

Ad Hoc Government Study Committee (Westborough, MA)
Minutes of March 21, 2007

Present: John E. Arnold, Thomas Shea, Brigitte Casemyr, Kristina Allen, Sue Abladian,
Manohar Vichare

Absent: Christopher Senie

Chairman Shea called the meeting to order @ 7:03 pm and welcome Town Counsel Greg Franks.

T. Shea stated that the committee's main agenda item was to discuss the appointed boards of the Health, Youth & Family Services, Recreation Department and Council on Aging departments, and their hiring authority over full-time paid town employees.

G. Franks said that he could not find any records as to how the Recreation Commission's staff was to be hired. When there are no such records, state statute dictates that the Board of Selectmen appoints the director of that commission. A 1970 town meeting article approved the creation of a part-time director, and the position was made full-time in 1974. The Parks and Recreation Commission itself has been around a long time, and by charter, its members are appointed by the Board of Selectmen.

A change in the hiring authority of these boards give G. Franks some concerns, as the directors of these departments would in effect have two bosses.

The town has the authority to change the hiring structure of the Board of Health without requiring a charter vote. The state statutes give towns local options in that area. He also noted that the town does not have to have a Board of Health.

Other positions are more difficult to assess, and G. Franks was uncertain if the town could in effect take back the hiring responsibility for some boards. The state's language states that towns may empower boards to hire staff for Recreation, Council on Aging and Youth & Family Services. However, G. Franks did not find any language that spells out how to change this process. He suggested that we would need a home rule petition to change how the directors are appointed, and place an article on the town meeting warrant, which, if passed, would need to be ratified by the state legislature. G. Franks said he would continue his research on this particular topic. He added that hiring and firing authority are both affected by such a change.

J. Arnold asked G. Franks to explain how to change the town's charter, and to focus on any possible restrictions by topic. G. Franks explained that there are two ways to change a town's charter:

1. Elected charter commission of 11 members. With this process, there is no need for further state ratification.
2. Town meeting warrant articles, which if passed, need to go to the legislature to get ratified.

The committee continued to explore the various elected and appointed positions, and G. Franks was then asked to explain how to change the position of Town Clerk from elected to appointed. G. Franks explained that an article to that effect would need to be placed on the Annual Town Meeting warrant. If approved by a majority of voters, the question would be put on the ballot at the next town elections, and would again require a majority to pass. If accepted, then the incumbent would serve out current term. If the town clerk election is on the same ballot as the question to change that position from elected to appointed, and if the change is approved by a majority of voters, then the town clerk position would change immediately. J. Arnold suggested that the committee researches how the Treasurer position was changed from elected to appointed.

Next the committee inquired about the various forms of Town Coordinator/Town Manager positions. G. Franks stated that there were no set templates as to how to structure this position, and there are many ways to implement a strong town management position. He submitted a document from the Westlaw archives, describing how the Town of Weston established the position of town manager, as an example for a suitable format. This document is incorporated into these minutes in hard copy as Appendix A. The redistribution of power between the Board and Selectmen and the Town Manager would need a charter amendment. S. Abladian inquired if the town would be able to enforce the requirement that the town manager resides in Westborough, which G. Franks confirmed.

S. Abladian next asked whether the maintenance of the library building could be made part of the Town Manager's responsibilities. She clarified that the Town Coordinator today is responsible for the well-being of town buildings, except for the library and schools.

S. Abladian also asked if all town officers are bonded. G. Franks said no, and that Town Treasurer/Collector Joanne Savignac has that information.

K. Allen asked if there was any particular format that should be followed, should the Board of Selectmen decide to include any of the committee's recommendations on the warrant. G. Franks stated that there were no rules to that effect. The recommendations could be presented in separate articles, or in just one.

T. Shea thanked G. Franks for the research and thoughtful comments provided to the committee.

T. Shea then asked K. Allen to share with the committee the letter that would be sent to the members of the Boards of the Health, Youth & Family, Council on Aging and Recreation departments.

K. Allen provided a recap of the committees' next meetings:

3/27 - Board of Selectmen

4/4 - Town Clerk Nancy Yendriga

4/21

M. Vichare shared three points for an efficient process, that could be used by the committee for its future deliberations:

1. Devise a process to evaluate and analyze the input the committee has received
2. Put aside legal issues at this point
3. Make review of minutes more efficient by focusing more on the essence that the particular language used.

T. Shea agreed that the committee needed to move quicker with reviews, and asked if any committee member had any specific idea that had not yet been brought to light. S. Abladian mentioned that she'd like to review the format and layout of the Charter and Bylaws to make them easier to read. J. Arnold commented that he had not heard anything to this point that suggests that the town is not functioning well.

B. Casemyr made a motion to adjourn. M. Vichare seconded the motion. The motion passed with a unanimous vote and the meeting was adjourned at 9.09 pm.

Submitted,
Brigitte Casemyr, Secretary