

TOWN OF WELLESLEY



REPORTS TO THE SPECIAL TOWN MEETING

MONDAY, NOVEMBER 2, 2015
7:00 P.M.

at the
MIDDLE SCHOOL AUDITORIUM,
WELLESLEY MIDDLE SCHOOL

by the
ADVISORY COMMITTEE

TOWN GOVERNMENT STUDY COMMITTEE

Please read this report and bring it with you to the
Special Town Meeting.

For more information and updates, please visit
<http://www.WellesleyMA.gov>

TOWN OF WELLESLEY



ADVISORY COMMITTEE LETTER
SPECIAL TOWN MEETING
November 2, 2015, at 7:00 p.m.
Middle School Auditorium,
Wellesley Middle School

TERM ENDS 2016

Mary Crown
Thomas Frisardi, Chair
John Hartnett
Mason Smith, Vice Chair
Scott Tarbox

TERM ENDS 2017

Chad Harris
Michael Mastrianni
Frank Pinto, Vice Chair
Sara Raveret, Secretary
Kathleen Woodward

TERM ENDS 2018

Tom Fitzgibbons
Mike Hluchyj
Mark Kaplan
Alena Poirier
Ria Stolle

To the Citizens of the Town of Wellesley:

October 19, 2015

A Special Town Meeting will convene on November 2, 2015, at 7:00 PM, in the Wellesley Middle School Auditorium, 40 Kingsbury Street. All residents are welcome to attend the meeting in person or to follow the proceedings on Wellesley Media Corporation’s Government Channel (Comcast Channel 8, Verizon Channel 40).

The *Reports to the Special Town Meeting* (Report) following this letter presents the Advisory Committee’s summary of the Articles on the Warrant for Special Town Meeting (STM) and recommendations to Town Meeting as to whether to vote favorably on the motions coming before it. The Report also includes the *Report of the Town Government Study Committee*. The Report will be posted on the Town’s website at <http://www.wellesleyma.gov>. Copies of the Report will be available at the Town Clerk’s Office and at the Wellesley Free Library no later than seven days before the meeting. The Town Clerk’s Office will mail a copy of the Report to any resident who requests one. If any further recommendations are made by the Advisory Committee in the period of time between publication of the Report and the opening of Special Town Meeting, a notice will be sent to Town Meeting Members by e-mail and the new recommendations will be posted on the Town’s website.

The most significant motions to be considered by the Special Town Meeting are those seeking to change Town Government, which the Town Government Study Committee (TGSC) has recommended. The measures to reform Town government fall into several categories.

Establishment of a Town Manager Position. A Town Manager would be an individual Town employee selected by and reporting to the Board of Selectmen (BOS). The Town Manager position would replace the role that the Executive Director fills today, but with increased authority and responsibility. The Town Manager would have overall responsibility and accountability for day-to-day operations of the Town and for a town-wide approach to decision-making and collaboration among all Town boards and departments, except for Schools and the

Municipal Light Plant (MLP). The BOS would hire the Town Manager under a contract not to exceed five years in duration.

The Town Manager would create the annual Town budget and present it for approval at Annual Town Meeting (ATM). The School Committee would continue to have autonomy over the School Department, including selection and supervision of the Superintendent of Schools and creation of the School Department budget.

The Town Manager would manage Town personnel, except for Schools and the MLP, including hiring and evaluating department heads. The Town Manager would ensure that the Town has qualified staff and consistent training and performance standards for employees. While this would alter the role that volunteer boards have had in direct personnel management, the Town Manager would be required to collaborate with the volunteer boards in our government. In particular, volunteer boards would have the authority to reject a department head that the Town Manager proposes to hire to serve that board.

Creation and Maintenance of a Town Strategic Plan. The Town has not had a system for setting its priorities, particularly regarding budget. The establishment of a Town Strategic Plan would create a process for this. The BOS would have responsibility for establishing the plan, while the Town Manager would have responsibility for implementing, monitoring and assessing the plan and reporting on it annually at ATM.

Creation of a Planning and Land Management Division. The Town Manager would appoint a Deputy Town Manager to lead a single division comprising all of the various boards and departments that oversee the Town's own land and the use and planning of privately owned land in Wellesley. This new division would encompass the Building Department, Planning Board, Zoning Board of Appeals, Natural Resources Commission, Wetlands Protection Committee, Design Review Board, Historical Commission, Historic District Commission and Neighborhood Conservation Districts. The boards would remain as at present, whether elected or appointed, and would continue to make their decisions independently. If the Town Meeting votes against creating a Town Manager role, then a deputy appointed by the Executive Director would supervise the new division.

Change from Elected to Appointed Town Clerk. The Town Clerk is the only paid elected official in Wellesley. The proposal is that the individual who was elected to office and who is serving as Town Clerk at present would finish out her term, and that the Town Manager would appoint the person to serve as Town Clerk thereafter. This proposal would be advanced only if Town Meeting votes favorably on the Town Manager position. The proposal provides for the current Town Clerk to serve out her current term, which expires in 2018.

Committee to Study the Role of the Board of Public Works. If Town Meeting votes favorably concerning the proposal to move to a town manager form of government, then the TGSC would propose the creation of a committee to study the role of a Board of Public Works under the new system of government, the composition of the Municipal Light Board and the possible creation of a Public Utilities Department. There would be an appropriation of \$10,000 from Free Cash to fund the work of the committee.

Also coming before the STM are several finance-related proposals.

Appropriation to Assist the Board of Selectmen in Recruiting a Town Manager, or Alternatively, a New Executive Director. The BOS requests an appropriation of \$35,000 from Free Cash to pay the fees of an executive search firm to assist the Board of Selectmen in hiring a

replacement for the Town's Executive Director, who has announced his intention to retire as of November 2016. If Town Meeting approves the change to a Town Manager, then the search would be to fill that position.

