

TOWN OF WESTMINSTER

AN EVALUATION OF STRUCTURE & OPERATIONS OF WESTMINSTER GOVERNMENT AND RECOMMENDATIONS FOR MODIFICATIONS

JUNE 2018

OCTOBER 2018 REVISED



REPORT TO THE WESTMINSTER BOARD OF SELECTMEN
BY THE TOWN GOVERNMENT STUDY COMMITTEE



COMMUNITY PARADIGM ASSOCIATES, LLC

Report
To
Westminster Board of Selectmen
By the
Town Government Study Committee

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And Recommendations for Modifications

June 2018
October 2018 (Revised)

Prepared by:



COMMUNITY PARADIGM ASSOCIATES, LLC

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I. Introduction

In 2016 the Town of Westminster formed a Town Government Study Committee (TGSC) in accordance with a recommendation from the Town's 2014 Master Plan, which had identified a number of issues related to the Town Government's overall operation. The Master Plan identified issues related to: 1) administrative and management capacity, 2) organizational communication and coordination, 3) municipal spending and taxes, and 4) concerns regarding the long-term viability of town government based primarily upon volunteers. The applicable excerpts of the Master Plan are provided in *Exhibit A*.

The Master Plan made a number of recommendations to address the identified issues and to achieve the proposed Goals and Objectives, including the establishment of a Town Government Study Committee with a charge to:

..." Review and analyze how Westminster's town government is currently organized and make appropriate recommendations for re-organization that will enable town government to function with maximum effectiveness."

It was expected that such a reorganization of Westminster's governing structure and many of its operational processes could, and would, improve the efficiency and effectiveness of the Town's local government in allocating and maximizing resources. This would, in turn, allow Westminster to address challenges and opportunities that the Town faces in its delivery of services and future development, many of which were identified within the 2014 Master Plan.

In the spring of 2016 the Board of Selectmen, acting upon the recommendation of the adopted Master Plan, appointed a nine member Town Government Study Committee with a seven-point charge:

1. *Conduct an in-depth review of the town's current organizational structure,*
2. *Obtain information regarding various models of government structure from other Massachusetts communities similar in size to Westminster,*
3. *Identify strengths and weaknesses in Westminster's current form of government and areas for improvement,*
4. *Recommend changes in the Town's organizational structure, including but not limited to the terms of office and the method of selection of officials, consistent with the needs of the Town; for example, consider changing the name and duties of the Advisory Board to Finance Committee or changing the Town Clerk's position from elected to appointed,*
5. *Report its findings and recommendations to the Board of Selectmen and then Town Meeting within two years, (amended by the Board of Selectmen to December 2019)*
6. *The ultimate goal of the Town Government Study Committee is to gain the support and confidence of the public through the creation of a new town charter establishing the framework for an improved structure of government for the Town of Westminster*
7. *Provide recommendation as to which boards/commissions should receive a stipend.*

Community Paradigm Associates, LLC was retained by Westminster in the summer of 2017 to work with the TGSC in the charge of the Board of Selectmen. This Report reflects the work that has been performed by Community Paradigm in concert with the TGSC since August of 2017 through October of 2018, including presentation to the Board of Selectmen, additional community input, report revisions, drafting of a Home Rule Charter for consideration by Town Meeting, and development of a Transition and Implementation Plan and Timetable.

II. Approach and Methodology

To understand the dynamics of the Town of Westminster and its government, a representative of Community Paradigm conducted the following activities, in addition to reviewing the extensive documentation and surveys that had been conducted by the TGSC:

- Reviewed documents and materials regarding the existing structure and operational processes including organization chart, bylaws, special acts, policy books, notable legal opinions, recent annual reports, budgets and audits, 2014 Master Plan, etc.;
- Interviewed the Town Administrator and all members of the Board of Selectmen as Town executives to discuss Town structure and operations, and review project goals;
- Interviewed key department heads, who made themselves available to review their operations and issues regarding the larger Town operations, positive and negative;
- Met with key elected bodies, or representatives of such bodies, to gain perspective on their consideration of Town issues and operational strengths and weaknesses;
- Met with representatives of various appointed boards and committees to discuss Town functions and opportunities for improvement;
- Interviewed the Town Moderator over two sessions;
- Reviewed reports prepared by the Massachusetts Department of Revenue (DOR) regarding Town operations.

Additionally, Community Paradigm compared structure and operational processes of Westminster to similarly-sized communities. The comparable communities were approved by the TGSC and consisted of Ashburnham, Ayer, Groton, Harvard, Hubbardston, Lancaster, Lunenburg, Pepperell, Rutland, Shirley, Sterling, and West Boylston. Information regarding the structure and processes of the comparable communities is summarized in *Exhibit B*.

As a result of this work, Community Paradigm Associates developed a Status Report (9/21/17) that included a SWOT analysis that analyzed the Strengths, Weaknesses, Opportunities, and Threats of the current structure of Westminster's government. This analysis established the framework for deliberations by the TGSC. This report is included as *Exhibit C* and includes information relative to materials reviewed and the local officials that were interviewed during the process.

The deliberations of the TGSC were facilitated by Community Paradigm and worked through a series of prepared decision points as well as other issues raised by members of the TGSC. These included:

- Method of establishment of form of government
- Structure of legislative body
- Election or appointment of specific officials and multi-member bodies
- Potential authority and responsibilities of the Chief Operating Officer
- Other Issues including: Advisory Board or Finance Committee, payment of stipends to elected bodies, Strategic Planning, and Charter review process.

III. General Observations and Findings

This project has been focused upon a central question of whether the Town of Westminster's local government, as currently structured, is able to most effectively work on behalf of its residents and taxpayers. While government services are being delivered in Westminster and the Town's finances appear to be relatively stable at present, this study focused specifically upon the effectiveness of the existing structure and mechanisms of the Town. Evaluation was conducted in accordance with the findings, goals and objectives as set forth in the 2014 Master Plan and identified best practices in municipal government.

There are many opinions and tests to determine whether an organization, in this case a municipal organization, is effective. The core responsibility of producing outcomes related to the organizational mission is a simple means of determining whether the organization is achieving its most basic function. An *effective* organization must be able to determine the parameters of its mission, the definition of specific outcomes, the efficiency of achieving outcomes, and organizational flexibility to respond to changing internal and external conditions. In order to assess this broader and more complete concept of effectiveness focus was placed upon ten questions, as set forth by Community Paradigm:

1. Does the organization have clear lines of accountability such that it can appropriately manage the delivery of services, the essential function for which it exists?
2. Is the organization structured to facilitate communication between its decision-makers and service delivery personnel?
3. Is the organization prepared for some future state of opportunities or challenges, and does the organization have the structure in which strategic planning for some future state exists and occurs?
4. Is the organizational structure designed for maximum efficiency of operations with quick and flexible response, without duplication of effort, or without less than optimum use of resources?
5. Does the organization have the structure and processes to properly manage and develop its human resources?
6. Is the organization prepared for the succession of its human resources to ensure continuity of high performance?
7. Is there an appropriate level of leadership within the organization to establish consistent values, vision, direction, performance expectations, service delivery focus, and a management system that produces results?
8. Is the structure, and its operational processes, easily understood by its owners, members and users?
9. Is there confidence and trust with the organization and its processes from stakeholders?
10. Does the organization continually review its processes for improvement, through data and information that measures performance and goal attainment?

Every municipality can and should consider these questions to determine whether their governmental organization meets these standards of maximum effectiveness, and where improvements can be made. The TGSC's work in executing its charge by the Board of Selectmen has conducted such an analysis and found that there are deficiencies, many of which were previously identified within the 2014 Master Plan Report. The work of the TGSC and Community Paradigm has identified that many of the deficiencies occur as a result of the presently established governmental structure and associated processes, or in some cases, lack thereof.

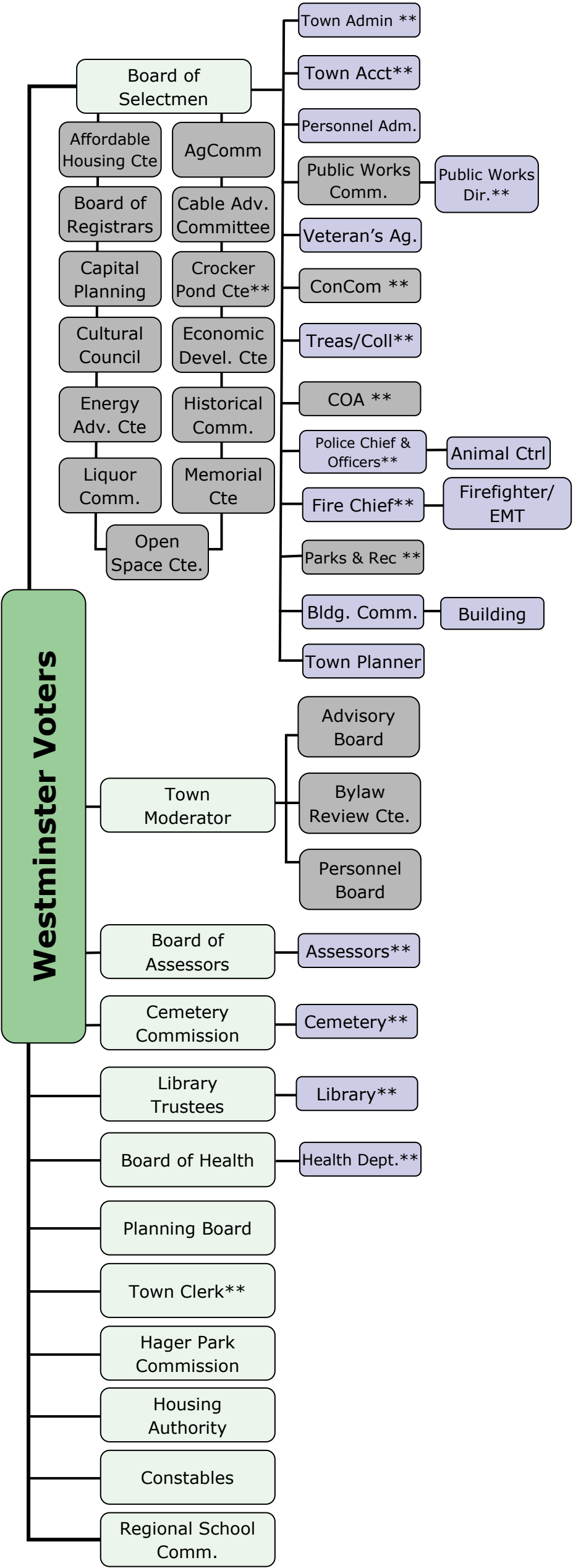
While the TGSC and its consultant have identified a number of deficiencies, there are a number of positive takeaways from the analysis that has been conducted through this project. It is certainly worthy of noting each of these as a foundation upon which to make positive changes that will further improve the operation of Westminster's local government for the benefit of its current and future residents and taxpayers. These positive observations include:

- A history of many committed and conscientious elected and appointed officials that care about the Town.
- Devoted and talented department heads affirmatively acting to ensure the success of their departments.
- A willingness of some number of citizens to serve or volunteer in elected or appointed positions.
- The employment of conservative financial practices that have produced a general condition of sustainability for the near term.

The findings by the TGSC and Community Paradigm regarding the deficiencies of Westminster's governmental structure, operations and processes are summarized below, and in most part reinforced the tentative findings made by the TGSC in their work prior to Community Paradigm being engaged:

- Westminster's form of government is too decentralized and results in a lack of accountability as responsibilities are so diffuse as to render full responsibility difficult to determine. A common issue identified during the review process was that there was "no one in charge". The Organizational Chart for the current form of government, which is included as *Figure 1*, reflects the dispersal of authority and accountability.
- The decentralized structure of government dilutes authority and impedes functional coordination and collaboration.
- The actuality of the government structure being so fragmented results in some level of frustration by users of the local government as they find that key local officials, notably the Selectmen and the Town Administrator, may be held accountable but have no actual jurisdiction and/or authority on a variety of matters.

Figure 1



KEY

Voters

Elected Officials

Appointed Positions (paid)

Volunteer Board/ Committee Appts

**supervises paid staff

- The existing fragmented structure makes communication and coordination of effort a difficult endeavor as multiple channels exist for dissemination of information, internally and externally. Simultaneously, as no single entity can speak for the entire organization, internal and external communications are poor.
- Relatedly, there is inadequate attention to creating a comprehensive organizational culture of shared values and mission with coordinated strategic goals and objectives.
- The Board of Selectmen needs to provide more policy guidance and overall vision through a process for comprehensive strategic planning. This is again attributable to the fragmented nature of the organizational structure as well as an emphasis on tactics rather than strategies due to a vacuum in formal management capacity.
- A stronger executive is needed to manage operations, as there is inadequate formal town-wide management in place. Instead, management occurs on an *ad hoc* basis, and often without utilization of best practices that could maximize the efficiency of service delivery.
- Without a strong executive, there is a lack of integrated and effective management capacity to handle complex issues.
- There are a number of inconsistencies in current operations especially personnel as human resource administration is splintered among the various departments, boards and officers of the Town thereby preventing a coordinated approach that maximizes management and development of the organizations' most important assets.
- It is increasingly difficult to get qualified volunteers for the high number of appointed and elected positions.
- A number of elected positions are technical, thereby requiring expertise, proper training and experience, as opposed to policy setting roles based upon community values. A lack of proficiency in these positions provides some level of risk and liability to the Town.
- The inefficiencies in operations exposes the Town to potential fiscal pressures in the short- and long-term with a duplication of resources, staff and equipment as each "island" operates independently.

IV. Recommendations

Based upon the identified deficiencies and deliberations of the appropriate course of action for Westminster as determined by the TGSC, the following recommendations have been compiled. These recommendations would establish a plan for restructuring the Town government and provide a system of self-government by the Town through the creation and adoption of a Home Rule Charter. This Charter would act as Westminster's own constitution by establishing a locally controlled governmental structure and distribution of legal authority and responsibilities to the Town's officials.

The adoption of a Home Rule Charter for Westminster lies at the core of the TGSC's recommendations. All other recommendations flow from this central theme, focusing upon the importance of the Town determining the manner in which it will be structured and operated. Absent this core, guiding document, the town functions under an assortment of general state laws, special acts and local bylaws. Operationally, these laws are often vague, sometimes contradictory, and fail to describe a complete and methodical statement of the Town's organizational structure and the relationships between its various parts. In adopting a Home Rule Charter Westminster will join over 160 of the 351 communities of Massachusetts that have established home rule through a Special Act Charter or a Home Rule Charter.

