal Procedures</b>
<b>Section</b>	<b>6-6 Capital Improvement Program</b>
Current Language	... The Capital Expenditures Planning Committee shall be composed of the Town Treasurer-Collector *; one member of the Advisory Finance Committee, appointed by and from it; one member of the Planning Board, appointed by and from it; one of the Selectmen, appointed by and from their Board; and three(3) additional members shall initially be appointed for terms of not over three(3) years so that they expire in successive years. Thereafter, the three appointments by the Moderator shall be for a three(3) year term. Vacancies shall be filled for the unexpired terms and in the manner of the original appointments. (*Changed from "Treasurer 99ATM).
Proposed Change: add a member from the School Committee, and reduce the Moderators appointments to 2	... The Capital Expenditures Planning Committee shall be composed of the Town Treasurer-Collector *; one member of the Advisory Finance Committee, appointed by and from it; one member of the Planning Board, appointed by and from it; <b>one member of the School Committee, appointed by and from it</b> ; one of the Selectmen, appointed by and from their Board; and <b>two(2)</b> additional members shall initially be appointed for terms of not over three(3) years so that they expire in successive years. Thereafter, the <b>two</b> appointments by the Moderator shall be for a three(3) year term. Vacancies shall be filled for the unexpired terms and in the manner of the original appointments. (*Changed from "Treasurer 99ATM).

The committee discussed the suggestions submitted by Town Moderator, and concluded that it was important to keep a representative of the Planning Board on this particular committee, as the Planning Board has the power to get a developer to pay for some specific infrastructure, hence the value of that board to be involved very early on in this planning process. Further, the Planning has the knowledge of past development projects and can thus corroborate costs etc. Ms. Allen moved to include the recommendation to add a member of the School Committee and reduce the Town Moderator's appointment to 2 in the committee's interim report, seconded by Ms. Casemyr, motion was approved unanimously with one absent.

Should the Board of Selectmen entertain this suggestion, then the following article will also need to be modified:

<b>Charter Proposed Changes</b>		
<b>Article</b>	<b>3-3 Moderator</b>	
<b>Section</b>	<b>3-3 (d) Appointments</b>	
	Current Language	The Moderator shall appoint for fixed overlapping terms members of the Advisory Finance Committee, the members of the Personnel Board, the members of the Permanent School Sites and Facilities Committee, three(3) members of the Capital Expenditures Planning Committee and such other committees special or standing as may from time to time be established, such that the terms of office of as nearly an equal number of member shall expire each year.
	Proposed Change: reduce the Moderators appointments to 2	The Moderator shall appoint for fixed overlapping terms members of the Advisory Finance Committee, the members of the Personnel Board, <del>the members of the Permanent School Sites and Facilities Committee</del> <sup>2</sup> , <del>two</del> (2) members of the Capital Expenditures Planning Committee and such other committees special or standing as may from time to time be established, such that the terms of office of as nearly an equal number of member shall expire each year.

### Sixth item

<b>Bylaws Inconsistencies</b>		
<b>Article</b>	<b>2 - Town Meetings and the Procedure Thereat</b>	
<b>Section</b>	<b>2</b>	
	Current Language	Warrants for Town Meeting shall be served by posting attested copies of the same in at least two public places, <del>ten</del> <b>days</b> at least before the day appointed for said meetings.
<b>Compare above language with the following Charter article</b>		
<b>Article</b>	<b>2 - Legislative Branch</b>	
<b>Section</b>	<b>2-8 Warrants</b>	
	Current Language	.... Additional copies of all warrants shall be available for distribution in the Office of the Town Clerk not less than <del>fourteen</del> <b>(14)</b> days prior to the date at which the Town meeting is to convene. ....

The committee has heard no reason why these two paragraphs should not be consistent. It's also unclear whether this language applies to Town Meetings and Special Town Meetings alike. Mr. Senie moved to include the recommendation in the committee's interim report to seek advice from Town Counsel as to consistent language, seconded by Mr. Arnold, motion was approved unanimously with one absent.

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<sup>2</sup> See explanation for this change in the Fourth item.  
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**Seventh Item**

<b>Bylaws Proposed Changes</b>		
<b>Article</b>	<b>2 - Town Meetings and the Procedure Thereat</b>	
<b>Section</b>	<b>7.</b>	
	Current Language	The Moderator may appoint a voter to perform the duties of the Moderator while he addresses the meeting, or in case he is called away from the meeting.
	Proposed Change: addition of specific language	The Moderator may appoint a voter to perform the duties of the Moderator while he addresses the meeting, or in case he is called away from the meeting. This shall ordinarily be the Deputy Moderator, but in the event of his or her absence, the Moderator may appoint any voter to perform these duties, until the Deputy Moderator becomes available.

Mr. Vichare moved to include this recommendation in the committee's interim report, seconded by Mr. Arnold, motion was approved unanimously with one absent.

**Eighth Item**

<b>Bylaws Proposed Changes</b>		
<b>Article</b>	<b>2 - Town Meetings and the Procedure Thereat</b>	
<b>Section</b>	<b>8.</b>	
	Current Language	The Moderator in propounding questions involving different sums shall put the largest sum first, and in questions involving time, the longest time first.
	Proposed Change: new language	The Moderator, in presenting motions that differ only in the amount of money involved, shall ordinarily put the largest sum first and, in questions that differ only in the amount of time involved, shall ordinarily put the longest time first.