Appropriation for Design of Repairs at the Police Station. The Board of Selectmen requests an appropriation of \$165,000 from Free Cash to design a new roof and other building envelope repairs (windows, foundation and sealants) for the Police Station, which was built in 1995. The Facilities Maintenance Department (FMD) has completed a study and determined the nature of the repairs needed. This new appropriation is to pay for service to design the repair work. The repair costs are projected, tentatively, to be on the order of \$3,000,000. The FMD has set a goal of completing the repairs by December 2016, so funding for the actual repairs will likely be sought at the 2016 Annual Town Meeting.

Borrowing within the Levy for Upgrades in School Security. The School Committee requests approval to borrow \$2,454,374 to pay for construction of security improvements in eight Wellesley Public School buildings: Bates, Hardy, Hunnewell, Sprague and Upham Elementary Schools; PAWS Preschool at Wellesley; and Wellesley Middle School and Wellesley High School. The goal is to bring all of the Town's school buildings into compliance with the Town's own template for school security and with the guidelines issued by the Massachusetts School Safety and Security State Task Force. Improvements have already been completed at Fiske and Schofield Elementary Schools. The scope of the project varies by school building, but generally encompasses door and hardware upgrades, along with improvements in security, cameras, radios, building access and public address systems. If the borrowing is approved, then construction will take place in summer 2016, while the schools are out of session.

Retirement of Bond Anticipation Notes. The Board of Selectmen seeks approval to repay funds that were borrowed under bond anticipation notes, but not expended on the related capital projects. Retaining the funds is not sensible, as most of the money is encumbered by restrictions on expenditure. This is a housekeeping matter with no cost to the Town.

How to Get Started with the Report

The best place to start reading this Report is by turning to the *Report of the Town Government Study Committee*, starting on page R-1. There, the Town Government Study Committee explains its investigation and the process it followed in creating the proposal for a town manager form of government.

The reader's attention should then turn to the language of the Special Act following Article 3A as annotated in italics by the TGSC in the body of the Report. The Special Act is the keystone of the TGSC proposal. If Town Meeting approves the Special Act, then the Special Act will go to the Massachusetts Legislature for approval and finally to a popular vote in a Town-wide referendum. The TGSC's annotations are a helpful guide to reading the proposed legislation.

Advisory's analysis of the Special Act, including overall considerations of the Town Manager proposal, follows the annotated Special Act, and merits reading immediately after the Special Act. After absorbing this much, the reader should have an idea of what is proposed and what are the principal issues.

Besides the Special Act, Article 3 of the STM warrant encompasses revisions of Article 19 of the Town Bylaw, *Board of Selectmen*, and a completely new Article 20 of the Town Bylaw, *Town Manager*. The changes proposed for Articles 19 and 20 of the Bylaw track and expand upon the

measures taken in the Special Act. Versions of Articles 19 and 20 with TGSC annotations also appear following STM Articles 3B and 3C, respectively.

A Note about the Style of the Report. Advisory departed from the customary style of a narrative discussion and used a bullet point format at points in its discussion of the TGSC proposals. This was felt to be the best way of capturing the diverse points of view among Advisory members without creating a report that was too long. Advisory would like to receive feedback about whether this approach was effective.

The Advisory Committee thanks the dedicated Town employees, elected and appointed officials, and concerned citizens who assisted the committee in its efforts this fall. I also thank my colleagues on the Advisory Committee who worked hard to bring about this Report. We hope that you will find it a helpful guide to the issues coming up before this Special Town Meeting.

Sincerely,

Thomas Frisardi, Chair
Advisory Committee

INDEX TO WARRANT ARTICLES

ARTICLE SUBJECT

1. Choose Moderator and Receive Reports	6
2. Retire Bond Anticipation Notes	6
3. Special Act and Bylaw Provisions Providing for a Selectmen – Town Manager Form of Government	
3.A Special Act	7
3.B Amend Town Bylaws Art. 19 – Board of Selectmen	37
3.C Amend Town Bylaws Art. 20 – Town Manager	45
4. Additional Amendments of the Town Bylaws for a Town Manager Form of Government	
4.A Amend Town Bylaws to Implement Town Manager Authority	59
4.B Amend Town Bylaws to Conform to STM Articles 3.A and 3.C	66
4.C Amend Town Bylaws Art. 30 – Human Resources and Art. 31 – Classification and Salary	79
4.D Amend General Bylaws to Provide for Appointed Town Clerk	87
5. Implementation of Town Manager Authority	94
6. Add a New General Bylaws Article 4.2.A – Planning and Land Management Division	94
7. BPW Study Committee	98
8. Town Manager/Executive Director of General Government Services Search	100
9. School Security Enhancements	101
10. Police Station Building Repairs	104

REPORTS

Report of the Town Government Study Committee	R-1
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APPENDICES

A. Town Meeting Acronyms	A-1
B. Glossary of Municipal Finance Terms	A-4
C. Guidelines for Conduct of Wellesley Representative Town Meeting	A-8

ARTICLE 1. To see if the Town will vote to choose a Moderator to preside over said meeting and to receive reports of town officers, boards and committees, including the Reports of the Advisory Committee and the Town Government Study Committee; or take any other action in relation thereto.

(Board of Selectmen)

Advisory expects no motion under this Article.

ARTICLE 2. To see if the Town will appropriate a sum of money to permanently retire bond anticipation notes originally issued on June 15, 2015 to pay costs of various capital projects, such funds to be derived from excess bond premium received by the Town on account of the issuance of bonds in fiscal year 2015, or take any other action in relation thereto.

(Board of Selectmen)

The Board of Selectmen (BOS) seeks approval to pay off \$1,469,000 that was borrowed under bond anticipation notes. The borrowing to raise funds for a number of capital projects gave rise to an issuance premium of \$1,469,000. In order to use that premium amount to pay a portion of the cost of the projects, State law requires Town Meeting to appropriate the premium to be used for such purpose. In order to fund the premium amount prior to closing, the Town borrowed an equal amount on a short-term basis prior to closing. Favorable action under this Article will authorize the BOS to pay off that short-term borrowing using the premium received. In effect, this is a final administrative step in the financing of the capital projects in question.

Advisory recommends favorable action, 12 to 0.