Recommendation #1 – Method of making changes to the form of government

Utilize a Special Act to adopt a Home Rule Charter for the Town of Westminster:

- Maximizes public participation – the Charter will require approval of the Open Town Meeting, and after approval by the State Legislature, it will require ballot approval of Westminster voters. Other options could be accomplished by simple vote of the Board of Selectmen, or of Town Meeting, and do not require approval by the voters.
- The Special Act process would utilize the extensive work of the Town Government Study Committee, rather than starting the process over and electing a Charter Commission as provided in MGL, Chapter 43B.
- The process gives some permanence to the governmental structure while allowing modifications to be made in a proscribed manner. The alternative is the utilization of bylaw provisions, which can be modified frequently and repeatedly thereby reducing organizational and operational stability.

Recommendation #2 – Legislative Body: Retention of Open Town Meeting

Retain Open Town Meeting and establish standing Spring and Fall sessions with dates established by Bylaw. The addition of a regular Fall Town Meeting provides some certainty to an already near-certain occurrence, thereby providing improved opportunities for scheduling for local officials and the voters that attend Town Meeting.

- Retain Advisory Board (as opposed to changing to a Finance Committee) – 5 members – and use language from existing bylaw to detail authority of the Advisory Board in the Charter.
- No Quorum requirement, unless provided in Bylaws
- Additional Special Town Meetings as Needed

Recommendation #3 – Determination of specific multiple-member bodies and officials to be elected or appointed

Elected bodies and officials should be limited to those that function to drive policy decisions for the Town based upon value judgments that reflect the will of the voters. Technical and administrative functions should be appointed based upon merit, fitness and established expertise. Accordingly, elected multiple-member bodies and officials would be reduced to the following:

- Board of Selectmen
 - Assumes Duties of elected Cemetery Commission
- Regional School Committee
- Town Moderator
- Library Trustees – reduced to five members

Recommendation #4 – Establishment of Town Manager as Chief Operating Officer

A central theme in discussions with staff and local officials was the need for a single voice and authority, to be empowered to operate the local government on a day-to-day basis and held accountable in this charge. In conjunction with these sentiments was the identification of the importance of expertise related to the operation of the Town government particularly in areas of finance, human resources, procurement and contract administration, collective bargaining, municipal issues and general operational management skills related to a municipal organization. Accordingly, the TGSC proposes the creation of a Chief Operating Officer with appropriate levels of authority and accountability to be known as the Town Manager. The Charter would establish:

- Qualifications for appointment
- Conditions of Appointment/Removal
- Circumstances related to Temporary Absences
- Selectmen may appoint screening committee to assist in the selection
- Town Manager Authority and Responsibilities:
 - Operational Responsibility/Direct and supervise all administration
 - Keeping the Selectmen fully informed of operational needs and issues
 - Financial and Administrative Recordkeeping
 - Management of all Town facilities and maintenance of Town inventory
 - Power of investigation
 - Procurement, which may be delegated, and Bylaws established regarding the necessity of certain Selectmen approvals
 - Appointment of Department Heads and certain multiple-member bodies
 - Personnel Administration including collective bargaining
 - Budget and Financial Management
 - Powers of Re-organization, subject to Selectmen approval
 - Participates in Strategic Planning with Board of Selectmen

Recommendation #5 – Previously elected multiple-member bodies and officials to become appointed by the Town Manager with approval of the Board of Selectmen

The corollary of the recommendation to retain the election of policy-making officials is the recommendation to convert administrative, technical and expertise based officials to an appointment-based selection process, where qualifications and expertise are used to determine selection, or in cases where responsibilities are ministerial as opposed to policy-making. Accordingly, the following positions are converted to appointment, with such selection made by the Town Manager, subject to Board of Selectmen approval, unless otherwise noted:

- Board of Assessors
- Board of Health
- Planning Board
- Housing Authority
- Town Clerk - **Selectmen's approval not required**
- Constable - **Selectmen's approval not required**
- Hager Park Commission-duties assigned to a newly established Recreation Committee

Recommendation #6 – Consolidation of some Boards, and assignment of operations to consolidated departments

The Town has a myriad of Boards and Committees that fragment operation and impede strategic decision-making and operational efficiencies. Accordingly, the TGSC has determined that a streamlined organizational structure, shown in *Figure 2*, will produce positive effects for the operation of the Town in addressing issues and opportunities, as well as providing openings for increased efficiencies in the delivery of services and management of Town infrastructure. Accordingly, the following Board/Committee consolidations are recommended:

- Board of Selectmen to also serve as Liquor Commission, which is the most common structure within Massachusetts municipalities.
- Board of Selectmen assume the responsibilities of the Public Works Commission and the Cemetery Commission which are to be eliminated; and the Board of Selectmen assume the statutory responsibilities of Water Commission, Sewer Commission, Road Commission, Parks Commission, and Cemetery Commission for purposes of policy-making and setting of fees, not for purposes of administration.
- Create Recreation Committee by Bylaw and incorporate the duties of the Hager Park Commission, and Crocker Pond Committee into their responsibilities and eliminate the separate commission and committee.
- With Board of Selectmen assuming responsibilities of Parks Commission and Cemetery Commission, operational responsibilities for park and cemetery facilities are shifted into the responsibility of the existing Department of Public Works.

Recommendation #7 – Appointment of Staff and Board /Committee Members

A key function in any organization is staffing. In a municipal organization “staffing” refers to the selection of managers to lead departments, the selection of individuals to work within those departments, and given the utilization of citizen volunteers to work on various boards and committees, the selection of members to these multi-member bodies. The TGSC devoted a considerable amount of time to considering different staffing concepts, placing an emphasis on ensuring installment of the most appropriate and qualified individuals while retaining appropriate checks and balances. Care was also taken to align staffing responsibility with the official most impacted by performance outcomes according to the organizational structure. Based upon these factors, the TGSC proposes the following:

- Advisory Board reduced to five members, and continue to be appointed by Moderator.
- Bylaw Review Committee, when deemed necessary, will continue to be appointed by Moderator.
- Other multi-member bodies appointed by the Town Manager with Board of Selectmen approval unless otherwise provided by Charter.
- Department Heads appointed by Town Manager.
 - Police Chief, Fire Chief, DPW Director, Treasurer/Collector and Town Accountant – Town Manager appointment, with Board of Selectmen power to veto within 14 days.
 - Consultation with boards as applicable in Departments in which there is an elected or appointed Board.
- Departmental Staff
 - Appointment by Department Head, with Town Manager approval.

Recommendation #8 – Human Resources

The greatest asset, and often the largest cost center, of an organization is its human resources which serves as the means by which the organizational mission is executed. Accordingly, an organization seeking effectiveness must be able to recruit, develop, retain, and utilize its employees in the most successful manner. Further, uniformity in the implementation of personnel practices is essential for guaranteeing fair treatment of all employees, and consistency for ensuring proper employee morale. The Town Manager, in the capacity of Chief Operating Officer, should be the lead official in the management of human resources as a reflection of administrative authority within the organization. The TGSC proposes the following:

- Administration of the Personnel System by Town Manager with HR Administrator
 - Collective bargaining by Town Manager, subject to Selectmen approval
- Board of Selectmen, with consultation of the Personnel Board, for approval of:
 - Personnel Regulations
 - Classification and Compensation plans
- Retain five member Personnel Board in an advisory role to Selectmen and Town Manager. Members appointed by the Town Manager with Selectmen approval.

Town of Westminster Proposed Organizational Chart

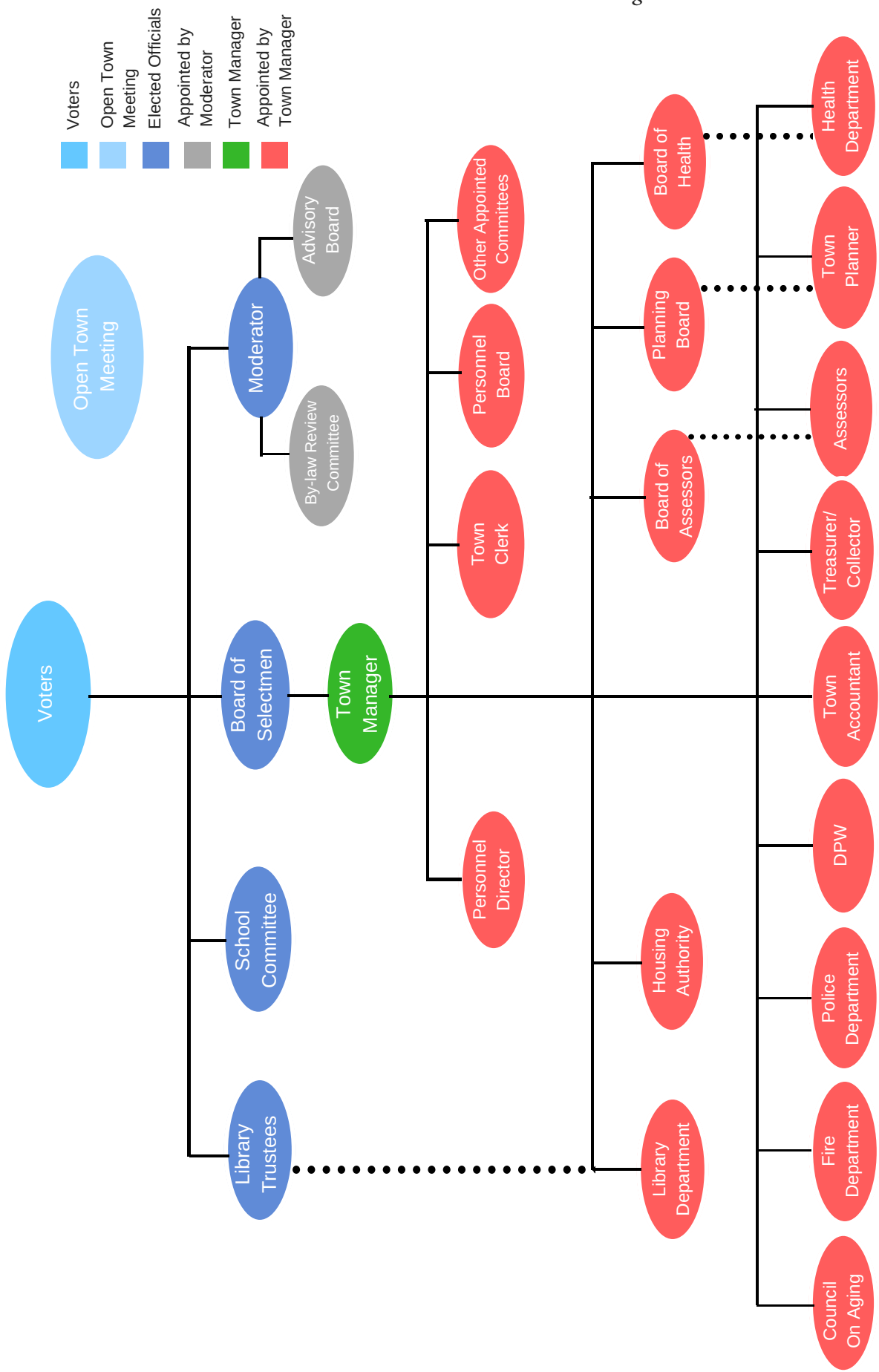


Figure 2

Recommendation #9 – Financial Management Issues – Budget, Capital, and Other Finance Provisions

Essential to any municipal organization is proper financial management practices. This includes proper annual budgeting, multi-year financial projections, planning for capital investments, formal financial policies which govern overall fiscal operations, appropriate internal controls, and adequate financial record keeping. The TGSC has included financial management within its review of Town operations, and recommends including relevant provisions within a Charter including the following:

- Operating Budget
 - Town Manager sets budget guidelines with approval of Board of Selectmen and Advisory Board
 - Town Manager prepares annual operating budget as complete fiscal plan in form determined by the Town Manager
 - Advisory Board reviews and makes recommendation to Town Meeting
 - Town Manager Budget presented to Town Meeting
- Capital Plan and Capital Budget
 - Town Manager prepares five-year capital plan and annual capital budget article(s) in consultation with Capital Planning Committee, which consists of membership as currently provided in Town Bylaw.
 - Advisory Board reviews and recommends capital budget article(s)
- Other Financial Management Provisions
 - Five Year revenue and expense forecast by Town Manager
 - Accounts Payable warrants approved by Town Manager
 - Management of Funds by Treasurer
 - Annual Audit required – Board of Selectmen selects the audit firm and receives a presentation of the Audit Report in open session, and with invitation provided to the Advisory Board

Recommendation #10 – Reorganization

The Town Charter is intended to establish a basic structure of the Town government and assign major functions regarding Town operations. However, it is also anticipated that situations and needs may arise in the future, which do not rise to the level of requiring major modifications. As such, the Charter is intended to allow for some level of flexibility in order to ensure that it can nimbly respond to changing needs and opportunities through minor reorganizations of department responsibilities, reporting mechanisms, staffing, etc. The TGSC recommends that such operational and organizational decisions rest with the Town Manager through reorganizations, subject to Board of Selectmen approval. Organizational restructuring, as approved, may include:

- Transfer of funds
- Transfer, abolish, establish, or re-assign departments
- Transfer, abolish, establish, or re-assign Boards except those with statutory authority

Recommendation #11– Strategic Planning

The restructuring of the Town organization strengthens the day-to-day administration by vesting such responsibility within the position of the Town Manager. The changes in organizational structure and processes change the role of the Board of Selectmen to perform less routine administrative tasks, and have more of a strategic purpose, as well as having an oversight function in hiring the right Town Manager, setting goals for that individual, and then evaluating the performance of the individual in reaching goals and managing day-to-day operations. The TGSC review of the existing Westminster government identified the lack of strategic direction as being a deficiency that needs to be addressed. Accordingly, the TGSC recommends that the Charter contain language that responds to this issue:

- Strategic planning is a joint responsibility of the Board of Selectmen and Town Manager whereby Selectmen approve and establish multi-year and annual goals and objectives
- Conducted every three years
- Town Manager Annual Goals tied to Plan

Recommendation #12 – Other Provisions

In establishing a Home Rule Charter there are frequently stand-alone items and transitional provisions that are included. Currently, the TGSC has identified three such provisions, which include

- Recall Provision that reiterates current Special Act Language
- Charter would authorize the Board of Selectmen through adoption of a policy to establish standing or *ad hoc* committees, detailing the authority and responsibilities, number of members, and sun-setting of the committee
- Charter Review language to ensure that the document remains relevant and up-to-date addressing operational and organizational needs that may arise through a formal review, though amendment can occur pursuant to statute at any point in time.
 - First review after five years, thereafter every ten years, with first review to include consideration of size of Board of Selectmen
 - *Ad hoc* Charter Review Committee appointed by BOS

V. Additional Issues to be Addressed by Means Other Than a Charter

In addition to issues that would be addressed through a Home Rule Charter, the TGSC also reviewed other issues with recommendations for subsequent action including:

- Stipends for elected officials may be addressed through a bylaw – specifically not permitted, but reimbursement of expenses is permitted, subject to funding.
- A Land Use Department is a positive idea and should be considered by the Town Manager and Board of Selectmen as part of the initial organizational structure.
- Exploration of regional service delivery options to improve services and/or provide cost savings.
- Consideration should be given to creating an Assistant Director in the DPW – for workload and succession planning purposes.
- Consideration should be given to utilizing a “lottery” for the order in which warrant articles are considered to reduce any potential for the “packing” of Town Meeting by single issue constituencies.