Ms. Allen moved to include this recommendation in the committee's interim report, seconded by Mr. Arnold, motion was approved unanimously with one absent.

**Ninth Item**

**Bylaws Proposed Changes**

**Article        2 - Town Meetings and the Procedure Thereat**

**Section        9.**

Current Language

When a question is before the meeting, the following set of motions shall be used as a guide, and shall ordinarily have precedence in their numerical order:

1. To adjourn.
2. Take a recess.
3. Rise to a question of privilege.
4. Call for the order of the day.
5. Lay on or take from the table.
6. Call for the previous question.
7. Limit or extend limits of debate.
8. Postpone to a certain time.
9. Commit, refer or recommit to a committee.
10. Pass over.
11. Amend.
12. Main motion.

Proposed Change: deletion of items 4 and 5; clarification of item 6. , by adding Move the question in parenthesis; 8. Add particular place in the warrant;

When a question is before the meeting, the following set of motions shall be used as a guide, and shall ordinarily have precedence in their numerical order:

1. To adjourn.
2. Take a recess.
3. Rise to a question of privilege.
- ~~4. Call for the order of the day.~~
- ~~5. Lay on or take from the table.~~
6. Call for the previous question. (Move the question)
7. Limit or extend limits of debate.
8. Postpone to a certain time or particular place in the warrant.
9. Commit, refer or recommit to a committee.
10. Pass over.
11. Amend.
12. Main motion.

Ms. Casemyr moved to review the above changes with the Town Moderator and to include this recommendation in the committee's interim report, seconded by Ms. Allen, motion was approved unanimously with one absent.



**Tenth item**

<b>Bylaws Proposed Changes</b>		
<b>Article</b>	<b>2 - Town Meetings and the Procedure Thereat</b>	
<b>Section</b>	<b>19. 4.</b>	
	Current Language	4. Any questions concerning these activities during Town Meeting shall be decided in accordance with this Section 19 at the sole discretion of the Moderator, or to take any other action thereon.
	Proposed Change: deletion of language	4. Any questions concerning these activities during Town Meeting shall be decided in accordance with this Section 19 at the sole discretion of the Moderator, <del>or to take any other action thereon.</del>

The words “or to take any other action thereon” represent a typo and do not belong in the paragraph. They were probably inserted when the wording was copied from the warrant for the meeting at which it was approved. If indeed this is a document preparation error, then the typo can be quickly removed. If, on the other hand, this article was indeed voted as worded, then that section needs to be amended by Town Meeting. Mr. Arnold moved to review the above with the Town Clerk and to include this recommendation in the committee’s interim report, seconded by Mr. Senie, motion was approved unanimously with one absent.

**Eleventh Item**

<b>Bylaws Proposed Further Investigation</b>		
<b>Article</b>	<b>13 - Personnel Bylaws</b>	
<b>Section</b>	<b>24. Plan and 25. Wage and Salary Schedule</b>	
	Current Language	Classification Plan - Jobs by Groups Wage and Salary Schedule
	Proposed further investigation: delete the content of these two sections, to be replaced by a reference to a separate document that will incorporate the plan and wage and salary schedule details. This would eliminate the need to annually update and reprint the bylaws. Appropriate language to be determined so that Town Meeting retains voting rights on the Classification Plan and the Wage and Salary Schedule.	

Mr. Arnold moved to further investigate the proper way of moving the Plan and the Wage and Salary Schedule outside the bylaws while retaining voting rights of Town Meeting. The motion was seconded by Ms. Casemyr, motion was approved unanimously with one absent.

Mr. Shea then suggested that the committee continue to compile the input. Mr. Vichare suggested that we might want to identify topics that the committee will not address.

Mr. Arnold proposed to debate the pros and cons of OTM vs. RTM during the remainder of the meeting. Mr. Shea recapped that the great majority of comments input has been in favor of OTM, with the exception of some department heads and a few residents that prefer RTM. Mr. Vichare suggested that, since OTM was the preferred town organization, the committee should explore ways to prevent packing.

Mr. Arnold wondered if it were legal for instance to pull warrant articles out of a bowl to determine the order of acting on the warrant articles. Mr. Vichare thought that secret ballots would help prevent multiple votes by the same person when voters sit in multiple locations. Mr. Arnold concluded that the committee had not heard any one compelling reason to recommend a change to RTM, but that the committee should keep an open mind and continue to invite input from the public and town employees, and to consider exploring ways to improve the process, rather than drastically change it. Mr. Shea would like to discuss the removal of live TV's broadcast to prevent packing the meeting, and for many other reasons. Ms. Allen spoke up in favor of keeping televising the town meetings, as it helps keep a portion of the public educated on town business. Ms. Casemyr offered the suggestion that the broadcasting could be delayed by a specific amount of time, to prevent calls to stack certain warrant articles. Mr. Senie is not as bothered by the occasional packing, as it does indicate involvement by voters. OTM is an attractive format that empowers all town voters, and not just a few, as would be the case with RTM. Ms. Casemyr too supported OTM as the most direct form of representation.

On another subject. Mr. Senie confirmed that he had obtained copies of the Ashland charter, and the Grafton bylaws, as requested at the last meeting.

Now that the committee has moved to bi-weekly meetings, the next three meetings will be on 1/24, 2/7 and 2/21.

Mr. Senie made a motion to adjourn. Ms. Allen seconded the motion. The motion passed with a unanimous vote and the meeting was adjourned at 8:50 pm.

Submitted,  
Brigitte Casemyr, Secretary