ARTICLE 3. To see if the Town will vote:

A. To authorize the Board of Selectmen, on behalf of the Town, to petition the General Court for passage of a special law substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

An Act Providing for a Selectmen – Town Manager Form of Government in the Town of Wellesley

Section 1. Board of Selectmen

(A) The board of selectmen of the town of Wellesley shall consist of five registered voters of the town elected for a term of three years each, the terms of no more than two of which shall expire in any year.

(B) The executive powers of the town shall be vested in the board of selectmen, who shall have all of the powers and duties granted to boards of selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by special law, by town bylaw, or by town meeting vote, except for those powers expressly granted thereby to the town manager.

(C) The town of Wellesley may, by bylaw, authorize the board of selectmen to appoint, by vote of a majority of its members, a town manager with the powers set forth in Section 3 of this act or an acting town manager with such powers as the board of selectmen may deem necessary or appropriate. The board shall appoint a town counsel, special police in accordance with Chapter 330 of the Acts of 1946 as amended and any other appointed board or committee member or official for whom no other method of selection has been provided pursuant to this act or by town bylaw.

(D) Notwithstanding the provisions of any general law to the contrary, the board of selectmen or its designee shall be the local licensing authority of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses. The board of selectmen shall be the local licensing authority for the issuance of all licenses pursuant to Chapter 138 of the General Laws; provided, however, that the board of selectmen or its designee may issue temporary licenses in accordance with Chapter 138, Section 14 of the General Laws.

Section 2. Town Manager

(A) The town manager of the town of Wellesley shall be appointed solely on the basis of executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. No person holding elective public office in the town with the exception of a town meeting member shall, within twelve months of holding the office, be eligible for appointment as town manager. The town may, by bylaw, establish such additional qualifications as it may deem necessary and appropriate; provided, however, that the board of selectmen may establish such further additional qualifications as it may deem necessary and appropriate.

(B) The terms of the town manager's employment may be the subject of a written contract entered into pursuant to Chapter 41, Section 108N of the General Laws. The town manager's compensation shall not exceed the amount annually appropriated for that purpose.

(C) The town manager may be appointed or re-appointed for successive terms of office, no term of which shall be for more than five years.

Section 3. Powers and Duties of Town Manager

(A) Upon appointment, the town manager shall be the chief administrative officer of the town, shall be vested with the powers and duties set forth in Section 3(B), and shall be responsible to the board of selectmen for the proper administration of all town affairs placed in the town manager's charge by or in accordance with this act.

(B) The town manager's powers and duties shall include:

(1) Notwithstanding the provisions of Chapter 41, Sections 69E and 97A, the town manager may fix the compensation of all town officers and employees appointed by the town manager within the limits established by applicable appropriations and any compensation plan in effect at such time.

(2) Notwithstanding the provisions of Chapter 48, section 42 or 42A, if accepted at any time by the town, or any other general or special law to the contrary, the town manager may appoint and remove a police chief, a fire chief or chief fire engineer, a town clerk and all department heads, officers, subordinates and employees of the town, except for employees of the school committee, the municipal light board, appointments made by the commonwealth and those appointments for which another method of appointment is provided for in this act. Appointments of the police chief and fire chief or chief fire engineer shall not take effect unless approved by the board of selectmen. Any appointment of other department heads or chief staff employees of elected and appointed boards and committees shall take effect no sooner than (1) it is approved by such board or committee; or (2) 15 calendar days after notice of the appointment has been provided to such board or committee without any action thereon; whichever occurs first. The town manager shall provide notice to the affected board or committee before such removal if practicable, but in no case later than the end of the third business day following the removal of a department head or chief staff employee.

(3) The town manager shall manage and supervise all town departments except for the school department and the municipal light department.

(4) The town manager may, except as otherwise prohibited by law, re-organize, consolidate, abolish or create town departments in whole or in part, and transfer the duties, powers and appropriations incidental to the reorganization of one town department to another as follows:

(i) For town departments under the supervision of the board of selectmen, with the approval of the board of selectmen; and

(ii) For all other town departments, after consultation with the affected board, and with the approval of the affected board or Town Meeting.

- (5) The town manager shall direct the operational and strategic planning for the town.
- (6) The town manager shall provide for the execution and enforcement of the provisions of law that require enforcement by town officers and employees subject to the town manager's direction and supervision.
- (7) The town manager shall keep the board of selectmen fully informed as to the financial condition and needs of the town and to make such recommendations to the board of selectmen as the town manager may deem necessary or appropriate.
- (8) The town manager shall ensure that a full and complete record of the financial and administrative activities of the Town is kept, and render a report of such activities to the board of selectmen at the end of each fiscal year and at such other times as may be required by the board of selectmen.
- (9) The town manager shall negotiate collective bargaining agreements for execution by the board of selectmen.
- (10) The town manager shall attend all regular and special meetings of the board of selectmen except when excused.
- (11) The town manager shall attend all sessions of town meeting in order to be available to answer all questions directed to the town manager that are related to the town manager's office or to matters within the town manager's authority.
- (12) The town manager shall prepare and submit a proposed town-wide annual operating budget, financial plan and the long-range capital budget program.
- (13) The town manager shall have the authority to approve any warrants for the payment of town funds prepared by the finance director; provided, however, that the approval of any such warrant by the town manager shall be sufficient to authorize payment by the treasurer, and provided further that the board of selectmen or its designee shall have the authority to approve such warrants in the event of a vacancy in the office of town manager or in the town manager's absence.
- (14) The town manager shall serve as the Executive Officer of the town for the purposes of Chapter 258 of the General Laws.
- (15) The town manager shall devote full-time to the office and except as expressly authorized by the board of selectmen, shall not engage in any other business or occupation during the term of office. Except as expressly provided in this act, the town manager shall not hold any other public elective or appointive office in the town; provided, however, that, with the approval of the board of selectmen, the town manager may serve as the town's representative to regional boards, commissions, and the like, but the town manager may not receive additional compensation for such services.
- (16) The town manager shall perform any other duties required by town bylaw, town bylaw, town meeting vote or the board of selectmen not inconsistent with this act.