VI. Initial Report Presentation and Follow-Up Activities

On June 18, 2018 the TGSC and Community Paradigm presented the recommendations set forth in this report to the Board of Selectmen, completing most of the charges that the TGSC received in its establishment. The Town Government Study Committee unanimously and wholeheartedly recommended approval to proceed with the drafting of such a Charter for the Town, and to engage with members of the community in reviewing the report and its recommendations and identifying the need for any modifications to the proposed organizational and operational changes outlined within the Report and a proposed Charter.

The Board of Selectmen reviewed the findings and recommendations contained within the presentation of the Report and requested that the TGSC move forward to solicit additional input through meetings with stakeholders. Simultaneously, the Board requested that the TGSC and Community Paradigm simultaneously draft a proposed Special Act to create a Home Rule Charter for the Town of Westminster, subject to any proposed modifications as a result of presentation of the Report's recommendations to the community and its various stakeholders.

With an affirmative decision by the Selectmen the TGSC worked with Community Paradigm Associates to develop the specific language of a Westminster Charter, in conjunction with Town Counsel. In addition, the TGSC and Community Paradigm Associates will consult with the Town's State legislative delegation to review the specific language of the Home Rule Charter and review the schedule for the process of approval. The draft Charter, for submission to a special Town Meeting in November of 2018, is attached as *Exhibit D*.

The TGSC report has been modified to reflect issues of concern raised by members of the public, town department heads and other Town officials including members of the Public Works Commission, the Advisory Board, Library Trustees modifications. The changes include:

- Inclusion of a listing of Town Committees and Boards that are not referenced within the report as there are no proposed changes to their areas of responsibilities, or membership size. This listing is included as *Exhibit E*.
- Clarification regarding non-Charter issues that could or should be reviewed in the future to reflect that these are issues that were raised during TGSC discussions but not recommendations.
- Clarification regarding Nashoba Associate Boards of Health to reflect the TGSC raising this alternative service delivery model as an idea worthy of consideration upon adequate review. The report has been modified to delete this specific model and instead expands the idea to include the consideration of regional service delivery models for all governmental functions.
- Also heard during feedback from Department Heads was a concern from the Fire Chief regarding the authority granted under the Strong Chief Statute relative to staffing. The Charter has been drafted to have the Fire Chief's hiring and departmental rule promulgation equivalent to the Police Chief under that Strong Chief statute.
- Questions were received during the review phase regarding implementation of a charter and the need for a phased transition. These issues are addressed in the Charter and a transition plan, which is included within this report.

VII. Charter Adoption and Implementation

The TGSC report and/or the draft Special Act Home Rule Charter have been modified to respond to the issues raised during the stakeholder review process. The next step in the process to adopt a Westminster Charter is a vote by the Board of Selectmen to place the issue on a Town Meeting warrant for a vote to request Special Act of the Massachusetts Legislature that would establish the Charter pending final adoption by a ballot vote at municipal election. If approved by a ballot vote the Charter would become the legally guiding document of the Town of Westminster, at which time the provisions of the Charter would be implemented.

In general, the Charter would go into effect immediately. However, the Charter has been developed to allow for a phased implementation ensure a smooth transition with no disruption to ongoing operations. Key issues would include:

- Hiring of Town Manager as the Chief Operating Officer of the Town
- Phase-in of elected boards to appointed Boards and Commissions over three years
- Transition to Board of Selectmen as Licensing Board
- Phase-in of Public Works management, including Cemetery operations by the DPW Director
- Phase-In of Selectmen as statutory authority for Public Works policy and rate setting, including that related to Cemetery.
- Phase-in of reduction in size of Library Trustees from six members to five members.
- Review of Bylaws to determine modifications needed to comply with Charter provisions

The timetable of adoption of the Charter and its transition to full implementation is included as *Figure 3*.

CHARTER TRANSITION AND IMPLEMENTATION TIMETABLE

KEY DATES	ACTION ITEMS	RESPONSIBILITY
November 2018	Vote to petition State Legislature for Special Act Home Rule Charter for Westminster	Town Meeting
December 2018	State Legislature approves Westminster Special Act and Governor signs into law	State Legislature and Governor
April 30, 2019	Ballot vote to adopt Charter	Westminster registered voters
May 1, 2019	Charter adopted and goes into effect immediately in accordance with transition and implementation provisions	Selectmen
May 4, 2019	2019 Annual Town Meeting-budget prepared by Advisory Board is voted for FY21	Advisory Board
By May 7, 2019	Selectmen appoint an Interim Town Manager with authority in accordance with adopted Charter	Selectmen
May 2019	Selectmen initiate process to hire a first permanent Town Manager. Consideration will include utilization of a Screening Committee, Search Consultant, search process, etc.	Selectmen
By June 30, 2019	Recreation Commission established and membership appointed by Interim Town Manager	Interim Town Manager
June 30, 2019	Cemetery Commission is abolished with statutory responsibilities of policy and rate setting assigned to Selectmen.	Interim Town Manager
June 30, 2019	Hager Park Commission and Crocker Pond Commission abolished with responsibilities assigned to the newly formed Recreation Commission	Interim Town Manager
June 30, 2019	Selectmen determine the continued authorization for the following bodies: Solid Waste Advisory Committee, Energy Committee, Cable Advisory Committee, Economic Development Committee, Open Space Committee and Memorial Committee	Selectmen
June 30, 2019	Interim Town Manager makes appointments to Boards and Commissions in accordance with Town Charter, including newly formed Recreation Commission effective July 1, 2019	Interim Town Manager

Figure 3

KEY DATES	ACTION ITEMS	RESPONSIBILITY
July 1, 2019	DPW Director assumes all responsibility and authority related to operation of Department of Public Works. Public Works Commission becomes advisory for issues of operation while retaining rate setting responsibility.	Selectmen
July 1, 2019	Advisory Board transitions to a five-member board with two members with terms expiring on June 30, 2019 not being reappointed.	Town Moderator
By July 29, 2019	Town Moderator appoints five-member Bylaw Review Committee to analyze bylaws to ensure conformity with Charter.	Town Moderator
By September 30, 2019	Interim Town Manager establishes budget calendar and begins budget and capital plan process	Interim Town Manager
September 30, 2019 (estimated)	Board of Selectmen appoint first Town Manager	Selectmen
November 1, 2019 (estimated)	Town Manager begins employment with Town	Town Manager
December 31, 2019	Liquor Commission is abolished with responsibilities assigned to Selectmen effective January 1, 2020	Selectmen
December 31, 2019	Public Works Commission is abolished with rate-setting responsibilities transferred to Selectmen effective January 1, 2020	Selectmen
April 28, 2020	One seat on the Board of Library Trustees is elected	Westminster registered voters
April 28, 2020	Terms of 1 member of Board of Health, 1 member of Board of Assessors, 2 members of Planning Board, 1 member of Housing Authority, 1 Constable expire as elected positions to be replaced by appointment as mode of selection. Elected incumbents continue in the office until an appointment is made in accordance with Charter, with July 1 st start of term.	Town Manager
April 28, 2020	Term of elected Town Clerk expires. Position is now an appointed position in accordance with Charter.	Town Manager

Figure 3

KEY DATES	ACTION ITEMS	RESPONSIBILITY
March 1, 2020	Bylaw Review Committee proposes warrant articles to amend Bylaws into conformity with the Charter.	Bylaw Review Committee
May 2, 2020	Town Meeting. Town Manager operating and capital budgets are presented with Advisory Board and Selectmen recommendations.	Town Manager
May 15, 2020 (estimated)	Selectmen and Town Manager begin Strategic Planning Process	Selectmen and Town Manager
July 1, 2020	Town Manager makes appointments to Boards and Committees including those previously elected, where elected terms have expired or are vacant.	Town Manager
April 27, 2021	Terms of 1 member of Board of Health, 1 member of Board of Assessors, 1 members of Planning Board, expire as elected positions to be replaced by appointment as mode of selection. Incumbents continue in the office until an appointment is made in accordance with Charter, with July 1 st start of term.	Town Manager
By July 1, 2021	Town Manager makes appointments to Boards and Committees including those previously elected.	Town Manager
April 26, 2022	Terms of 1 member of Board of Health, 1 member of Board of Assessors, 2 members of Planning Board, 1 member of Housing Authority, 1 Constable expire as elected positions to be replaced by appointment as mode of selection. Incumbents continue in the office until an appointment is made in accordance with Charter, with July 1 st start of term.	Town Manager
By July 1, 2022	Town Manager makes appointments to Boards and Committees including those previously elected.	Town Manager
April 25, 2023	Term of 1 member of Housing Authority, expires as an elected positions to be replaced by appointment as mode of selection. Incumbent continues in the office until an appointment is made in accordance with Charter, with July 1 st start of term.	Town Manager

Figure 3

KEY DATES	ACTION ITEMS	RESPONSIBILITY
By July 1, 2023	Town Manager makes appointments to Boards and Committees including those previously elected, where elected terms have expired or are vacant.	Town Manager
By April 30, 2024	Selectmen appoint a Charter Review Committee to study Charter and propose any amendments.	Selectmen

EXHIBITS

EXHIBIT A

The following are excerpts from the 2014 Westminster Master Plan that apply to the work of the Town Government Study Committee.

TOWN GOVERNMENT ISSUES IN WESTMINSTER

Westminster's municipal government has a number of issues to address over the next decade including: how much it spends on municipal government; how it plans for new facilities, buildings and infrastructure; its overreliance on residential property taxes to cover the cost of municipal services; its overreliance on a dedicated group of volunteers to run town government whose local knowledge will be hard to replace; management issues such as inter-departmental coordination and communication.

- Administrative capacity and ability to effectively manage Town government.
- Communication and coordination between municipal departments.
- The cost of funding town government and its impact on the local property tax rate.
- Lack of a prioritized roadway improvement plan.
- Sewer system's capacity issue has the potential to hinder future economic development.
- The need to find a new solid waste disposal site once the landfill closes.
- Maintaining continuity on local boards/commissions/committees that rely heavily on dedicated volunteers and longtime public officials whose local knowledge will be hard to replace.

MAJOR ISSUES FACING WESTMINSTER: DISCUSSION

1. Administrative Capacity: Increasing legal and regulatory demands exceed the capacity of the Selectmen to manage all departments, even with the assistance of a full-time Town Administrator. With every passing year, the Town and its various departments have more and more administrative work. State and Federal reporting requirements have increased substantially over the past 25 years and show no signs of slowing down. As municipal departments and their budgets continue to grow, the Board of Selectmen often struggle with keeping the train on the track, so to speak. The result has been that many projects get delayed, extended, or forgotten altogether. During the past decade, the Town has moved from having a Town Coordinator to a Town Administrator because of the increase in administrative demands, as was pointed out in a 2009 Financial Management Review of the Town, prepared by the MA Department of Revenue. It is quite likely that the Town may reach a point within the next decade where a Town Manager is needed with increased powers and duties to ensure the smooth functioning of Town government. There are two large departments that do not fall under the Selectmen's management umbrella. The Fire Department is managed by a "strong" Fire Chief under MGL Chapter 48, Section 42, which means that the Chief has absolute authority regarding the Department's administration. Also the Department of Public Works does not report to the Board, but rather the DPW Commissioners. There are also two elected positions (Town Clerk and Treasurer-Collector) that many Massachusetts communities have chosen to appoint as regular municipal staff. At some point in the future, the Town may want to consider establishing a

Town Government Study Committee or Charter Study Committee to take a close look at how Town government is organized to ensure a coordinated management system for the delivery of municipal services. It should be noted that Westminister is one of very few communities in Massachusetts to not have a Town Charter.

2. **Communication and Coordination:** The Town's attempts to improve communication and coordination have improved significantly over the past decade, but there are still opportunities for improvement. Town departments rarely meet to discuss their current projects or coordinate activities, and this has led to a situation where many departments don't know what projects the other departments are working on, thus precluding any meaningful input or assistance from other departments. Many communities of Westminister's size have monthly departmental coordination meetings. Also, many of the Town's boards, commissions, and committees do a poor job of distributing their agendas and meeting minutes, leading to a situation where some boards don't know when other boards are dealing with subject matter of relevance, thus hindering inter-municipal communication and coordination. It is hoped that the Town's new website will help improve communication between municipal departments and citizen committees, but especially between Town officials and citizens.
3. **Municipal Spending and Tax Rate Implications:** It has been previously documented that Westminister has been spending more to operate its municipal government than its immediate neighbors. While all of the spending has been approved at annual Town Meetings, it has had implications for the local tax rate. The cost to operate the Town's municipal government has grown faster than its neighbors during the past twelve years and this has resulted in the Town's average single family home tax bill growing at a faster rate than those of Westminister's neighbors. With the Town's economic development tax base growing at a slower pace than the residential tax base, Westminister homeowners are covering an ever-increasing share of the expense to operate Town government. This trend will likely intensify when one considers that there are substantial infrastructure needs to be addressed in the next decade (aging road system, improvements to the water and sewer systems) and the as yet uncalculated cost of waste disposal once the Landfill is closed (not to mention the loss in tax revenue, which currently averages over a million dollars per year). The only way to arrest this trend is for the Town to carefully monitor its budget on an annual basis and create more opportunities for economic development.
4. **Lack of a Prioritized Long-Range Roadway Improvement Plan:** The Department of Public Work's Highway Division currently does not have a prioritized list of roadway improvements or any long-range plan for roadway improvements. Rather, the Division tackles roadway repairs on an as-needed basis. The current funding level of \$500,000 is the base minimum that the Department believes is acceptable for maintaining the current road system, but there is a need to increase this amount to stay ahead of the Town's aging roadway network. As mentioned previously, unless the Highway Division starts using a portion of its annual Chapter 90 funding allotment for road maintenance, the Town would need to spend approximately \$750,000 per year for the next ten years in order to bring its road network up to what is considered "fair" condition. The Division's Pavement Management System (PMS) should serve as the foundation for a prioritized long-range roadway improvement plan.

