

**Government and Charter Study Task Force
Meeting Summary 04/21/2010
Selectmen's Meeting Room**

Attendance:

Peter Cahill
Thomas Daly
Margery Eramo
Charles Flahive
Ken Foscaldo
Frank Jacobs
Karen Manor Metzold
Alice Moore
Michael Jaillet, Town Administrator
Anne Marie McIntyre, Staff Administrator

Absent

Paul Fitzgerald
Charlie Flahive

Meeting Summary

Tom McCusker, Town Counsel

Peter Cahill introduced Tom McCusker.

Mr. McCusker is a resident of Westwood since 1966. He was a member of the Board of Selectmen from 1968-1975 and then became Town Counsel. Mr. McCusker recounted how he helped with the Charter Commission in 1968. The Home Rule Amendment drove the creation of the Commission. He stated that the Commission “pretty much codified what was there.” He added that Mike Curran, Town Counsel from Canton, was hired to write the Charter.

Mr. McCusker does not support a Representative Town Meeting. Mr. McCusker believes that the residents come out for the important issues and support Open Town Meeting. Mr. McCusker's principal concerns with the town are financial. He stated that Town Treasurer and Town Collector are two elected positions that render themselves amenable to appointment. He noted that any Town Treasurer or Collector who was first appointed by the Selectmen was later elected. Mr. McCusker added that Pam Dukeman transformed the fiscal operation of the Town and made great improvements. Mr. McCusker senses there would not be disenchantment with the voters if the Town Treasurer and Town Collector were appointed positions. He did not recall either office ever being contested. Mr. McCusker believes that the Selectmen are sensitive to the need

for expertise and skills in these positions and that the residents recognize that those running for these offices are qualified.

Mr. McCusker stated that the Town Clerk should remain an elected position and be independent of the Selectmen. He explained that the Clerk is involved in every aspect of town business and makes many decisions on behalf of the town. It is important to keep the position separate from any public authority other than the voters. Mr. McCusker mentioned that state law allows towns to grant tenure to the Town Clerk after a certain length of service. If tenure is approved at Town Meeting, the Clerk does not have to run for election until he/she reaches the age of 80.

Mr. McCusker commented that rarely has an incumbent Selectmen been defeated. He reflected on past Board of Selectmen elections where the incumbent was challenged. Tom Darcy challenged the incumbent Mason Taber, and Mr. Taber lost. Some Task Force members recalled that Marcia Hirshberg and Tom Dunn were challenged as incumbent Selectmen and lost. Mr. McCusker noted that, for a period of time, Selectmen representing each of the three precincts – by tradition and not by law.

Mr. McCusker stated that 175 is a good number for the quorum.

Mr. McCusker pointed out that wording in Chapter 11-1-1 of the Charter reads “of the town meeting” and should be removed because it relates to Representative Town Meeting.

Mr. McCusker mentioned that statute stipulates that the School Committee will serve without compensation. He feels that the Planning Board could be compensated. All stipends are determined by Town Meeting.

Mr. McCusker responded to Alice Moore’s question regarding amendments and petitioner articles. He commented that, once a petitioner article is in the warrant, it belongs to Town Meeting and cannot be changed until Town Meeting when it can be amended on the floor. Mr. McCusker and the Board of Selectmen encourage individuals with petitioner articles to have Town Counsel review the article to ensure the petition will accomplish what the petitioner intends the article to do. Citizens may currently withdraw an article up until the warrant is published. Mr. McCusker stated that the petitioner article process could be streamlined so it is easier to make changes.

Ms. Moore asked about the recall process and mentioned that recall is a “hot topic” in current Charter reviews. Mr. McCusker explained that some years ago at Town Meeting a provision for Recall was voted on, but for reasons unknown the article was not sent to the State Legislature. The article then went to next Town Meeting and was sent to the Legislature, so there is a recall process in place. Mike Jaillet offered to locate the legal language of the recall process in Westwood.