Section 4. Removal Procedures

The board of selectmen may remove the town manager from office as follows:

(A) By affirmative vote of a majority of its members, the board of selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town manager forthwith following its adoption.

(B) Within five days after the delivery of a preliminary resolution of removal, the town manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the board of selectmen. The hearing shall be convened by the board of selectmen not less than twenty, nor more than thirty days after such request is submitted. Not less than five days prior to such hearing, written notice thereof shall be given to the town manager at the town manager's last known address. The time limitations set forth herein may be waived in writing by the town manager. Not less than forty-eight hours prior to the time set for the commencement of the public hearing, the town manager may file a written statement with the board of selectmen responding to the reasons cited for the proposed removal. The town manager may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

(C) The board of selectmen may, by a vote of a majority of its members, adopt a final resolution of removal, which shall be effective upon its adoption or such later date as may be designated therein; provided, however, that such resolution shall not be adopted until:

- i. Ten days after the date of delivery to the town manager of the preliminary resolution of removal; or
- ii. If the town manager has made a timely request for a public hearing, five days after completion of the public hearing or forty-five days after the adoption of the preliminary resolution, whichever occurs later.

(D) Failure to adopt a final resolution of removal within the time limitations provided in this section shall be deemed to nullify the preliminary resolution of removal. The action of the board of selectmen in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the board of selectmen. The town manager shall continue to receive the town manager's compensation until a final resolution of removal has become effective.

Section 5. The term of office of any Town Clerk holding office on the effective date of this section shall continue until it shall have expired and a successor Town Clerk is appointed and qualified, or until the position otherwise becomes vacant.

Section 6. Section 3 of Chapter 555 of the Acts of 1978, as amended by Section 1 of Chapter 247 of the Acts of 1995 and Section 1 of Chapter 164 of the Acts of 2005, is hereby further amended by striking the first and second paragraphs in their entirety and inserting, in place thereof, the following –

Notwithstanding any general or special law to the contrary, the town of Wellesley is hereby authorized to establish by town bylaw a finance department. Any such bylaw

shall provide that the department shall be responsible to the town manager. The department's duties and responsibilities may include coordination and administration of town financial services and activities, including the town's financial planning; investment of town funds; maintenance of town accounting records and financial statements; payment of all town obligations after securing required approvals; assisting in the development of budgets and reviewing all budgets for format, completeness, and accuracy before submission to the advisory committee; monitoring of all expenditures of town funds; timely reporting to the town manager and to appropriate boards and officers of actual or foreseeable obligations of expenditures of funds in excess of budgeted appropriations; maintenance of payroll and other financial records relating to all town personnel; preparing and supervising town purchasing and inventory control procedures; administering the disposal of town property; and assisting the town manager in the supervision of all data processing and the development and enforcement of internal controls.

The finance department shall be under the supervision and management of the finance director, who shall be appointed by the town manager, subject to the approval of the board of selectmen, for a term of up to three years. The finance director shall be the chief financial officer of the town and shall serve as the town comptroller and town accountant. Subject to the approval of the town manager, the finance director shall appoint, for up to a three-year term, a town treasurer and collector of taxes, who shall be under the supervision and management of the finance director and shall have, except as otherwise expressly provided by this act, the powers and duties vested by law in town treasurers and collectors of taxes.

Section 7. Chapter 555 of the Acts of 1978 is hereby amended by striking out Section 4 in its entirety and inserting, in place thereof, the following –

Section 4. Notwithstanding any contrary provisions of the General Laws, the town is authorized to establish by bylaw a natural resources commission consisting of five members elected for a term of three years, which shall have the powers and duties of conservation commissions and forest committees under the General Laws and the powers and duties (currently vested in the board of public works of the town) of park commissioners, tree wardens, moth superintendents and superintendents of insect pest control under the General Laws, and which shall appoint a wetlands protection committee to which shall be delegated the power and authority to administer and enforce the provisions of section 40 of chapter 131 of the General Laws, a landscape advisory committee and a long-range planning committee. The town manager shall appoint a director of natural resources and such staff as the town manager deems necessary. Any such commission shall have overall authority and responsibility with respect to: the use, acquisition, management, preservation, and protection of conservation land, park land and such other land as may be transferred to or acquired by the commission, forest and tree nursery management, insect pest and moth control, and administration of the conservation fund under sections 5(51) and 8C of chapter 40 of the General Laws. In addition, it shall study and make recommendations regarding the use, maintenance, management, preservation, and protection of the natural resources of the town which are under the jurisdiction of other boards, establish general policies to be implemented by the department of public works for the carrying out of work affecting natural resources, propose for acquisition by the town those natural resources that the commission deems useful or important to the town, and carry out such other related responsibilities as the town may assign to it or as may be permitted or required by law.

Section 8. Chapter 555 of the Acts of 1978 is hereby amended by striking out Section 9 in its entirety and inserting, in place thereof, the following –

Section 9. Notwithstanding any contrary provisions of Section 69E of Chapter 41 of the General Laws, the superintendent of public works appointed by the town manager shall have the title “Director of Public Works.”

Section 9. Sections 5 through 8, inclusive, take effect, and the position of executive director of general government services, created by Section 1 of Chapter 247 of the Acts of 1995, shall be abolished upon the initial appointment of a town manager pursuant to Section 1(C) or the thirtieth day of November, two thousand sixteen, whichever is later.

Section 10. All laws, bylaws, votes, rules and regulations, whether enacted by authority of the town or any other authority, that are in force in the town of Wellesley on the effective date of this Act, or any portion or portions thereof, not inconsistent with the provisions of this Act, shall continue in full force and effect until modified in accordance with applicable law.

Section 11. Nothing in this Act shall be construed to abridge, alter, or amend the powers and duties of the municipal light board or manager of the municipal light plant as set forth in Chapter 164 of the General Laws.

Section 12. This act shall be submitted for acceptance to the qualified voters of the town of Wellesley at the next regular or special town election following its enactment in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said election: -- "Shall an act passed by the General Court in the year two thousand sixteen entitled 'An Act providing for a selectmen-town manager form of government in the town of Wellesley', be adopted?"