5. Sewer System as Impediment to Economic Growth: Without addressing its sewer capacity issue, the Town will not be able to accommodate new businesses and industries wishing to locate in Westminster. The Department of Public Works is currently evaluating two options for addressing the Town's sewer capacity issue:
 - a. In-Line Sewer Storage Station: DPW's primary option for addressing the sewer capacity issue is to construct an in-line sewer storage station in the vicinity of the Whitman River. The design for the station is complete and, once built, it will be able to accommodate peak flows and provide the ability for the Town to add flows from the Phase II, V sewer expansion areas and I outlined in the Town's Comprehensive Wastewater Management Plan. This design would prevent the Town from having to significantly alter the existing Whitman River Pump Station, force main and downstream piping systems. The project replaces an existing 18-inch influent gravity sewer upstream at the existing Whitman River Pump Station with an 850-foot long in-line "storage tank", which is basically a box culvert with a 4x8 internal dimension. The cost of this option is currently estimated at approximately 2.25 million dollars.
 - b. Three-Barrel Siphon: A second option would be to eliminate the Whitman River pump station and replace with a three-barrel siphon under the Whitman River, as well as replace and increase the diameter of the existing gravity sewer to Fitchburg. At a cost of approximately five million dollars, this option would enable the Town to initiate all phases of the sewer expansion plan the outlined in the Town's Comprehensive Wastewater Management Plan, and provide system capacity that could accommodate up to 50 years of new development.
6. The Need to Find a New Solid Waste Disposal Site: At present, the landfill operated by Waste Management is slated to close in 2026, although the implementation of new technologies may extend the landfill's lifespan to beyond this date. Once the landfill closes, it will continue to serve as a transfer station for solid waste. However, where the Town's solid waste will go to from here and what it will cost has yet to be determined. It is recommended that within five years of receiving a definitive closing date for the landfill, the Town should start investigating its solid waste disposal options, the costs involved, and their impact on Town Finances.
7. Volunteer Committees and Continuity: As with many small communities, Westminster makes great use of citizen volunteers to staff its various boards, commissions, and committees. In fact, there are many citizen volunteers that serve on multiple committees. Many committee members are longtime residents and longtime committee members, possessing a great deal of local knowledge and institutional history. However, as the number of committees continues to expand, the Town will have a harder time finding enough volunteers to staff them. Moreover, as longtime volunteers leave their committees, much of their knowledge and institutional history will be lost. Also, new committee members will need a considerable amount of time to get up to speed with their committee's activities and duties.

TOWN GOVERNMENT GOAL:

Westminster desires to have a professionally managed town government that is efficient, fiscally sound, responsive, forward thinking and accessible to all, where decision making is fair and transparent, the quality of life for its citizens is enhanced and the character of the community is respected.

TOWN GOVERNMENT OBJECTIVES:

- The Town must commit itself to following through on the recommendations contained herein and strive to maintain the Master Plan as a living document.
- Utilize an improved and transparent capital planning process in combination with a robust municipal economic development strategy to stabilize the amount of taxes paid by Westminster property owners.
- Increase inter-department communication and coordination by having department heads work collaboratively to ensure the overall excellence of municipal services and their delivery. Such efforts should include, but not be limited to collaborative grant writing, the sharing of vehicles, office space and staff, calendar planning and coordination, and setting capital planning priorities.
- Provide necessary police, fire and public services to ensure proper public safety.
- Provide a quality well-rounded education that promotes enthusiasm for learning and knowledge for all Westminster students.
- All newly appointed board and committee members should receive a Town-sponsored orientation session and take advantage of education and training opportunities that will help the new board/committee members become effective community volunteers.
- Foster an improved relationship with our legislators, neighbors, and regional and state partners to make them aware of Westminster's interests and forge a mutually beneficial relationship.
- Encourage our citizens and municipal officials to work towards finding common ground on the issues we will face in the future and create an environment where all voices are heard and respected.
- Support those community events that bring our citizens together.

EXHIBIT B

COMPARABLE COMMUNITIES

		Ashburnham		Groton		Harvard		Hubbardston		Lancaster		Lunenburg		Pepperell		Rutland		Shirley		Sterling		West Boylston		WESTMINSTER		Summary (not Westminster)	
	Population	6,081	7,427	10,646	6,520	4,382	8,055	10,086	11,497	7,973	7,211	7,808	7,669	7,277	7,946												
Method of Establishment																											
Selectmen's Policy			.				X			X		X					X										3
Acceptance by Town Meeting																								X			0
Bylaw																			X								1
Special Act		X	X																			X					3
Home Rule Charter				X	X	X		X																			5
Legislative Body																											
Open Town Meeting - no quorum		X		X		.	X	.		X								X							X		5
Open Town Meeting with quorum			50	2% for STM	150	50		100	75	10											50	100					7
Representative Town Meeting																											0
Town Council																											0
Advisory to Town Meeting																											
Advisory Board		X																							X		1
Finance Committee			X	X	X	X	ELECTED	X		X	X	X									x	X					11
Bylaw Committee																											1
Who is CEO																											
Board of Selectmen - # of members		3	3	5	5	5	3	5	3	5	3	3	5	3							3	5			3		6 3-member, 6 5-member
Town Administrator/Town Manager																											0
Town Clerk																											
Elected				X	X			X			X		X						X					X			5
Appointed						.																					
By Board of Selectmen			X				X														X						3
By COO (Town Administrator/Town Manager)		X				X			X						X							X					4
Elected/Appointed Boards*																											
Many Electd Boards			11	9		8		9	6												6				8		6
Several Electd Boards		3					5			4	5											5					5
Elected BoS and SC and 2 or fewer Electd Boards					2																						1
Elected BoS and SC - all other Boards are appointed																											0
Elected Town Council and SC - all other officials and Boards are appointed by COO																											0

EXHIBIT B

COMPARABLE COMMUNITIES

		Ashburnham		Groton		Harvard		Hubbardston		Lancaster		Lunenburg		Pepperell		Rutland		Shirley		Sterling		West Boylston		WESTMINSTER		Summary (not Westminster)	
Population	6,081	7,427	10,646	6,520	4,382	8,055	10,086	11,497	7,973	7,211	7,808	7,669	7,277	7,946													
Staff Appointment and Personnel Management																											
Some DH/Staff appointed/managed by Elected Board - remainder by BoS		X									X							X					X			3	
DH/Staff appointed by BoS, managed by COO																											
DH/Staff appointed/managed by COO subject to BoS approval/non-approval of appointment				X																						1	
DH/Staff appointed/managed by COO, some DH (P&F Chiefs) subject to BoS approval	X								X	X		X								X		X				5	
All DH/Staff appointed/managed by COO			X		X		X																			3	
Budget and Finance																											
Budget/CIP developed by Advisory/FINCOM; BoS sign warrant		.					X																	X		1	
Budget/CIP developed by BoS				X						X								warrant signed by BoS	warrant signed by BoS				warrant signed by BoS			2	
Budget/CIP developed COO; Warrant signed by COO	X	X				X			X																	9	
Reorganization																											
Town Meeting approves all changes to organization as a bylaw		.					X							X				X		X				X		4	
COO proposes re-org subject to BoS hearing and then approval by Town Meeting		X					X					X														4	
COO proposes re-org subject to BoS hearing and approval	X			X																		X				4	
COO proposes and implements re-org																										0	
Stipends All Boards get reimbursed for Expenses																											
The following Boards get stipends*																											
Selectmen	\$1,000	\$2,280	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100	\$1,000	\$100	\$1,500	\$1	\$0								.	
School Committee	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Planning Board	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$0	\$100	\$0	\$0	\$0	\$100	\$0	\$0	\$0	\$0	\$0		
Assessors	\$0	\$2,254	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$100	\$1,500	\$100	\$0	\$0	\$100	\$0	\$0	\$0	\$0	\$0		
Board of Public Works	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Health	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250	\$0	\$103	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Moderator	\$100	\$510	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$75	\$0	\$500	\$1	\$0									

* No towns have expressed prohibitions on stipends

Westminster



Town Government Study Committee Status Report

September 21, 2017

Community Paradigm Associates

I. Introduction and Overview

Community Paradigm Associates, LLC was retained by Westminster to undertake the Town Government Study Committee project, with a scope of services included in Appendix A to this report. The initial phases of the project were conducted between August 2017 and the current date.

To understand the dynamics of the Town of Westminster and its government, a representative of Community Paradigm Associates LLC (CPA) conducted the following action items:

- Reviewed documents and materials regarding the existing structure and operational processes including organization chart, bylaws, special acts, policy books, notable legal opinions, recent annual reports, annual budgets, audits, etc. (a listing is included in Appendix C);
- Interviewed the Town Administrator and all members of the Board of Selectmen as Town executives to discuss Town structure and operations, and review project goals;
- Interviewed key department heads, that made themselves available, to review their operations and issues regarding the larger Town operations, positive and negative (a list of interviewed Department Heads is included in Appendix B);
- Met with key elected bodies, or representatives of such bodies, (a list is included in Appendix B) to gain perspective on their consideration of Town issues and operational strengths and weaknesses;
- Met with representatives of various appointed boards and committees (a list is included in Appendix B) to discuss Town functions and opportunities for improvement;
- Reviewed reports prepared by the Massachusetts Department of Revenue (DOR) regarding Town operations.

Next steps, under the scope of this project, are proposed to include:

- Comparing Westminster to other similar-sized communities for structure and operational processes. (A list of the proposed comparable communities is included in Appendix E);
- Developing a community outreach program;
- Meeting with the Board of Selectmen to discuss findings and recommendations;
- Developing a final report with findings and recommendations, and proposed next steps.

Following these steps, Community Paradigm Associates, LLC is prepared to work with the Town Government Study Committee and the Board of Selectmen to develop a proposed Special Act or Home Rule Charter, if requested to do so.

II. General Observations

In undertaking this project, we focused upon a central question of whether the Town of Westminster's local government, as currently structured, can most effectively work on behalf of its residents and taxpayers. Clearly, services are being delivered and currently, the Town's finances appear to be stable, but the core question that needs to be addressed is whether the existing structure and processes of the local government meet the standard of being an effective and efficient organization.

There are many opinions on ways to determine whether a municipal organization is effective. Certainly, the core responsibility of producing outcomes related to the Town's mission is a simple means of determining whether the organization is achieving its most basic function. However, an effective organization must be able to determine the parameters of its mission, the definition of specific outcomes, the efficiency of achieving outcomes, and organizational flexibility to respond to changing internal and external conditions. To assess this broader and more complete concept of effectiveness we focus upon 10 questions:

1. Does the organization have clear lines of accountability such that it can appropriately manage the delivery the essential services for which it exists?
2. Is the organization structured to facilitate communication between its decision-makers and service-delivery personnel?
3. Is the organization prepared to meet future opportunities or challenges, and does the organization have the structure in which strategic planning for some future state exists and occurs?
4. Is the organizational structure designed for maximum efficiency of operations with quick and flexible response, without duplication of effort, or without less than optimum use of resources?
5. Does the organization have the structure and processes to properly manage and develop its human resources?
6. Is the organization prepared for the succession of its human resources to ensure continuity of high performance?
7. Is there an appropriate level of leadership within the organization to establish consistent values, vision, direction, performance expectations, service-delivery focus, and a management system that produces results?
8. Is the structure, and its operational processes, easily understood by its elected and appointed volunteers, staff, residents, and customers?
9. Is there confidence and trust in the organization and its processes from stakeholders?
10. Does the organization continually review its processes for improvement, through data and information that measures performance and goal attainment?

Every municipality can, and should, consider these questions to determine whether their governmental organization meets these standards of maximum effectiveness, and where improvements can be made.

The following summarizes the information gleaned from the interviews of 25 Westminster officials as detailed in Appendix B, as well as the review of the various documents including those detailed in Appendix C. Generally, comments listed below were provided by more than one source, and this is therefore more of a consensus listing than a complete list of every comment made by each of the participants. This list is organized as a SWOT listing – i.e. organized as a listing of Strengths, Weaknesses, Opportunities, and Threats. The following are the summarized consensus comments.

STRENGTHS

Westminster has a strong sense of community with a small-town feel that residents value. There are good schools and some very strong departments – Police, Fire, Library. For the most part, the Town is well run despite its current structure.

Westminster has good dedicated elected and appointed board members. Some volunteer boards have a good variety of expertise and experience. The Town often gets board members with experience on other Town boards. Generally, board members have the interest of the community at heart, but in the few instances of people serving because of special interests, these people do not last long and are often not re-elected.

The Advisory Board and Board of Selectmen do a good job organizing and keeping things on track. The Town seems to be on a good track financially. It has excellent reserves, a good bond rating, and has six Stabilization Funds. Warrant articles are well vetted by Advisory. Town Meeting attendance can be around 200 people. Quarterly reports to the Board of Selectmen are the major form of communication and are helpful but difficult to read – there is no commonality as to format and type of information conveyed.

Most employees and department heads are dedicated to the community, and many are local to Westminster. The hiring process has improved for major positions within the past dozen years.

The Master Plan process was very effective – got good community participation, and was well supported by the community. It succeeded in getting many parts of Town government working together.

WEAKNESSES

The Town is parochial. Some boards and staff don't want to consider new ways to do things – “We never did it that way before.” People are often afraid to encourage innovation.

There are too many bosses, yet nobody is really in charge. Roles of staff and boards are not clearly defined. Departments work in silos – especially those with an elected board. This results in wasted efforts. There are mixed messages from the Town, and there are often conflicting messages and information. It makes the Town appear as though it doesn't know what it is doing.

Some boards and staff tend to dig in their heels. Sometimes board members are not willing to work out solutions to issues.

Internal and external communications are poor. There is sometimes dysfunction and even sabotage. It is difficult for residents to understand how to request things (road improvement, for example) and difficult to understand how government in Westminster is structured. Residents don't feel that Town Hall listens to people or respects their opinions.

The Town Administrator is seen to be hard working, but not able to be effective at communication – the position is sometimes seen as a communication bottleneck. There are few if any department head meetings any more. The Town Administrator has a lot of responsibility but no authority. Some staff members are overwhelmed sometimes due to cuts made during weaker budget situations, and

staff has not been restored to needed levels – for example, DPW and Town Administrator. Some staff members do not have the skills required for the job they are doing.

