

**Advisory Committee Meeting
Monday, November 30, 2015
Wellesley Police Station**

Tom Frisardi called the meeting of the Wellesley Advisory Committee to order at 7:00pm. Those present included Mary Crown, Tom Fitzgibbon, Chad Harris, John Hartnett, Mike Hluchyj, Mark Kaplan, Michael Mastrianni, Frank Pinto, Alena Poirier, Sara Raveret, Mason Smith, Ria Stolle, and Kathleen Woodward.

Citizen's Speak

There was no one present for Citizen's Speak.

Discussion concerning motions under Articles 3 through 6 of the warrant for Special Town Meeting and proposed amendments thereto

Warrant Article 3A

The revision of motion 3A includes two friendly amendments to Section 3(B)(2). Katherine Babson, Chair of the Town Government Study Committee (TGSC), participated in the discussion. The state statute provides that the Board of Selectmen (BOS) appoints the Historical Commission and the Youth Commission; the Special Act needs to clarify that the BOS will continue to appoint the Historical Commission and the Youth Commission. Also, the BOS amended the Special Act so that the department heads (not the Town Manager) will appoint all subordinate employees.

A friendly amendment was defined as an amendment to which the selectmen are receptive.

A member questioned what Massachusetts General Laws, Chapter 40, Sections 8D and 8E, provides. Katherine Babson replied that it has to do with how the Youth Commission and the Historical Commission are appointed.

Sara Raveret made a motion to rescind the October 28 vote on Warrant Article 3A. Mason Smith seconded the motion; the motion carried 13-0.

Additional discussion:

The vote is on the entire Special Act, including the amendments approved at Town Meeting.

One member explained that he voted against the Special Act in the previous vote because he supported "carving out" some of the boards, but since the carve out amendments were defeated, he is now voting for the Special Act because he thinks adopting a Town Manager form of government is important for the town. Another member maintains that the Special

Act is fundamentally flawed, and that Town is sacrificing a successful tradition of self-government for limited and speculative efficiency.

Sara Raveret recommended favorable action on Warrant Article 3A as amended through November 24. Mason Smith seconded the motion; the motion carried by a show of hands, 10-3. The Advisory Committee will recommend favorable action.

Amendment 12: Marla Robinson’s amendment to Warrant Article 3A to move removal procedures for the Town Manager from the Special Act to the bylaws

Marla Robinson has made a change to her amendment to Warrant Article 3A, Section 4, to move the removal procedures for the Town Manager to the bylaws. Under her recent proposal, the following would be the new section 4: “The board of selectmen may terminate the town manager in accordance with applicable procedures established by the Town.”

Tom Frisardi recognized Marla Robinson.

Ann Marie Gross, of the TGSC, explained that the Special Act, if approved by Town Meeting, will be voted on by the entire town, and that including the termination procedures for the Town Manager in the Special Act will inform the citizens as to what they are voting on. She pointed out that 7 of the 9 benchmark towns that have Town Managers have the removal procedures in their Special Acts.

One member who had previously recommend incorporating the language into the bylaw and then specifically referencing the bylaw in the statute, noted that this reference to the bylaws is still vague; Marla Robinson explained that Town Counsel did not want the wording to be too specific in the Special Act in case changes are made down the road to the bylaws.

The contract for the Town Manager would include the removal procedures, whether they are in the Special Act or in the bylaws, and the contract could not be changed if the Town were to amend the removal procedures in the bylaws during a Town Manager’s tenure.

One member thought the language should be more specific in the Special Act, and there should be a reference to the Town bylaw. Another member was uneasy about including provisions that have been drafted by lawyers for Town Managers in the Special Act; there is a concern that it binds the Town’s hands in contract negotiations.

Sara Raveret made a motion to rescind the previous vote on Amendment 12. Mason Smith seconded the motion; the motion carried by a show of hands, 13-0.

Sara Raveret recommended favorable action on the Marla Robinson’s amendment to the Special Act under Warrant Article 3A, Section 4. Frank Pinto seconded the motion; the motion carried by a show of hands, 7-6. The Advisory Committee will recommend favorable action on Marla Robinson’s amendment.

Warrant Article 3(B)

Amendment 14: Proposed by the Library Trustees to provide for active participation in the strategic plan

The Library Trustees have proposed an amendment concerning the role of the boards in the Strategic Plan. It would amend Section 19.12.b of the general bylaws to read: “All Town boards, **and** officers, ~~and staff are expected to cooperate and~~ **shall actively** participate in the preparation of the Strategic Plan.”

Tom Frisardi recognized Beth Sullivan Woods, who explained that the Library Trustees have not voted on the specific language of this amendment and that they may not bring forward the amendment. The proposal seeks to ensure representation of the boards, but doesn't seek to require all boards to participate.