If a majority of the votes cast in answer to the question is in the affirmative, this act shall take effect in the town, but not otherwise.

(Town Government Study Committee)

SPECIAL ACT WITH TGSC ANNOTATIONS

September 28, 2015
Rev. October 7, 2015

NOTE FROM TGSC: This is the Warrant Article language for Special Town Meeting to authorize the Board of Selectmen to file the special legislation below which will create the Town Manager position in Wellesley. The Warrant Article allows the Board of Selectmen limited discretion to approve amendments, if any, to the special legislation made prior to enactment by the state legislature. After enactment by the state legislature, the legislation will not be effective unless approved in a town-wide vote.

An Act Providing for a Selectmen – Town Manager Form of Government in the Town of Wellesley

NOTE FROM TGSC: This is the title of the special legislation, also known as a special act, which will be filed with the state legislature if Town Meeting approves it. Before submission for

approval by Town Meeting, the Board of Selectmen will provide the draft to Rep. Alice Peisch for review by State House counsel. There are other special acts relating only to Wellesley that will remain in effect after passage of this special act. For example, the special act creating the representative town meeting legislative branch of Town government will remain in effect, while this special act re-makes the executive branch of Town government. Note, further, these special act provisions may be fleshed out by Town bylaws, as long as the bylaws are not inconsistent with the special act.

Section 1. Board of Selectmen

(A) The board of selectmen of the town of Wellesley shall consist of five registered voters of the town elected for a term of three years each, the terms of no more than two of which shall expire in any year.

NOTE FROM TGSC: This section is based on our current bylaws, which require that the five members of the Board of Selectmen need to be “registered voters” and their terms will be staggered.

(B) The executive powers of the town shall be vested in the board of selectmen, who shall have all of the powers and duties granted to boards of selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by special law, by town bylaw, or by town meeting vote, except for those powers expressly granted thereby to the town manager.

NOTE FROM TGSC: This section is based on our current bylaws, the change being the last clause, which recognizes that some executive powers will be vested in a town manager.

(C) The town of Wellesley may, by bylaw, authorize the board of selectmen to appoint, by vote of a majority of its members, a town manager with the powers set forth in Section 3 of this act or an acting town manager with such powers as the board of selectmen may deem necessary or appropriate. The board shall appoint a town counsel, special police in accordance with Chapter 330 of the Acts of 1946 as amended and any other appointed board or committee member or official for whom no other method of selection has been provided pursuant to this act or by town bylaw.

NOTE FROM TGSC: This section authorizes the Board of Selectmen to appoint a Town Manager by majority vote, and an “acting town manager with such powers” as the Board of Selectmen may grant when there is a temporary vacancy in the permanent Town Manager position.

The Board of Selectmen will appoint town counsel and will be the default appointment authority for those for whom no other appointment provision is made.

(D) Notwithstanding the provisions of any general law to the contrary, the board of selectmen or its designee shall be the local licensing authority of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses. The board of selectmen shall be the local licensing authority for the issuance of all licenses pursuant to Chapter 138 of the General Laws; provided, however, that the board of selectmen or its designee may issue temporary licenses in accordance with Chapter 138, Section 14 of the General Laws.

NOTE FROM TGSC: The Board of Selectmen will continue to be the licensing authority for the Town. However, the Board is authorized to delegate some of its licensing authority to "its designee," which could be the Town Manager, among others. However, it may not delegate licensing authority for alcohol licenses, except for the so-called "one day licenses" issued in accordance with Chapter 138 Section 14 of the General Laws. The Board of Selectmen licenses many matters: common victuallers (restaurants), take-out food places, mobile food trucks, "hawkers and peddlers," printed matter vending machines, entertainment licenses, licenses for taxis and other livery vehicles, etc.

Section 2. Town Manager

(A) The town manager of the town of Wellesley shall be appointed solely on the basis of executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. No person holding elective public office in the town with the exception of a town meeting member shall, within twelve months of holding the office, be eligible for appointment as town manager. The town may, by bylaw, establish such additional qualifications as it may deem necessary and appropriate; provided, however, that the board of selectmen may establish such further additional qualifications as it may deem necessary and appropriate.

NOTE FROM TGSC: This provision sets forth some general qualifications for the Town Manager, while allowing the Town by bylaw to require more detailed qualifications, and the Board of Selectmen to establish even further qualifications. Any person holding elective office in Town, other than that of Town Meeting Member, is not eligible to be appointed to be Town Manager for twelve months after holding such elective office. This prohibition is intended to help keep politics out of the Town Manager appointment process to some degree.

(B) The terms of the town manager's employment may be the subject of a written contract entered into pursuant to Chapter 41, Section 108N of the General Laws. The town manager's compensation shall not exceed the amount annually appropriated for that purpose.

NOTE FROM TGSC: The state law cited provides that a board of selectmen may enter into an employment contract with the town manager, executive secretary, or person in an equivalent position, including salary and benefits. The second sentence provides for a check on the Board's power to set compensation in the contract by requiring an appropriation by Town Meeting for the compensation set.

(C) The town manager may be appointed or re-appointed for successive terms of office, no term of which shall be for more than five years.

NOTE FROM TGSC: This provision allows for the Board of Selectmen to re-appoint a Town Manager indefinitely if it so chooses. However, it limits the length of any single term so that the Board is required to re-visit this important appointment periodically.

Section 3. Powers and Duties of Town Manager

NOTE FROM TGSC: The following provisions are drawn from other town special acts and charters. Many of these powers are given to the Executive Director of General Government Services in our Town through existing bylaws.

(A) Upon appointment, the town manager shall be the chief administrative officer of the town, shall be vested with the powers and duties set forth in Section 3(B), and shall be responsible to the board of selectmen for the proper administration of all town affairs placed in the town manager's charge by or in accordance with this act.

(B) The town manager's powers and duties shall include:

(1) Notwithstanding the provisions of Chapter 41, Sections 69E and 97A, the town manager may fix the compensation of all town officers and employees appointed by the town manager within the limits established by applicable appropriations and any compensation plan in effect at such time.