There is a shortage of volunteers. Boards often need to recruit members to run for vacancies on boards. Volunteers (particularly elected) are seen as “old boys network.” Newer residents and younger people are not volunteering to serve their local government as volunteers. There are too many boards, given constraints on the available volunteer talent pool. Many of the elected boards are a holdover from times when there was little or no staff and the boards did the actual work, rather than providing policy direction.

Town Meetings are held two times per year and it is often difficult to fit the flow of Town business into that kind of schedule. There is poor attendance at Town Meeting. There is no quorum requirement.

The hiring process is convoluted and cumbersome – time consuming. Some employees are promoted to management positions with no management experience or training with a resulting lack of knowledge about policies and how to administer them.

The Town does not have the universal capability to address complex issues like dealing with surplus property (Old Town Hall), or addressing its technology needs. There is no strategic planning, and the Town tends to rely on the recently completed Master Plan as its Strategic Plan. Even though the Town is financially strong, the recent audit indicates there are some improvements needed to existing procedures (tax title balances, department turnover, unrealized gains and losses, and payroll) and that the unfunded pension liability needs to be addressed – potentially through a stabilization fund, and there are other challenges ahead in addressing other GASB requirements.

Having an elected Town Clerk is problematic – there is a significant risk of getting the wrong person into the job and having very negative results for elections, vital statistics, etc.

The service by the DPW is not great if you don’t live in center of Town. There is a poor history of building construction. For example, the Library needed considerable re-doing and Town Hall costs were underestimated but the product was well done.

OPPORTUNITIES

It is important to get people on Boards with good/complementing skills. Some elected positions should be appointed – it would give the Town the opportunity to recruit and appoint people with needed qualifications, particularly for “technical” positions like Board of Health, Board of Assessors, Town Clerk. Does the Town need all the boards it has – could some be eliminated or consolidated?

Some boards delegate well to staff, and serve as policy-making bodies. Many others do not.

Many interviewees would welcome a Town Manager with improved centralized decision making. “The Town needs a decision maker who is recognized as such by the entire Town government and the community.” There is a need for a day-to-day manager who can address issues and problems as they come up, with the authority to lead the entire organization.

Some issues mobilize the community (sometimes in a positive way, sometimes in a negative way) such as the Master Plan, Rod and Gun Club, proposed ban on sale of tobacco products, and school issues. This demonstrates that the community is paying attention and can be mobilized.

There are significant opportunities for good financial planning and policy making. The Town has an improved Capital Planning process, planning proactively for the use of Landfill Host Community funds, and planning for the time when those funds will no longer be available

A five-member Board of Selectmen would allow the board to get more done, have members as liaison to more boards, and give opportunity for two members to talk without violating the Open Meeting Law. The Board of Selectmen is a sounding board and policy-making board (Board of Directors).

There is an opportunity to re-organize Town government to more effectively provide coordinated services. Some thoughts are: enlarge DPW to include Cemetery, Building Maintenance, Parks, and move all staff and resources from those functions to DPW; create a Land Use Department including planning, building, conservation (perhaps others such as health and historical); create a Finance Department to coordinate the activities of the Town Accountant, Assessors, and Treasurer/Collector.

THREATS

There is a significant difference of opinion among community leaders as to what the strengths and weaknesses of the community are. The community at large does not understand the workings of its Town government. There is a perception that the elected officials are part of an “old Boys” network, and that new people are not welcomed to be part of the system. Elections are generally uncontested. How do you get younger people involved in the community? It is hard to find people to be appointed or elected to boards, particularly if they work and have a difficult time balancing home, work, and volunteering for the Town. With so few volunteers, how do you prevent conflicts with people serving on more than one board, and staff serving as members of boards? For example, if the Town Clerk is to become appointed by the Board of Selectmen, the board or an individual member could be seen to be having influence over the Chief Election Official.

Taxes are high. The Town is residential and the community doesn’t seem to want business development. It is hard to provide funding for what the community wants from a residential tax base.

While the schools are an asset, the two communities in the regional school district are very different. This affects policy issues for the school, including funding – a recent Proposition 2½ override was passed in Westminster, but took two elections to pass in Ashburnham (and it passed then by less than 10 votes).

Town Meeting can be stacked for a particular issue – like the school budget.

There is a lack of succession planning, both among volunteers and staff.

III. Discussion of Alternative Models of Governance

Fortunately, in Massachusetts local communities have a great deal of flexibility in designing a system of local government that reflects the needs of that community. We have found that the following model is a good way to focus discussion on the alternative governmental structures that meet the needs of the Town. The following areas are key to determining whether a municipal organization can effectively address the 10 questions outlined earlier in this document.

Decision Points for Major Elements of Local Government

Method of establishing the form of government

Legislative Body

- Open or Representative Town Meeting / Town Council
- Quorum
- Number of required meetings per year

Chief Executive Official

- Board of Selectmen or Town Council / Town Manager
- Number of members
- Policy making / Administrative

Elected/Appointed Boards/Officials

- Which boards are elected
- Who appoints appointed boards
- Number of members of boards
- Elected/appointed Town Clerk

Administrative Functions

- Appointment of department heads
- Appointment of employees
- Personnel management
- Appointment of Boards/Committees/Commissions
- Development/Administration of budget
- Development/Administration of Capital Improvement Program
- Sign warrants for payment
- Procurement
- Authority to organize/re-organize

APPENDIX A

Scope of Services

A. Evaluate Existing Organizational Structure and Processes

1. **Background Document and Materials:** Assemble and review documents and materials regarding the existing structure of government and operational processes including bylaws, special acts, policy books, recent annual reports, recent annual budgets, and notable legal opinions.
2. **Initial Consultation with Board of Selectmen, Town Administrator and Town Government Study Committee:** Meet with the above entities individually and as a group to obtain perspective on current operations via recent experiences, issues and identified shortcomings.
3. **Elected Boards and Commissions:** Meet with representatives from the Town's elected Boards, Commissions, Committees and officers to receive input and information relative to their perspective on the operation of the Town.
4. **Appointed Boards and Commissions:** Meet with representatives from the Town's appointed Boards, Commissions, Committees and officers to receive input and information relative to their perspective on the operation of the Town.
5. **Department Heads:** Meet with Town department heads to receive input and information relative to their perspective on the operation of the Town.
6. **Community Input:** Hold one community input session to gain information and perspective regarding the operation of the Town government specifically related to experiences in addressing particular requests for services and more generally addressing public policy issues.
7. **Other Input:** Reserved to meet with individuals and organizations identified in #1-6 as key community leaders including civic organizations, business leaders, former government officials, media organizations, etc.

B. Analysis and Recommendations

1. **Preparation of Findings Report:** Review all information gathered during Task A and consolidate into a memorandum report with recommendations for the Board of Selectmen and Government Study Committee.
2. **Presentation of Findings:** Meet with the Board of Selectmen and Government Study Committee to present and discuss findings, recommendations and determine any needed follow-up prior to moving onto the next phase.

C. Develop and Draft Home Rule Charter

1. **Draft Charter Document:** Based upon findings identified in B1 and after discussion with the Selectmen and Government Study Committee in B2, prepare a Westminster Home Rule Charter to establish a locally controlled governmental organization and processes which include those provisions that are designed to improve the overall

efficiency, effectiveness and accountability of the local government, and enhance civic participation within the Town.

2. **Town Counsel:** Review draft Charter with Town Counsel to insure all appropriate clearances with State laws and any locally controlling provisions.
3. **Presentation of Charter to Selectmen and Government Study Committee:** Meet with the Board of Selectmen and Government Study Committee to review provisions of proposed charter and its consistency with initial findings. Also, included in this meeting is a review of an implementation plan for the Charter as described below in Task D.

D. Outline Process for Charter Adoption and Implementation

1. **Charter Adoption Process:** Develop a schedule/timetable outlining specific actions and steps needed to approve and adopt the charter by the Town.
2. **Charter Implementation:** Prepare a report outlining recommendations for the step-by-step implementation of the Charter upon its adoption.

APPENDIX B

The following 25 individuals were interviewed for approximately an hour each (with some extended into a second session),

- All three members of the Board of Selectmen
- Six of the eight members of the Town Government Study Committee (TGSC) (there is one vacancy on the committee)
- Seven non-Selectmen community volunteers including elected and appointed volunteers
 - Michael Popik - Board of Health
 - Scott Ryder - Public Works Commission
 - Vance Butterfield – Public Works Commission
 - Lorraine Emerson – Public Works Commission
 - Don Frigoletto - Board of Assessors
 - Jon Wyman - Planning Board (also TGSC)
 - John Cappellini - Personnel Board
 - John Bowen, Town Moderator
- 11 staff:
 - Town Administrator Karen Murphy
 - Town Accountant Julie Costello
 - Police Chief Sam Albert
 - Fire Chief Kevin Nivala
 - DPW Director Josh Hall
 - Town Clerk Ellen Sheehan
 - Personnel Director Julie Belliveau
 - Executive Assistant to BoS/TA Stephanie Lahtinen
 - Library Director Nick Langhart
 - Treasure/Collector Melody Smith
 - Town Planner Steve Wallace
 - Health Agent Elizabeth Swedberg

The purpose of selecting the 25 individuals was to talk with a broad cross section of community officials – elected and appointed volunteers, and staff. Everyone was very cooperative and engaged in this process, and people were very candid as to what they believed worked well in the community, and what improvements might be needed.

APPENDIX C

The following documents were provided by the Town at Community Paradigm Associates' request, and have been reviewed:

- Annual Report
- Organization Chart
- Background material from the website
- 2014 Westminster Master Plan (Chapter 04 "Town Government Chapter: Facilities and Services")
- Commonwealth of Massachusetts Division of Local Services August 2016 report "Town of Westminster Technology Review – A Community Compact Cabinet Initiative"
- Massachusetts Department of Revenue report "Town of Westminster Financial Management Review"
- RCA CPA Town of Westminster, Massachusetts Management Letter, Year ended June 2016
- Citizen Survey for Westminster Community Master Plan
- Quarterly Report – April-June 2017
- Update on the Town Planner work program, 6-30-17 and 7-21-17
- Westminster Annual Report 2000 and 2002 – Town Government Study Committee
- Roster of Elected and Appointed Officials
- List of Special Acts and Resolves

APPENDIX D

Detailed non-duplicated comments received from Westminster elected and appointed officials and department heads:

STRENGTHS

- Strong sense of community
- Good community – easy to find friends
- Good schools
- For the most part the Town is fairly well run, in spite of the way it is structured
- Some very strong departments – Police, Fire, Library
- Police are responsive – do a good job with communications
- Fire Department is dedicated and responsive
- Town Hall – “no complaints”
- “Library is excellent”
- Good dedicated elected and appointed board members for the most part
- Selectmen get along and are effective
- The Selectmen reach consensus
- Board members and staff are respectful of each other, and listen to all sides
- The Board of Selectmen are deliberative and don’t rush into decisions
- If there is not a good member of an elected Board, that member does not last
- Many of the employees and department heads are local to Westminster
- Master Plan process was very effective – got good community participation, and well supported by the community
- Advisory Board and Board of Selectmen do a good job organizing and keeping things on track
- Town seems to be on a good track financially
- Elected and appointed boards have a good working relationship with the Board of Selectmen and the Town Administrator, but understand that this is tenuous
- Having a member of the Board of Selectmen as liaison to Boards and Committees, and attending their meetings is good
- Some volunteer boards have a great variety of expertise and experience
- Often get board members with experience on other Town boards
- If someone wants to volunteer for their local government, there is almost always an opportunity
- Roles of staff and their boards are clear
- Generally, board members have the interest of the community at heart, but there are some instances of people serving because of special interests. People do not last long and are often not re-elected
- The Master Plan survey got a lot of returns – people were engaged in the process and in giving input
- The Master Plan process was good, gave good direction to the community, and got a lot of parts of Town government working well together

- There is a strong definition of staff and volunteer roles
- Quarterly reports are helpful but difficult to read – there is no commonality as to format and type of information conveyed
- Attendance at Town Meeting is often 200 people
- Warrant articles are well vetted by Advisory and Town Meeting attendees respect that
- Capital Planning is well done
- Board members work well together
- Volunteers have a good variety of qualifications
- The hiring process is very much improved for key positions since the hiring of the current Police Chief
- The Town is financially strong – has six stabilization funds and has begun to fund OPEB

WEAKNESSES

- People (B/C/C members) tend to dig in their heels
- Don't want to consider new ways to do things, i.e.: "We never did it that way before"
- The Town is parochial
- People are afraid to encourage innovation
- Sometimes B/C/C members are not willing to work out solutions to issues
- There is a shortage of volunteers
- Often need to recruit members to run for vacancies on boards
- Volunteers (particularly elected) seen as "old boys network"
- Many of the elected boards are a holdover from times when there was little or no staff and the boards did the actual work, rather than providing policy
- Some staff is overwhelmed sometimes due to cuts made during weaker budget situations, and staff has not been restored to needed levels, for example, DPW, Town Administrator
- Town Meetings are held twice a year and it is often difficult to fit the flow of Town business into that kind of schedule
- Roles of staff and boards are not clear
- The Town Administrator has a lot of responsibility but no authority
- The duties of the Town Administrator are not well defined
- The community does not do strategic planning and goal setting
- The Board of Selectmen could and should delegate more
- Communications are poor throughout the organization
- Departments do not feel that the Town Administrator has authority or responsibility
- The Town Administrator position is viewed as a messenger – the Town Administrator position is viewed by some as a bottleneck to communications
- There seems to be an adequate amount of staff, but some of the staff do not have the right skills for the work they are doing
- There are too many elected boards – everyone is in charge
- There is a lack of accountability – nobody is in charge
- The community has a difficult time in getting new volunteers