Frank Jacobs asked Mr. McCusker his opinion regarding a second Town Meeting. Mr. McCusker stated that a single Town Meeting is efficient and less cumbersome than

having a required second Town Meeting in the Charter. He believes that the town is well equipped to handle a Special Town Meeting, and he furthered that, if the financial articles are divorced from the zoning articles, you would lose a lot of people at the second Town Meeting.

McCusker did not have an issue with a one year term for the Town Moderator.

Mike Krone, Board of Assessors

Mr. Krone outlined that the members are elected to a 3-year term with a stipend. He explained that the Board of Assessors is responsible for setting the values used for property and excise taxes. The Board of Assessors also assists residents who qualify for exemptions or reductions in valuations based on their status. In addition, the Board of Assessors handles abatement applications. The Board of Assessors makes annual recommendations to the Board of Selectmen on the classification rate for residential and commercial taxation.

Mr. Krone explained that the Board of Assessors receives their authority from the Commonwealth of Massachusetts and that the State monitors and certifies the valuations. are mandated and certified by the state. Mr. Krone stated that the Board hires experts to do the valuations.

Mr. Krone praised the strong working relationship The Board of Assessors has with Town employees and officials; in particular, Pam Dukeman, Tom McCusker and Mike Jaillet.

Mr. Krone pointed out that the Board of Assessors needs to be elected not appointed to maintain autonomy. He further noted that the people who run for this office are usually well qualified.

Regarding his thoughts outside of the Board of Assessors, Mr. Krone believes that it is reasonable to offer a stipend to individuals who serve on boards and to recognize their commitment. On this topic, he recommends that any current stipends be continued and not eliminated. Mr. Krone does not think it is necessary to receive the Town employee benefits, but in the future, it may become difficult to find people willing to serve on these boards. Hence, it may be a good idea to retain the benefits. "As time goes on and people get busier, matters get more complex and things get more contentious, it may be harder to get people to sit on the boards."

Mr. Krone shared some thoughts based on his experience as a Finance Commission member and Chairman. He stated that Finance Commission members should be allowed to serve on other boards. He stressed the need to equalize the powers of the Board of Selectmen and the Finance Commission so that one does not become more powerful than the other and does not micromanage. Mr. Krone recalled that there was a period of time when the Town voted almost exclusively for the Finance Commission's

recommendations. While Mr. Krone likes the purpose of the Commission, he noted that at least half of the members lack prior experience in Town government. The Commission is representative of the Town, and all articles should go by the Finance Commission. He recommended strengthening the controls of power between the Selectmen and the Finance Commission. He does not support the current appointment by Moderator approach and proposed that a board of electors could nominate individuals for these positions. This process could be used for other appointed positions too. Mr. Krone also stated that the Finance Commission is too large and that the name should be changed as it is a misnomer.

Mr. Krone suggested that Representative Town Meeting could be considered if attendance is wavering in Open Town Meeting.

Mr. Krone encouraged the Task Force, when making Charter revisions, to provide language to prevent “worse case scenarios.”

Other Business

Approval of Meeting Summaries 2/3, 2/24 and 3/24/2010

Changed spelling of Gloucester on page 5 of the Meeting Summary 2/3/2010. Public Forum Summary will be posted on the Task Force website.

Karen Manor Metzold gave a brief synopsis of the Town Charter Articles that were circulated a few weeks ago via email, regarding the last report of the Charter recommendations in the 1980's. She pointed out that the newspaper article was interesting as the town did not want piecemeal changes but rather a comprehensive plan.

Mike Jaillet made a Power Point presentation on the voting devices from Turner Technology. Each member received a device and participated in a mock voting session.

Budget Narratives were distributed for the members to use as a reference.

Peter Cahill reminded the Task Force members that appointments end June 30, 2010. Mr. Cahill recommended dedicating the next couple of meetings to discuss the issues presented by the Town Officials and board members and draft a report to Board of Selectman. Alice Moore suggested that the report be available to the Public Forum attendees.

Marge Eramo inquired about the language of the Tree Warden position, and Mike Jaillet said he would investigate.

Next Meetings: May 5, May 19, June 2 and June 9 at 7:00 p.m.