NOTE FROM TGSC: It is intended that the Town Manager's power to fix compensation for employees will be subject to the Human Resources Board's current authority set forth in the Town bylaws to approve any salary above the mid-point of the salary range for the position at issue. Also, employee compensation will be ultimately limited by Town Meeting appropriation.

(2) Notwithstanding the provisions of Chapter 48, section 42 or 42A, if accepted at any time by the town, or any other general or special law to the contrary, the town manager may appoint ~~and remove~~ a police chief, a fire chief or chief fire engineer, a town clerk and all other department heads and ~~officers, subordinates and employees of the town,~~ except for employees of the school committee, the municipal light board, appointments made by the commonwealth and those appointments for which another method of appointment is provided for in this act. Notwithstanding the provisions of any general or special law to the contrary, appointment of subordinates and all other employees shall be made by the town manager or the town manager's designee within the affected department. Appointments of the police chief and fire chief or chief fire engineer shall not take effect unless approved by the board of selectmen. Any appointment of other department heads or chief staff employees of elected and appointed boards and committees shall be made only after consultation with such board or committee regarding applicable duties and qualifications; and an opportunity for such board or committee to interview one or more finalists. Such appointment shall take effect no sooner than (1) it is approved by such board or committee; or (2) 15 calendar days after notice of the appointment has been provided to such board or committee without any action thereon; whichever occurs first. The town manager may remove any employee. The town manager shall provide notice to the affected board or committee before such removal if practicable, but in no case later than the end of the third business day following the removal of a department head or chief staff employee.

NOTE FROM TGSC: This section empowers the Town Manager to appoint many officials over whom the Executive Director of General Government Services does not have appointment authority, including the police chief and the fire chief or chief fire engineer. The town clerk, currently elected, will become appointed by the Town Manager, and will continue to perform the same duties. The Town Manager will become the appointing authority for all non-school department heads, subject however to the approval within 15 days of the elected or appointed board for whom the department head provides staff support. The Town Manager will have sole discretion to remove department heads and other appointed non-school employees.

(3) The town manager shall manage and supervise all town departments except for the school department and the municipal light department.

NOTE FROM TGSC: This provision allows for an integrated town-wide administrative structure led by the Town Manager, while preserving the autonomy of the school department.

(4) The town manager may, except as otherwise prohibited by law, re-organize, consolidate, abolish or create town departments in whole or in part, and transfer the duties, powers and appropriations incidental to the reorganization of one town department to another as follows:

(i) For town departments under the supervision of the board of selectmen, with the approval of the board of selectmen; and

(ii) For all other town departments, after consultation with the affected board, and with the approval of the affected board or Town Meeting.

NOTE FROM TGSC: Other than departments reporting to the Board of Selectmen, the Town Manager will not have power to reorganize departments in whole or in part except after consultation with the affected board, and with the approval of either the affected board or Town Meeting.

(5) The town manager shall direct the operational and strategic planning for the town.

(6) The town manager shall provide for the execution and enforcement of the provisions of law that require enforcement by town officers and employees subject to the town manager's direction and supervision.

(7) The town manager shall keep the board of selectmen fully informed as to the financial condition and needs of the town and to make such recommendations to the board of selectmen as the town manager may deem necessary or appropriate.

(8) The town manager shall ensure that a full and complete record of the financial and administrative activities of the Town is kept, and render a report of such activities to the board of selectmen at the end of each fiscal year and at such other times as may be required by the board of selectmen.

(9) The town manager shall negotiate collective bargaining agreements for execution by the board of selectmen.

NOTE FROM TGSC: The Town Manager will be the Town's chief negotiator for collective bargaining for all contracts entered into by the Board of Selectmen. This provision is broad enough to allow the Town Manager to be the Town's designee for participating in and acting as a voting member on the School collective bargaining contracts.

(10) The town manager shall attend all regular and special meetings of the board of selectmen except when excused.

(11) The town manager shall attend all sessions of town meeting in order to be available to answer all questions directed to the town manager that are related to the town manager's office or to matters within the town manager's authority.

(12) The town manager shall prepare and submit a proposed town-wide annual operating budget, financial plan and the long-range capital budget program.

NOTE FROM TGSC: This section places the responsibility on the Town Manager for preparing and submitting the Town-wide annual operating budget, long range capital budget program and financial plans (i.e., Town-Wide Financial Plan). The details of the budget and financial planning process is spelled out in more detail in new bylaws.

(13) The town manager shall have the authority to approve any warrants for the payment of town funds prepared by the finance director; provided, however, that the approval of any such warrant by the town manager shall be sufficient to authorize payment by the treasurer, and provided further that the board of selectmen or its designee shall have the authority to approve such warrants in the event of a vacancy in the office of town manager or in the town manager's absence.

NOTE FROM TGSC: This provision transfers from the Selectmen to the Town Manager the power to approve payments of funds by the Town as submitted by the Finance Director.

(14) The town manager shall serve as the Executive Officer of the town for the purposes of Chapter 258 of the General Laws.

(15) The town manager shall devote full-time to the office and except as expressly authorized by the board of selectmen, shall not engage in any other business or occupation during the term of office. Except as expressly provided in this act, the town manager shall not hold any other public elective or appointive office in the town; provided, however, that, with the approval of the board of selectmen, the town manager may serve as the town's representative to regional boards, commissions, and the like, but the town manager may not receive additional compensation for such services.

(16) The town manager shall perform any other duties required by town bylaw, town meeting vote or the board of selectmen not inconsistent with this act.

Section 4. Removal Procedures

NOTE FROM TGSC: The following Town Manager removal provisions are based on the removal procedures found in several other special acts and charters. The removal procedure provides due process for both the Town and the Town Manager. The Board of Selectmen will have the authority to suspend and remove the Town Manager by majority vote as set forth below.

The board of selectmen may remove the town manager from office as follows:

(A) By affirmative vote of a majority of its members, the board of selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town manager forthwith following its adoption.