- Some functions are not staffed (Parks and Recreation) and could benefit from some regular staff help
- A major method of communications is through reading minutes and they are not routinely available in an easy-to-use manner
- Generally, board members have the interest of the community at heart, but there are some instances of people serving because of special interests. Those individuals do not last long and are often not re-elected
- Poor attendance at Town Meeting. There is no quorum required
- It is difficult for residents to understand how to request things (road improvements for example) and difficult to understand how government in Westminster is structured
- The hiring process is convoluted and cumbersome – time consuming
- Some employees are promoted to management positions with no management experience or training; this results in a lack of knowledge about policies and how to administer them
- The Town does not have the capability to address surplus property issues (Old Town Hall)
- Not great service by DPW if you don't live in center of Town
- Poor history of building construction, for example, the Library needed considerable re-doing and the Town Hall costs were underestimated but the product was well done
- Internal and external communications are poor
- Departments work in silos, especially those with an elected board. This results in wasted efforts
- There are no regular department head meetings
- There are mixed messages from the Town, and there are often conflicting messages and information. It makes the Town look like it doesn't know what it is doing
- There is dysfunction and sabotage
- Residents don't feel that Town Hall listens to people or respects their opinions
- There are not a lot of younger people volunteering for the Town
- Town Meeting attendance is poor unless there is a major issue
- There is not succession planning for staff or volunteers – the issue is more critical for volunteers
- Not enough planning – strategic or financial
- Some departments are very dictatorial – power trip
- Having an elected Town Clerk is problematic – there is a significant risk of getting the wrong person into the job and having very negative results for elections, vital statistics, etc.
- Poor communications among elected/appointed boards
- Don't always hire/promote best person – sometimes just take the next person in line
- There is not uniformity in the hiring process and in personnel issues
- The Town should consider a purchasing department
- Personnel issue resolution – not supported by “Town Hall”

OPPORTUNITIES

- It is important to get people on boards with good/complementing skills – easier to accomplish with appointed boards
- Does Town need all the boards it has – could some be eliminated or consolidated?
- Would welcome a Town Manager with improved centralized decision making
- Some issues mobilize the community (sometimes in a positive way, sometimes in a negative way) – Master Plan, Rod and Gun Club, proposed ban on sale of tobacco products, school issues
- Some boards delegate a lot to staff, and serve as policy-making bodies
- Some elected positions should be appointed – it would give the Town the opportunity to recruit and appoint people with needed qualifications, particularly for “technical positions like Board of Health, Board of Assessors, Town Clerk
- Improved capital planning
- Planning proactively for the use of Landfill Host Community funds, and planning for the time when those funds will no longer be available
- Five-member Board of Selectmen would allow the board to get more done, have members as liaison to more boards, give opportunity for two members to talk without violating the Open Meeting Law
- Enlarge DPW to include Cemetery, Building Maintenance, Parks, and move all staff and assets from those functions to DPW
- Create a Land Use Department including planning, building, conservation (maybe others like health, historical)
- Board of Selectmen as a sounding board and Board of Directors
- Impending retirements over the next five years present the opportunity for change
- The Town needs a decision maker
- Reduce elected boards and consolidate some boards
- Consolidate departments

THREATS

- If one transitions from an elected Town Clerk, and the Town Clerk is appointed by the Board of Selectmen, the board or an individual member could be seen to be having influence over the Chief Election Official
- Town Meeting can be stacked for a particular issue – school budget
- There is a lack of succession planning, both among volunteers and staff
- Elections are generally uncontested
- It is hard to find people to be appointed or elected to boards, particularly if they work and have a difficult time balancing home, work, and volunteering for the Town
- The Town is residential – community doesn’t want business development. It is hard to provide funding for what the community wants from a residential tax base
- While the schools are an asset, the two communities in the regional school district are very different

- Taxes are high
- How do you get younger people involved in the community?
- Don't like staff serving as members of boards
- Open Meeting Law is a drawback to candid discussions in strategic planning
- People elected with a personal agenda
- People should not be on more than one board at a time unless the purpose is specifically stated
- Most residents do not know much about their Town government
- A Town Manager could be dictatorial
- Lack of communications
- There are different opinions on what works well in Town government
- It is easy to "stack" Town Meeting because of lack of a quorum requirement, and because of generally low turnout
- It is unclear to residents as to how to get things accomplished
- "Amazed that the current system works at all"
- There is little coordination among boards and departments

APPENDIX E

Comparable Communities

Communities for use as comparisons with Westminster form of government

- Ashburnham
- Ayer
- Groton
- Harvard
- Hubbardston
- Lancaster
- Lunenburg
- Pepperell
- Rutland
- Shirley
- Sterling
- West Boylston

EXHIBIT D

Appointed Officials NOT Named by TGSC Report

Source: 2017 Annual Town Report

Agricultural Commission

Assistant Animal Control Officer

Board of Registrars

Building Commissioner

Cable Advisory Committee

Conservation Commission

Council on Aging

Cultural Council

Election Officials

Energy Advisory Committee

Historical Commission

Open Space Committee

Solid Waste Advisory Committee

EXHIBIT E

Westminster Home Rule Charter

October 1, 2018

Chapter I – Incorporation, Powers, Rights and Obligations

Section 1.1 Incorporation

All the inhabitants dwelling within the territorial limits of the Town of Westminster, as heretofore constituted, including “The Inhabitants of the Town of Westminster,” shall continue to be a body politic and corporate under the name of “The Town of Westminster,” hereinafter in this charter called “the town,” and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said town, and any additional powers and privileges herein conferred, and all powers and privileges conferred upon towns under the constitution and general laws of the Commonwealth of Massachusetts.

Section 1.2 Powers

The town shall have all powers possible for a town to have under the constitution and laws of the Commonwealth of Massachusetts, as fully and completely as though they were specifically enumerated in this charter. The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general powers stated in this section. The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or with the United States of America or any agency thereof.

Section 1.3 Rights and obligations

All rights, including the ownership of land standing in the name of “the inhabitants of the Town of Westminster,” claims, actions, orders, contracts, and legal or administrative proceedings vested or pending in the town as of the date when this charter shall take effect, shall continue except as modified herein, and in each case shall be maintained, carried on or dealt with by the office, board or commission appropriate under this charter.

Chapter II - General Provisions

Section 2.1 Definitions

The following definitions shall be in effect in this charter.

“ad hoc committee” – any multiple-member committee of the town established by the selectmen, and whose purpose is to accomplish narrowly defined objectives in a short time frame, usually one year or less.

“agency,” any board, commission, committee, department, division, or office of the town government.

“annual town report,” a report given to citizens at annual town meeting that includes the financial state of the town and identifies upcoming issues that will affect the town.

“board”, or “permanent board” means any multiple-member body established by the charter, bylaw, or action of the selectmen, whether named a board, commission, or committee, other than an ad-hoc committee.

“charter,” this charter and any amendments to it, which may hereafter be adopted.

“emergency,” a sudden, unexpected, unforeseen happening, occurrence, event, or condition that necessitates immediate action.

“general Law” or “Massachusetts General Laws,” shall be a statutory provision which is applicable to all cities and towns, or to all cities, or to all towns, or to a combination of not fewer than two cities and towns, enacted by the general court of the Commonwealth of Massachusetts cited as M.G.L.

“majority vote,” a majority of the full authorized membership of a board.

“master plan,” a plan revised or developed every 10 years by the planning board per Massachusetts General Laws.

“quorum,” except for a town meeting and unless otherwise required by law or this charter, a majority of the full authorized membership of an agency.

“referenda” shall include all matters, other than election of officers, to be acted upon and determined by ballot by the registered voters in their respective precincts.

“selectmen” – the board of selectmen of the Town of Westminster, who shall serve as the chief executive officers of the town.

“strategic planning process,” the selectmen’s development with the town manager of a set of priorities and yearly goals for the purpose of assessing and adjusting the town’s direction.

“town,” the Town of Westminster.

“town manager,” an officer of the town appointed by the selectmen, who exercises all of the duties as described by the charter, and who is the chief operating officer of the town.

“town meeting,” the open town meeting established in Article 3 of this charter, whether annual or special.

“town officer,” a person having charge of an office or department of the town who, in the exercise of the powers or duties of that position, exercises some portion of the sovereign power of the town.

“treasury warrant,” a document required to be signed by an authorized person to approve payment for services or supplies rendered to the town.

“voters,” registered voters of the town.

“warrant,” a document required to warn and notify residents and inhabitants of the town, who are qualified to vote in town affairs, to meet at a specific place to act on published articles relating to the governance of the town.

Section 2.2 Charter review and amendment

This charter may be amended in the manner prescribed by law.

At any time, an article may be placed on a town meeting warrant by the selectmen or by citizen petition to amend this charter. Any charter amendments that are approved by town meeting shall either be presented for adoption by the voters at the next annual town election or shall be submitted to the State Legislature for enactment.

Within five years of the effective date of the charter, and then at least once in every 10-year period after that, the selectmen shall establish an ad hoc charter review committee which shall conduct an in-depth review of the charter and make any recommendations for its amendment that the committee sees fit. The committee shall present its report and any proposed charter amendments to the selectmen. The committee shall hold at least one additional public hearing before filing its final report.

Section 2.3 Rules of interpretation

The following rules shall apply when interpreting the charter:

- (a) To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provisions shall apply.
- (b) Words imparting the singular number may extend and be applied to several people or things; words imparting the plural number may include the singular; words imparting the feminine gender shall include the masculine gender; words imparting the masculine gender shall include the feminine gender.
- (c) All references to the general laws or the laws of the Commonwealth contained in the charter refer to the general laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections of any rearrangement of the general laws enacted subsequent to the adoption of the charter.
- (d) In computing any time under the charter, if seven days or less, only business days, not including Saturdays, Sundays, or legal holidays shall be counted; if more than seven days, every day shall be counted.

Section 2.4 Severability

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions relating to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Chapter III – Elections

Section 3.1 Elections of officers

Nominations and election of federal, state and county officers, and of such elective municipal officers or board as provided for in this charter shall be conducted, and the registrars of voters shall prepare lists of voters qualified to vote therefore, in the manner prescribed in the constitution and general laws of the Commonwealth of Massachusetts.

The annual election of municipal officers and boards shall be without party or political designation and shall be held at such time and in such manner as prescribed in the town's bylaws.

Meetings of the qualified voters of the several precincts for primaries, elections or for voting on referenda shall be held at the same time and at such place or places as the selectmen shall direct and provide.

Each elected official shall be sworn to the faithful performance of his duties within seven calendar days of her election, shall see that such action is certified to the town clerk, shall take office immediately upon being sworn, and shall hold office until his successor is qualified.

Section 3.2 Voting precincts

The town shall be divided into two or more voting precincts, such that each precinct shall contain not more than four thousand (4,000) inhabitants. The precincts shall be plainly designated and so established as to consist of compact and contiguous territory and shall be bounded as far as possible by the center line of highways or by other well-defined limits. The precincts shall be established in the manner prescribed by state law.

Section 3.3 Method of voting and counting ballots

Voting upon federal, state, county and town officers, and upon referenda, shall continue to be by printed-paper ballot except as provided herein. The selectmen may provide for the use of mechanical or other devices for voting or counting the ballots not inconsistent with the law.

Chapter IV - Open Town Meeting

Section 4.1 Annual and special town meetings

The annual town meeting for the transaction of all business, with the exception of the election of town officers and the determination of such matters as legally require a vote by ballot, shall be held as required by law and as set forth in the town bylaws. Special town meetings may be called from time to time by the selectmen, as set forth in the town bylaws.

It shall be the duty of the selectmen and of the chairman of each board of the town and of the town manager and of the head of each town agency to attend that part of every town meeting at which matters other than those to be acted upon or determined by ballot are to be considered.

The town clerk shall make all registered voters aware of the availability of the warrant and post the warrant on the town's web site at least seven days before the annual town meeting and at least fourteen days before a special town meeting.

The town shall have the capacity to act through and to be bound by the action of town meeting, which convened from time to time shall constitute a town meeting. The town meeting shall have and may exercise all powers vested in the municipal corporation so far as is consistent with the provisions of this charter.

Section 4.2 Procedure

The portions of the warrant for every town meeting which relate to the election of moderator and town officers, and to referenda and all matters to be acted upon and determined by ballot, shall be acted upon and determined by the registered voters of the town in their respective precincts. All other articles shall be acted upon and determined exclusively at meeting(s) held at a time and place specified by the selectmen in the warrant for the meeting.

There shall be no required quorum for the transaction of business unless established by bylaw.

A vote of town meeting, either passing or rejecting a measure under any article in the warrant shall not be operative until the expiration of seven days exclusive of Sundays and holidays, from the dissolution of the meeting other than the following; (a) to adjourn; (b) to appropriate money for the payment of principal and interest of bonds and notes of the town; (c) to authorize the temporary borrowing of money in anticipation of revenue; (d) to enact an emergency measure required for the immediate preservation of the public peace, health or safety and so declared by a preamble and adopted by a two-thirds vote of the town meeting members present and voting thereon.

Section 4.3 General meetings

This charter shall not abridge the right of the inhabitants of the town to hold general meetings, as secured to them by the constitution of the Commonwealth, nor confer upon any town meeting the power finally to commit the town to any measure affecting its municipal existence or substantially changing its form of government without action thereon by the voters at large, using the ballot and check list therefor.

Chapter V- Town Officers

Section 5.1 General provisions

No person shall be eligible for election or appointment to a board who is not at the time of election or appointment a resident of and a registered voter in the town and any person ceasing to be a resident of, and voter in, the town shall thereupon cease to hold any such elective or appointed office except that the town manager shall not be required to be a resident of the town. This provision shall not apply to the 5 Ashburnham members of the regional School Committee.

Members of boards shall have authority to act only as a member of their board and shall have no authority to act as an individual.

No elected or appointed town officer, employee, or board shall engage, for official town business, the service of any attorney or incur monetary obligations to any attorney, other than town counsel unless such engagement is authorized by the town manager. This limitation shall not apply to the selectmen and shall not apply to any officer or board specifically authorized by the General Laws to retain the services of an attorney provided that such officer or board has a specific appropriation sufficient to pay for such services.

Section 5.2 Elected town officers

The following town officers shall be elected to 3-year terms by the voters of the town:

- a) the 3-member Board of Selectmen;
- b) the 10-member Ashburnham–Westminster Regional School Committee, 5 members of which shall be residents of the town of Westminster;
- c) the Town Moderator; and
- d) the 5-member Board of Trustees of the Forbush Memorial Library.

Section 5.2.1 General provisions

Elected officials shall be compensated in such manner if any, as the town meeting shall determine, except that the school committee members shall not be compensated. Elected officials may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

Elected town officers shall be elected for 3-year terms to succeed those whose terms of office are expiring. At the first meeting after the annual town election, each elected board shall meet and shall elect a chairperson and otherwise organize and shall fix the time and place of their regular meetings. They may from time to time adopt their own rules of procedure.

Elected officials shall hold no other elective office or compensated employment under the government of the Town of Westminster during the term for which she is elected, nor any compensated appointive town office or employment for 1 year thereafter.

A majority of the full authorized members of an elected body shall constitute a quorum, and no resolution or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than affirmative votes of a quorum of an elected body.