Warrant Article 3(C)

Amendment 15: Marla Robinson's amendment to require Town Manager's contract to be publicly available

This proposal would amend Section 20.2.a of the General Bylaws. Marla Robinson's amendment would require that the Town Manager's contract be made available to the public in the office of the Town Clerk during regular business hours and at the Wellesley Free Library. She had previously proposed making it available on the Town website; however, Town Counsel explained that including “website” into the bylaws could be problematic.

There was discussion on why including “website” in the language is problematic; generic language such as “electronically available” could resolve any potential issues. One member pointed out that the contract should be available to anyone who is homebound or physically challenged, and the website would make that possible. One member noted that the bylaws include a reference to the Advisory Committee Report being made available on the Town's website, so there is precedence of including the word “website” in the bylaws.

One member pointed out that under the Town Annual Report bylaws, the Town Clerk shall make Annual Report contracts available for inspection by the public during regular business hours and place copies of the Annual Report in the Wellesley Free Library, so there is also precedence for requiring Town documents to be made available in the library.

Another member pointed out that anyone who works would be unable to visit the Town Clerk's Office during regular business hours to view the Town Manager's contract.

TGSC thinks having public documents available in the Town Clerk's office is sufficient; the Town Clerk is a repository for public documents.

Marla Robinson made the point that the contract should be readily available to all Town residents in the library, which is open in the evenings and on weekends. Some Advisory members recommended that Marla return to Town Council to include posting the Town Manager's contract on the Town's website in this amendment.

Amendment 20: Marla Robinson's amendment regarding notice of a temporary Town Manager appointment

This proposal would amend Warrant Article 3C, Section 20.13.a. Marla Robinson believes that if the Town Manager appoints a temporary Town Manager for more than three days, then that information should be posted in the Town Clerk's office.

Friendly Amendment to Section 20.3.b.ii:

The following language in bold has been added: " Any appointment of other department heads or chief staff employees of elected and appointed boards shall be made only after consultation with such board regarding applicable duties and qualifications; **review of applications and interviews of candidates by a screening committee or through another practice that the Human Resources Board may adopt; . . .**"

The language change requires using a screening committee to identify suitable candidates for department head roles. The selectmen are in favor. The TGSC has not voted on this; it is a TGSC motion.

Sara Raveret made a motion to rescind the October 28 vote on Warrant Article 3C. Frank Pinto seconded the motion; the motion carried by a show of hands, 13-0.

Sara Raveret recommended favorable action on Warrant Article 3C as amended through November 24. Mason Smith seconded the motion.

Discussion:

A member questioned the revised language in Part II, Section 20.3.j: "Affected boards shall be given the opportunity to review and comment on proposed contract terms prior to execution of any tentative agreement." He pointed out that a general principle of collective bargaining is that agreements at the table cannot be subject to veto by a party that is not at the table.

There was a question whether there should be a provision that the Town Manager shall be the collective bargaining agent for the Town and a member of the affected board should be at the table to act as a liaison before a tentative agreement is reached.

There was a decision to table the discussion and to ask Town Council for additional information. Accordingly, there was no vote on Warrant Article 3C.

Warrant Article 4(B)

The motion allows the Town Manager or a designee of the Town Manager to hire staff for departments. One member felt that the Director of Human Resources should be the "Town Manger's designee." Another member questioned what would happen if a department or board has a problematic relationship with the Town Manager.

Sara Raveret made a motion to rescind the October 28 vote on Warrant Article 4B. Frank Pinto seconded the motion; the motion carried by a show of hands, 11-0.

Sara Raveret recommended favorable action on Warrant Article 4B, as amended on November 24. John Hartnett seconded the motion; the motion carried by a show of hands, 9-2.

Warrant Article 4D:

The Town Clerk will remain an elected position, but now the Town Clerk shall provide a report to the Town Manager containing information about the Clerk's performance of his or her duties, as requested by the Town Manager.

Sara Raveret made a motion to rescind the October 14 vote on Warrant Article 4D. John Hartnett seconded the motion; the motion carried by a show of hands, 11-0.

Sara Raveret recommended favorable action on Warrant Article 4D as amended November 24. Frank Pinto seconded the motion; the motion carried by a show of hands, 11-0.

Approval of Minutes

Sara Raveret made a motion to approve the minutes as amended by Tom Frisardi from the November 16 meeting. Frank Pinto seconded the motion; the motion carried by a show of hands, 11-0.

Sara Raveret made a motion to approve the minutes from November 17. Mason Smith seconded the motion; the motion carried by a show of hands, 10-0, with one abstention.

Adjournment

There was a motion to adjourn. The motion carried 11-0.

The meeting adjourned at 9:40.

Note: The meeting was recorded and can be viewed on the Wellesley Media's website at www.wellesleymedia.org.