(B) Within five days after the delivery of a preliminary resolution of removal, the town manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the board of selectmen. The hearing shall be convened by the board of selectmen not less than twenty, nor more than thirty days after such request is submitted. Not less than five days prior to such hearing, written notice thereof shall be given to the town manager at the town manager's last known address. The time limitations set forth herein may be waived in writing by the town manager. Not less than forty-eight hours prior to the time set for the commencement of the public hearing, the town manager may file a written statement with

the board of selectmen responding to the reasons cited for the proposed removal. The town manager may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

(C) The board of selectmen may, by a vote of a majority of its members, adopt a final resolution of removal, which shall be effective upon its adoption or such later date as may be designated therein; provided, however, that such resolution shall not be adopted until:

- i. Ten days after the date of delivery to the town manager of the preliminary resolution of removal; or
- ii. If the town manager has made a timely request for a public hearing, five days after completion of the public hearing or forty-five days after the adoption of the preliminary resolution, whichever occurs later.

(D) Failure to adopt a final resolution of removal within the time limitations provided in this section shall be deemed to nullify the preliminary resolution of removal. The action of the board of selectmen in suspending or removing the town manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the board of selectmen. The town manager shall continue to receive the town manager's compensation until a final resolution of removal has become effective.

Section 5. The term of office of any Town Clerk holding office on the effective date of this section shall continue until it shall have expired and a successor Town Clerk is appointed and qualified, or until the position otherwise becomes vacant.

NOTE FROM TGSC: Only the Town Clerk's position will go from elected to appointed under this special act. This provision specifies how the transition will occur.

Section 6. Section 3 of Chapter 555 of the Acts of 1978, as amended by Section 1 of Chapter 247 of the Acts of 1995 and Section 1 of Chapter 164 of the Acts of 2005, is hereby further amended by striking the first and second paragraphs in their entirety and inserting, in place thereof, the following –

NOTE FROM TGSC: Existing special acts for Wellesley are being amended as follows in order to refer to a Town Manager instead of the Executive Director of General Government Services.

Notwithstanding any general or special law to the contrary, the town of Wellesley is hereby authorized to establish by town bylaw a finance department. Any such bylaw shall provide that the department shall be responsible to the town manager. The department's duties and responsibilities may include coordination and administration of town financial services and activities, including the town's financial planning; investment of town funds; maintenance of town accounting records and financial statements; payment of all town obligations after securing required approvals; assisting in the development of budgets and reviewing all budgets for format, completeness, and accuracy before submission to the advisory committee; monitoring of all expenditures of town funds; timely reporting to the town manager and to appropriate boards and officers of actual or foreseeable obligations of expenditures of funds in excess of budgeted appropriations; maintenance of payroll and other financial records relating to all town personnel; preparing and supervising town purchasing and inventory control procedures; administering the disposal of town property;

and assisting the town manager in the supervision of all data processing and the development and enforcement of internal controls.

The finance department shall be under the supervision and management of the finance director, who shall be appointed by the town manager, subject to the approval of the board of selectmen, for a term of up to three years. The finance director shall be the chief financial officer of the town and shall serve as the town comptroller and town accountant. Subject to the approval of the town manager, the finance director shall appoint, for up to a three-year term, a town treasurer and collector of taxes, who shall be under the supervision and management of the finance director and shall have, except as otherwise expressly provided by this act, the powers and duties vested by law in town treasurers and collectors of taxes.

Section 7. Chapter 555 of the Acts of 1978 is hereby amended by striking out Section 4 in its entirety and inserting, in place thereof, the following -

NOTE FROM TGSC: This provision is being amended to authorize the appointment of the Director of the Natural Resources Commission and its staff by the Town Manager, not by the NRC Board.

Section 4. Notwithstanding any contrary provisions of the General Laws, the town is authorized to establish by bylaw a natural resources commission consisting of five members elected for a term of three years, which shall have the powers and duties of conservation commissions and forest committees under the General Laws and the powers and duties (currently vested in the board of public works of the town) of park commissioners, tree wardens, moth superintendents and superintendents of insect pest control under the General Laws, and which shall appoint a wetlands protection committee to which shall be delegated the power and authority to administer and enforce the provisions of section 40 of chapter 131 of the General Laws, a landscape advisory committee and a long-range planning committee. The town manager shall appoint a director of natural resources and may appoint, or delegate to the director the authority to appoint, such other staff for whom funding has been provided ~~and such staff as the town manager deems necessary.~~ Any such commission shall have overall authority and responsibility with respect to: the use, acquisition, management, preservation, and protection of conservation land, park land and such other land as may be transferred to or acquired by the commission, forest and tree nursery management, insect pest and moth control, and administration of the conservation fund under sections 5(51) and 8C of chapter 40 of the General Laws. In addition, it shall study and make recommendations regarding the use, maintenance, management, preservation, and protection of the natural resources of the town which are under the jurisdiction of other boards, establish general policies to be implemented by the department of public works for the carrying out of work affecting natural resources, propose for acquisition by the town those natural resources that the commission deems useful or important to the town, and carry out such other related responsibilities as the town may assign to it or as may be permitted or required by law.

Section 8. Chapter 555 of the Acts of 1978 is hereby amended by striking out Section 9 in its entirety and inserting, in place thereof, the following -

Section 9. Notwithstanding any contrary provisions of Section 69E of Chapter 41 of the General Laws, the superintendent of public works appointed by the town manager shall have the title "Director of Public Works."

Section 9. Sections 5 through 8, inclusive, take effect, and the position of executive director of general government services, created by Section 1 of Chapter 247 of the Acts of 1995, shall be abolished upon the initial appointment of a town manager pursuant to Section 1(C) or the thirtieth day of November, two thousand sixteen, whichever is later.

Section 10. All laws, bylaws, votes, rules and regulations, whether enacted by authority of the town or any other authority, that are in force in the town of Wellesley on the effective date of this Act, or any portion or portions thereof, not inconsistent with the provisions of this Act, shall continue in full force and effect until modified in accordance with applicable law.

Section 11. Nothing in this Act shall be construed to abridge, alter, or amend the powers and duties of the municipal light board or manager of the municipal light plant as set forth in Chapter 164 of the General Laws.