Section 5.2.2 Selectmen

The selectmen shall have all powers and duties given to selectmen as may be authorized by the constitution and laws of the Commonwealth, the charter, bylaws or other town meeting vote, except those powers granted to the town manager under this charter, and shall have the following specific responsibilities:

- a) The board of selectmen is the chief executive office of the town and shall serve as the chief policy making agency of the town.
- b) The selectmen shall serve as the licensing board for the Town of Westminster, including establishing policies, procedures, rules and regulations for issuance and enforcement of licenses including liquor licenses. The selectmen may delegate portions of this responsibility except for the issuance and enforcement of liquor licenses.
- c) The selectmen shall serve as the road commissioners, park commissioners, cemetery commissioners, water commissioners, and sewer commissioners of the town.
- d) Upon the recommendation of the town manager, the selectmen shall approve or reject the award for all contracts for goods or services in excess of one million dollars.

- e) The selectmen may approve and periodically amend and update personnel policies and compensation and classification plans that will apply to all town employees, except to the extent that collective bargaining agreements or employment agreements are inconsistent with such policies and compensation and classification plans.
- f) The selectmen shall approve collective bargaining agreements negotiated by the town manager.
- g) The selectmen shall appoint and may remove the town manager.
- h) In accordance with Section 7.4 of the charter, the selectmen will work with the town manager to develop and review a strategic plan.
- i) The selectmen, in conjunction with the town manager, shall annually define goals and performance objectives for the ensuing year. The goals and objectives shall be based upon and consistent with the strategic plan and will reflect the actions which the board and the town manager determine to be necessary for the proper operation and welfare of the town and to attain the policy objectives of the selectmen. The town manager and the selectmen shall meet and set such goals and objectives after the expiration of 6 months of a town manager's first year in office. The selectmen and town manager shall establish the relative priority among the various goals and objectives. The selectmen shall review in writing and at an open meeting, the performance of the town manager on a formal basis once annually.
- j) The selectmen shall within 14 days of appointment by the town manager, vote to confirm or deny the appointment of any person designated by the town manager as police chief, fire chief, public works director, town accountant, treasurer/collector, finance director (if any), and town counsel.
- k) The selectmen shall appoint or shall approve the appointment of members of the various boards of the town in accordance with provisions of the charter.
- l) The selectmen shall appoint the town's representative to the Montachusett Regional Vocational Technical School.
- m) The selectmen may create ad hoc or permanent committees of the town to assist in advising the selectmen and/or town manager on any matter. In creating any such committee, the selectmen shall determine the number of members, the scope of their duties, whether the committee is to be ad hoc or permanent, and whether the committee shall have a sunset on its existence.
- n) The selectmen shall select an audit firm and cause an independent annual audit to be made of all accounts of the town. Upon completion of the audit, the results shall be presented to the selectmen during open session with an invitation provided to the advisory board.

Section 5.2.3 Regional School Committee

The Ashburnham-Westminster Regional School Committee shall have all powers conferred upon it by the constitution and general laws of the commonwealth and by this charter and by the agreement establishing the regional school district and shall exercise a general supervision over all matters concerning the public schools which are not otherwise provided for. The regional school district shall not be subject to the provisions of personnel or procurement sections of this charter.

Section 5.2.4 Moderator

The moderator shall preside at all sessions of annual and special town meetings. At all town meetings the moderator shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be authorized by law, this charter, bylaw, or other vote of the town meeting. She shall designate the personnel required for proper conduct of town meeting and shall appoint the members of the advisory board. From time to time the moderator shall appoint an ad hoc bylaw review committee.

Section 5.2.5 Board of Trustees of Forbush Memorial Library

The Board of Trustees of the Forbush Memorial Library shall have all powers and duties conferred upon Library trustees by state statute pursuant to M.G.L. c.78 and any other applicable laws except as modified by this charter.

Section 5.2.6 Recall of elected officials

Any holder of an elective office in the town of Westminster with more than six months remaining in the term of office may be recalled therefrom by the registered voters of the town as herein provided.

- a) Any twenty-five registered voters of the Town of Westminster may initiate a petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Said town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms she shall keep available. Such blanks shall be issued by said town clerk with her signature and official seal attached thereto. Such blanks shall be dated, shall be addressed to the board of selectmen, and shall contain the names of the person to whom they are issued, the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the office. A copy of the petition shall be entered in a record book to be kept in the office of said town clerk. Said recall petitions shall be returned and filed with said town clerk within twenty days after the filing of the affidavit, signed by at least fifteen percent of the registered voters of the town who shall add to their signatures the street and number, if any, of their residence. Said town clerk shall within twenty-four hours of receipt, submit the petitions to the registrars of voters who shall certify thereon the number of signatures which are names of voters of said town.
- b) If the petition shall be certified by the town clerk to be sufficient she shall:
 - 1) forthwith submit the same with her certificate to the board of selectmen within five working days and
 - 2) said board of selectmen within five working days shall give written notice of the receipt of the certificate to the officer sought to be recalled and
 - 3) the board of selectmen shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them on a date not less than sixty nor more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety days after the date of the

certificate, said board of selectmen shall postpone the holding of the recall election to the date of such other election.

- 4) If a vacancy occurs in said office after a removal election has been so ordered, the election shall nevertheless proceed as provided for in this section.
- c) Any officer whose recall is sought may be a candidate to succeed herself at the recall election. The nomination of all candidates, the publication of the warrant for the recall election, and any election to fill the vacancy caused by a recall election, and the conduct of the same shall all be in accordance with the provision of law relating to elections unless otherwise provided by this act.
- d) The incumbent shall continue to perform the duties of her office until the recall election. If then reelected she shall continue in office for the remainder of her unexpired term subject to recall as before, except as provided in this section. If not reelected in the recall election, she shall be deemed removed upon the qualification of her successor, who shall hold the office during the unexpired term. If the successor fails to qualify within five days after receiving notification of her election, the incumbent shall thereupon be deemed removed and the office vacant.
- e) Ballots used in a recall election in said town shall submit the following propositions in the order indicated:
 - 1) For the recall of (name of officer)
 - 2) Against the recall of (name of officer)
- f) Adjacent to each proposition there shall be a place to mark a vote. After the proposition shall appear the word “candidates” and directions to the voters as required by section forty-two of chapter forty-four of the general laws, and beneath this, names of candidates nominated as herein provided. If the majority of the ballots cast in the recall election are in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If the majority of votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.
- g) No recall petition shall be filed against an officer of said town within ninety day after she takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which the officer’s recall was submitted to the voters.
- h) No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against her shall be appointed to any town office within one year after such recall or resignation.

Section 5.3 Appointed boards, commissions, committees

Section 5.3.1 General provisions

- a) No board shall be established with an even number of members, with the exception of the regional school committee.
- b) Members of permanent boards shall be appointed for a staggered term of three (3) years, with the exception of the Housing Authority, which shall be appointed for a staggered term of five years. The terms of office of the members of each permanent board shall be so established as to provide overlapping terms, with as nearly as possible equal numbers expiring each year, and terms of office (including terms for members filling out the unexpired terms) shall expire on June 30.

- c) The selectmen may, from time to time, establish permanent boards to address specific needs or issues. Appointees to ad hoc committees shall be appointed for the duration of the charge of the board or committee, and such committees shall be subject to an annual review by the selectmen.
- d) Boards specifically provided for by the Massachusetts General Laws may be terminated or modified only through the reorganization process established in this charter. Each such board shall be organized and charged with the powers and duties specified in the Massachusetts General Laws and special acts of the commonwealth, town bylaw, or elsewhere in this charter. When any appointed board is abolished or consolidated, the town manager shall issue a written directive to the appropriate person or persons relative to the disposition of records, property and equipment.
- e) Each board shall, at its annual organization meeting, which shall be the first meeting after July 1, elect a presiding officer and shall cause the selectmen and the town clerk to be notified of its selection. Such boards shall make a written annual report of its activities available to the selectmen.
- f) Each official appointed pursuant to this section shall, within 7 calendar days of his appointment, be sworn to the faithful performance of her duties by the town clerk, take office immediately upon being so sworn and hold such office until her successor is qualified, or she is removed for cause or by operation of law or until such office or position is abolished.
- g) No resignation of any town officer, including members of a board, shall be deemed effective unless and until the date or such later time as may be specified in the resignation that such resignation is filed with the town clerk.
- h) In the event an appointed board member misses three (3) consecutive meetings without the permission of the chair, the chair shall notify the appointing authority, which may, after opportunity for a hearing, deem such position vacant.
- i) The appointing authority may remove any appointed member of a board for cause and after due process.

Section 5.3.2 Establishment

There shall be established the following officers, boards, commissions and committees which shall perform the duties as established by statute, the charter, bylaws, or policy direction of the selectmen:

- (a) a board of assessors composed of 3 members - appointed by the town manager with the approval of the selectmen;
- (b) a board of health composed of 3 members - appointed by the town manager with the approval of the selectmen;
- (c) a housing authority comprised of 5 members - appointed by the town manager with the approval of the selectmen, except that one member shall be appointed by the governor of the Commonwealth;
- (d) a planning board composed of 5 members - appointed by the town manager with the approval of the selectmen;
- (e) a recreation commission including the duties of the former Hager Park commission and the Crocker Pond committee, composed of 9 members - appointed by the town manager with the approval of the selectmen;

- (f) a personnel board advisory to the selectmen and town manager, composed of 5 members - appointed by the town manager with the approval of the selectmen;
- (g) an advisory board composed of 5 members who shall hold no other office in the town except as specifically provided in the charter - appointed by the town moderator;
- (h) a bylaw review committee comprised of 5 members - appointed by the moderator on an as-needed basis;
- (i) an agricultural commission composed of 5 members - appointed by the town manager;
- (j) a board of registrars composed of 3 members - appointed by the town manager;
- (k) a capital planning committee advisory to the selectmen and town manager composed of one member of the board of selectmen, one member of the advisory board, and three citizens at large. The town accountant, treasurer/collector, and town manager shall be ex-officio, nonvoting members of the committee. Citizen-at-large members shall be appointed by the town manager;
- (l) a conservation commission composed of 5 members - appointed by the town manager;
- (m) up to 3 constables - appointed by the town manager;
- (n) a council on aging composed of 9 members - appointed by the town manager;
- (o) a cultural council consisting of 7 members - appointed by the town manager;
- (p) an historical commission including the duties of the memorial committee, composed of 7 members - appointed by the town manager;
- (q) a town clerk - appointed by the town manager and not requiring selectmen's approval;
- (r) a zoning board of appeals composed of 5 members - appointed by the town manager;
- (s) such other boards, commissions and committees as may be required by statute, established by town meeting, or deemed necessary by the selectmen, appointed by the town manager;

Section 5.4 Town manager

The selectmen shall appoint as soon as practicable after the town election at which this charter is adopted, or after the occurrence of any vacancy in such office, a town manager who shall be a person especially qualified by education, training and experience to perform the duties of the office. Minimum qualifications shall include a bachelor's degree in public administration or a related field, and 5 or more years of experience as a town manager, town administrator, assistant town manager, or assistant town administrator or similar position. She need not be a resident of the town or of the Commonwealth.

During the 12 months prior to her appointment, the town manager shall not have held any elected office in the Town of Westminster. The town manager's contract shall be up to 3 years in length, and she may be appointed for successive terms of office. The town manager shall be appointed without regard to her political beliefs. Before entering upon the duties of the office, the town manager shall be sworn to the faithful and impartial performance thereof by the chairperson of the board of selectmen.

Pending the appointment of a town manager or the filling of a vacancy or during the temporary disability of the town manager, the selectmen shall appoint a suitable person to perform the duties of the office.

Section 5.4.1 Powers and duties of the town manager

- a) In addition to the specific powers and duties provided in this charter, the town manager shall have the general powers and duties enumerated in this section and such other powers and duties, which the selectmen shall determine.
- b) Except as otherwise provided by this charter and subject to chapter 31 of the General Laws and any other applicable laws, the town manager shall appoint upon merit and fitness alone the head of each department. The following positions appointed by the town manager shall be subject to confirmation by the selectmen within 14 days of his appointment. Failure of the selectmen to act within 14 days shall constitute approval of the appointment.
 - police chief
 - fire chief
 - public works director
 - treasurer/collector
 - town accountant
 - finance director (if established)
 - town counsel

For employees who work directly with an appointed or elected board, the town manager will consult with that board with respect to the recruitment, interview, and appointment of that employee.

The police and fire chiefs shall be appointed by the town manager with the approval of the selectmen, and the town manager shall establish their compensation not exceeding the annual appropriation therefor. The police chief and fire chief shall appoint such other employees and officers of their respective departments as they may deem necessary, subject to approval of the town manager and subject to the annual appropriation for each department. The appointment of each chief shall be for a term not exceeding 3 years, and the town manager may remove either chief or other employees or officers of the police and fire departments for cause following a hearing.

- c) Department heads may appoint employees within their departments, subject to approval by the town manager.
- d) The town manager shall appoint boards and officers pursuant to the charter, subject to the selectmen's approval as required.
- e) The town manager shall supervise and direct the administration of all agencies of the town
- f) In accordance with this charter and except as otherwise prohibited by the General Laws, the town manager with the approval of the selectmen may reorganize, consolidate or abolish any agency, department, board, or office under their direction and supervision.
- g) The town manager shall fix the compensation of all town officers and employees, in accordance with the compensation and classification plans approved by the selectmen, and in accordance with any contracts or collective bargaining agreements.
- h) The town manager shall be responsible for negotiating all collective bargaining agreements, subject to approval by the selectmen.

- i) With the human resources director or other appropriate employee, the town manager will administer all human resources functions of the town except for the school department, including personnel performance evaluation, employee discipline or termination, and administration of the personal policies and classification and compensation plans as approved by the board of selectmen.
- j) The town manager shall attend all regular and special meetings of the board of selectmen and of the town meeting, except for meetings at which her removal is being considered.
- k) The town manager will work with the selectmen to develop and review a strategic plan as required in Section 7.4 of the charter.
- l) The town manager shall keep full and complete records of her office and shall render, as often as may be required by the selectmen, a full report of all operations during the period reported.
- m) The town manager shall keep the selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town as she may deem necessary or expedient.
- n) The town manager shall keep the selectmen and advisory board fully informed as to the financial condition of the town and make recommendations to the selectmen and other elected and appointed officials as the town manager deems necessary and expedient.
- o) The town manager shall have overall jurisdiction over, and be responsible for, the planning, construction, reconstruction, alteration, repair, improvement, maintenance, use and rental of all town property.
- p) The town manager shall be the chief procurement officer of the town, as that term is defined under chapter 30B of the General Laws. The town manager shall purchase all supplies, materials and equipment and shall award all contracts for all departments and activities of the town except as otherwise provided for by this charter, except that contracts greater than one million dollars shall also require approval of the selectmen. The town manager may delegate portions of this responsibility to department heads or other qualified employees.
- q) The town manager shall administer, either directly or indirectly through a person or persons appointed by him in accordance with this charter, all provisions of general and special laws applicable to the town, all bylaws of the town and all regulations of the selectmen.
- r) With the approval of the selectmen, the town manager shall have the authority to prosecute, defend and compromise any claim or litigation to which the town is a party, and to employ special counsel whenever necessary.
- s) The town manager shall have access to all town books and papers for information necessary for the proper performance of her duties and may, without notice, cause the affairs of any department or activity under her control or the conduct of any officer or employee appointed by her to be examined.
- t) The town manager shall prepare and recommend an annual comprehensive fiscal plan, budget and capital plan to the selectmen and the advisory board.
- u) Unless otherwise provided, the town manager shall serve as the town's chief information officer.

- v) The town manager shall perform such other duties consistent with his office as may be required by the bylaws or vote of the town or by vote of the board of selectmen.

Section 5.4.2 Acting town manager

The town manager may designate, by letter filed with the selectmen and town clerk, a qualified officer or individual of the town to perform the town manager's duties during a temporary absence or disability. If the town manager fails to make such a designation, the selectmen may designate an officer or individual of the town to perform the duties of the town manager until the town manager shall return, or his disability shall cease.

If the office of the town manager becomes vacant as a result of death, removal, resignation or otherwise or if the town manager is granted a leave of absence exceeding 4 weeks, the selectmen shall appoint a qualified individual to serve as acting town manager. Any vacancy in the office of the town manager shall be filled as soon as possible by the selectmen.

Section 5.4.3 Removal of the town manager

The selectmen, by a majority vote of the full membership of the board, may remove the town manager upon notice and hearing; provided, however, that the non-renewal of any contract of employment at the expiration thereof shall not be considered a removal subject to notice and hearing. The following shall be the procedure used for removal of a town manager:

- a) The selectmen shall adopt a preliminary resolution of removal, in writing, by an affirmative vote of a majority of its members. At least 30 days before such proposed removal shall become effective, a copy of the preliminary resolution shall be sent to the town manager, by certified and first-class mail, to her address of record with the town. In the preliminary resolution, the selectmen may suspend the town manager from duty.

- b) Within 10 days of receipt of service of such resolution, the town manager may reply, in writing, to the resolution and request a public hearing. If the town manager so requests, the selectmen shall hold a public hearing not earlier than 20 days but not later than 30 days after the filing of such request. Following the public hearing, if any, and otherwise at the expiration of 30 days following the filing of the preliminary resolution, the selectmen may adopt a final resolution of removal, after full consideration and by majority vote of the full membership of the board.

Chapter VI - Financial Provisions

Section 6.1 Comprehensive fiscal plan and budget

The town manager shall establish no later than September 30 of each year a calendar which shall have as its objective the submission of a balanced comprehensive fiscal plan including the annual budget and capital improvement plan which is to be presented to the advisory board no later than March 1 for the ensuing fiscal year.

Elements of the calendar shall include at a minimum:

- With the town accountant and in consultation with the various departments, establishment of estimated revenues;
- Establishment of expenditure guidelines to support the comprehensive fiscal plan including the annual budget, capital improvements plan, and other warrant articles to support the various departments, which guidelines shall be presented to the selectmen and advisory board and approved by them;
- Department budget requests consistent with the budget guidelines, and in a format approved by the town manager;
- Department capital improvement requests in a format approved by the town manager after consultation with the capital planning committee;
- Review of draft capital improvements plan submitted to the capital planning committee by the town manager, which review shall be completed not less than 30 days before the date of submission of the comprehensive fiscal plan to the advisory board;
- Submission to the advisory board of the town manager's comprehensive fiscal plan for the ensuing fiscal year including the budget, capital improvements plan, 5-year budget and capital projections, and warrant articles in excess of \$1000 in expenditures.
- Projected date of publication and making the warrant with the advisory board's recommendations available to the residents of the town.

Each department charged with the expenditure of town money shall each year, as provided by the charter, prepare and present to the town manager in a form determined by the town manager, detailed estimates of the amounts deemed necessary for the operation of their respective offices or departments for the ensuing fiscal year, and of all probable items of income to their offices or departments which may be received during the ensuing fiscal year.

Said estimates and statements shall be filed with the town manager. The town manager's budget format for submission of his budget to the advisory board shall include a column which reflects the departments' budget requests. The advisory board shall duly consider the estimates and statements submitted to it by the town manager and the advisory board shall prepare its report and recommendations on the town manager's budget. The advisory board report shall be available to town voters not less than 7 days prior to the first session of the annual town meeting. The town manager's proposed budget, with the advisory board's recommendations thereon, shall be included in the report. The budget to be acted upon by the town meeting shall be the budget proposed by the town manager with the accompanying recommendations of the advisory board.

Section 6.2 Capital Improvement Program

The town manager, in consultation with the capital planning committee and the departments, shall develop a capital improvements plan detailing requested and necessary capital improvements needed for the community over not less than the ensuing 5 years. The capital improvement plan shall include:

- (a) a clear general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the ensuing five fiscal years;
- (c) cost estimates, recommended time schedules, and methods of financing of each improvement.

The first year of the capital improvement plan shall be considered the capital budget and shall be included in the comprehensive fiscal plan of the town as presented by the town manager. As part of the annual town meeting warrant, the capital budget may be included in the budget article, or there may be a separate article or articles to fund the capital improvement program.

Section 6.3 Financial and public records

Copies of the annual town report, the entire proposed budget, capital improvement program, town warrant and advisory board recommendations shall be distributed to all and shall be available for examination by citizens on the town web site, and at the town hall and the library during normal business hours, at least seven days prior to the annual town meeting.

Statements of action taken on the proposed budget, warrant articles, and expenditures by each of the town departments shall be included in the annual report.

Section 6.4 Treasury warrants and collections

Town funds shall be disbursed on the basis of treasury warrant prepared under the direction of the town accountant and approved by the town manager. The signatures of the town accountant and the town manager shall constitute adequate authority of payment, except that treasury warrants of the payment of school department vouchers and payrolls shall also require the signatures of a majority of the school committee members.

Section 6.5 Audit

The board of selectmen shall annually provide for the independent audit of all the records and accounts of the town. Such audit shall be made by a certified public accountant or firm of such accountants who have experience in conducting municipal audits in the Commonwealth of Massachusetts and who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers. The town manager and town accountant shall be given a copy of the draft audit and management letter and shall have an opportunity to respond to the management letter. When finalized the auditor shall provide copies of the audit directly to each selectman, advisory board member, town clerk, town manager, finance director (if established), town accountant, and an electronic copy for the town's web site.

Chapter VII - Administrative Provisions

Section 7.1 General

Except for purposes of investigation, town officials shall deal with town employees solely through the town manager.

Section 7.2 Bylaws, rules and orders

The town meeting shall have the power to adopt such bylaws as it deems desirable, which shall have the effect of law provided that they are adopted in conformance with and do not conflict with the general laws or with this charter.

The selectmen shall have the power to promulgate such rules and orders as they deem necessary to the well-being of the community, provided that they are adopted in conformance with and do not conflict with the general laws, with this charter or with other statute, and further provided

that any appropriation of funds necessary for their execution shall be approved by the town meeting or the advisory board.

No bylaw, rule, or order shall be effective until suitable notice shall have been given to the townspeople by publication, posting or otherwise, as required by statute.

Section 7.3 Reorganization

The town manager with the approval of the selectmen may reorganize, consolidate or abolish any agency, department, board, commission, committee, or office under her direction and supervision in whole and in part and may transfer the duties, powers and appropriation of any agency, department, board, commission, committee, or office to another. The town manager may establish such new agencies, departments, boards, committees, or offices, as she deems necessary but subject to appropriation by the town meeting when such action by the town manager shall require an increase in total appropriation voted by the town meeting. The powers described in this subsection shall be known as a reorganization plan and any such reorganization plan shall be accompanied by an explanatory message when submitted to the selectmen. No such reorganization shall be effective until such action is approved or disapproved by vote of the selectmen; provided, however, that no amendment to the reorganization plan as submitted shall be made by the selectmen. The town manager shall annually prepare a table of organization reflecting the current organization of the town and shall publish the table of organization in the town's annual report.

Section 7.4 Strategic plan

The selectmen, with the town manager, shall develop, a fully integrated, collaboratively established strategic plan incorporating the master plan, capital improvement plan, five-year financial projections, and utilizing other information and materials relevant to establishing strategic direction for the community. The strategic plan shall be formally reviewed and updated at least every 3 years. Annually thereafter, the selectmen with the town manager will develop a statement of annual goals that are consistent with and advance the provisions of the strategic plan. The town manager will be evaluated by the selectmen annually on progress towards implementation of those goals. The town manager will advocate for actions that advance the provisions of the strategic plan, including providing information on the strategic plan to department heads, boards, and to the community at large.

Section 7.5 Prohibitions

No town officer or employee shall:

- (a) discriminate against any appointment to town office because of gender, race, sexual orientation, disability, political or religious opinion or affiliations, and any other class of individuals for whom discrimination is prohibited by state or federal law or regulation;
- (b) willfully commit a fraud which prevents impartial execution of personnel rules and regulations;
- (c) no town official shall solicit a political contribution from any compensated town employee; and
- (d) no person shall offer to pay money to obtain an appointment or promotion.

Violation of any of the foregoing shall be misdemeanors punishable by a fine or imprisonment as provided by statute. Any person convicted under items (b) or (d) of these provisions shall be ineligible for a five-year period thereafter to hold any town office or position, and, if an officer or employee of the town, shall immediately forfeit his office or position.

Section 7.6 Police and fire rules and regulations

The police and fire chiefs may from time to time make suitable regulations governing their respective departments and the employees and officers therefor, provided that such regulations are not inconsistent with other applicable policies, collective bargaining agreements, rules, or regulations of the town. The establishment of any such regulations of the respective departments are subject to the approval of the town manager; provided that such regulations shall become effective without such approval upon the failure of the town manager to take action thereon within thirty days after they have been submitted to him by the respective chiefs. The police and fire chiefs shall be in immediate control of all town property used by their respective departments and of the employees and officers whom the chiefs shall assign to their respective duties and who shall obey the chiefs' respective orders.

Section 7.7 Rules and regulations

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk and any such rule or regulation shall become effective on the date of such filing, unless otherwise provided for by law or bylaw. Copies of all such rules and regulations shall be made available for review by any person who requests such information pursuant to the public records law.

Chapter VIII - Transition Provisions

Section 8.1 Continuation of existing laws

Except as specifically provided in this charter, Massachusetts General Laws, special laws, town bylaws, votes, rules, and regulations of or pertaining to the town that are consistent with the provisions of this charter shall continue in full force and effect until amended or rescinded by the course of law or expire by their own limitation.

Section 8.2 Bylaw review

Within 90 days after the election at which this charter is adopted, the moderator shall appoint a five-member bylaw review committee to review the existing bylaws of the town. The committee shall report to the next annual town meeting its recommendations to bring the town bylaws into conformity with this charter. Where bylaws conflict with this charter, the charter provisions shall prevail.

Section 8.3 Continuation of government and personnel

Section 8.3.1 Continuation of boards and agencies

Except as specifically provided in this charter, all town agencies that are included in the charter shall remain in existence and their incumbents shall continue to perform their duties until not reappointed or reelected or until successors to their respective positions

are duly appointed or elected or their duties have been transferred. Elected town officials of the above positions who hold office at the time of the adoption of this charter shall continue to serve until their terms of office expire.

Section 8.3.2 Transition of number of members of Trustees of the Forbush Memorial Library

With regard to the Trustees of the Forbush Memorial Library, whose membership is being reduced from 6 to 5 members, upon the first town election following the adoption of the charter, the number of positions on the library board of trustees shall be reduced by 1 member so that the number of trustees will be reduced to 5. If there is a vacancy in the library board of trustees prior to that election date, that vacancy will not be filled so that the membership on the boards will thus be reduced to 5 members.

Section 8.3.3 Officers or agencies not continued

For officers or agencies eliminated by the charter, incumbents shall serve until July 1 following the adoption of the charter, at which time their agency will be abolished, and the incumbents will no longer serve.

Notwithstanding the above, the liquor commission shall continue in existence until December 31, of the year of approval of the charter, at which time all duties and responsibilities of the commission shall be transferred to the selectmen.

Notwithstanding the above, effective July 1 following the date of approval of the charter, the director of public works shall assume all responsibility and authority related to operation of the department of public works. The public works commission shall continue in place until December 31 following the approval of the charter serving in an advisory role for issues of operation of the department, while retaining their current rate setting responsibility.

Section 8.3.4 Continuation of employment

Any person serving in the employment of the town shall retain such position and shall continue to perform the duties unless provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency.

Section 8.4 Effect on obligations, taxes, etc.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the town before the adoption of this charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

Section 8.5 Transfer of records and property

All records, property, and equipment of any agency, or part thereof, the powers and duties of which are assigned in whole or in part to another agency, shall be transferred forthwith to the

agency to which such powers and duties are assigned. Any necessary transfers shall be carried out under the direction of the town manager.

Section 8.6 Selectmen's role in transition

Upon the date of taking effect of this charter the selectmen shall continue to exercise the executive functions of the town until a an interim town manager is appointed, provided that the selectmen shall neither create nor eliminate any position, neither hire nor terminate any employee or elected official, nor execute or extend any employment contract during the transition, except for matters not admitting of delay.

The selectmen shall meet within 7 days of the adoption of the charter to elect its officers, establish interim operating rules, and appoint an interim town manager who may be a town employee with sufficient management and administrative experience to serve in this role until the selectmen selects a town manager.

The selectmen shall have authority to adopt measures that clarify, confirm or extend any of the transition provisions in order that the transition may be made in the most expeditious and least contentious manner possible.

The town shall hold the scheduled annual town meeting immediately following the adoption of the charter during which the budget for the ensuing fiscal year shall be enacted. The budget article on that town meeting shall be the budget prepared by the advisory board. No actions contrary to the charter shall be enacted during this town meeting.

Section 8.7 Time of taking effect

This charter shall become fully effective upon its approval by the voters, except as otherwise provided in this section.