Section 12. This act shall be submitted for acceptance to the qualified voters of the town of Wellesley at the next regular or special town election following its enactment in the form of the following question, which shall be placed upon the official ballot to be used at said election: -- "Shall an act passed by the General Court in the year two thousand sixteen entitled 'An Act providing for a selectmen-town manager form of government in the town of Wellesley', be adopted?"

If a majority of the votes cast in answer to the question is in the affirmative, this act shall take effect in the town, but not otherwise.

or take any act in relation thereto.

GLOSSARY OF STATUTES REFERRED TO IN SPECIAL ACT

G.L.c.41, s.69E provides that the Board of Public Works appoints and removes the Supt. of Public Works; BPW directs and supervises the Supt.; Supt. gives a bond for the performance of his duties subject to BPW approval; the Supt. appoints DPW employees; and Supt. reports to BPW re need for annual appropriations.

G.L.c.41, s.97A provides that the Police Dept. is supervised by the Police Chief; Board of Selectmen appoints and removes Chief and officers; and the Chief make Police Dept. rules and regulations subject to BOS approval.

G.L.c.41, s. 108N provides that the BOS has authority to enter into an employment contract with the Town Manager, Executive Secretary or person with the equivalent position including salary and benefits.

G.L.c.48, s.42 provides that, if the Town accepts this statute, the BOS appoints and removes the Fire Chief; the Chief buys equipment with BOS approval; and the Chief appoints and removes the deputy chiefs and firefighters.

G.L.c.48, s.42A provides that, if the Town accepts this statute, the BOS appoints and removes the Fire Chief and such other officers and firefighters as the BOS deems necessary.

G.L.c.138 provides a comprehensive process for the local licensing authority to issue liquor licenses to package stores and restaurants.

G.L.c.138, s.14 is entitled “Special licenses to managers of indoor and outdoor activities; fees” and provides that special wine and beer sale licenses may be issued by the “local licensing authorities” to the manager of any indoor or outdoor activity; and that all alcoholic, wine or beer special sale licenses may be issued to the manager of any nonprofit organization conducting an indoor or outdoor activity. Special licenses for wine and beer dispensing to degree-granting educational institutions may be granted as long as people who are served are 21 or older.

G.L.c.164, ss.55 and 56 provide that a town may establish a municipal light board which shall have authority to construct, purchase or lease an electric plant and maintain and operate it in accordance with a vote of the town; and that the municipal light plant manager shall have full charge of the operation and management of the plant.

G.L.c.258 is the Massachusetts Tort Claims Act governing how negligence claims may be brought against municipalities. G.L.c.258, s.1 defines “executive officer of a public employer” as “the selectmen of a town or as designated by the charter of the town.” G.L.c.258, s.4 requires presentment of claims against a town to be made to the executive officer who has 6 months to deny or settle claims. G.L.c.258, s.5 authorizes the executive officer to settle claims, but any settlement over \$2,500.00 needs approval of the “public attorney.” G.L.c.258, s.6 provides that service of process is to be made on the executive officer.

Chapter 555 of the Acts of 1978, is a special act authorizing the Town of Wellesley to, among other things, establish a Natural Resources Commission and Department of Financial Services and to appoint a Superintendent of Public Works.

AMENDMENTS TO CHAPTER 555 OF THE ACTS OF 1978, AS AMENDED

NOTE FROM TGSC: The Special Act (Sections 6, 7 and 8) amends the 1978 Special Act that established the department of financial services (now the “Finance Department”) and the Natural Resources Commission. Words that have been deleted from the 1978 Act are shown by strike-outs and words that have been added are shown by underlining.

SECTION 3. Notwithstanding any general or special law to the contrary, the town of Wellesley is hereby authorized to establish by by-law a finance department. ~~of financial services~~. Any such by-law shall provide that the department shall be responsible to the ~~executive director of general government services town manager who shall be appointed by the Board of Selectmen as the town's chief operating officer~~. The department's duties and responsibilities may include ~~but not be limited to, the following:~~ coordination and administration of town financial services and activities, including ~~without limitation~~ the town's financial planning; ~~and budgets, and investment of town funds; maintenance of town accounting records and financial statements; payment of all town obligations after securing required approvals; assisting in the development of budgets and reviewing of all budgets for format, completeness, and accuracy before submission to the advisory committee; monitoring of all expenditures of town funds; timely reporting to the board of selectmen town manager and to other appropriate boards and officers of actual or foreseeable incurring of obligations of expenditures of funds in excess of budgeted appropriations; maintenance of payroll and other financial records relating to all town personnel; preparing and supervising town purchasing and inventory control procedures; administering the disposal of town property; and assisting the executive director town manager the supervision of all data processing and the development and enforcement of internal controls.~~

The department shall be under the supervision and management of the finance director, who shall be appointed by the ~~executive director~~ town manager subject to the approval of the board of selectmen, for a term of up to 3 years commencing on July first. The finance director

shall be the chief financial officer of the town. ~~The finance shall serve as director shall serve as~~ the town comptroller and town accountant. Subject to the approval of the town manager, the ~~The finance director shall appoint for a one-year term commencing on July first, annually as of July 1, subject to the approval of the executive director, a town treasurer and collector of taxes, who shall be subject to the direction and under the supervision and management of the finance director and shall have, except as otherwise expressly provided by this act, the powers and duties vested by law in town treasurers and collectors of taxes.~~

SECTION 4. Notwithstanding any contrary provisions of the General Laws, the town is authorized to establish by bylaw a natural resources commission consisting of five members elected for a term of three years, which shall have the powers and duties of conservation commissions and forest committees under the General Laws and the powers and duties (currently vested in the board of public works of the town) of park commissioners, tree wardens, moth superintendents and superintendents of insect pest control under the General Laws, and which shall appoint ~~a director of natural resources,~~ a wetlands protection committee to which shall be delegated the power and authority to administer and enforce the provisions of section 40 of chapter 131 of the General Laws, a landscape advisory committee, a long-range planning committee. The town manager shall appoint a director of natural resources and may appoint, or delegate to the director the authority to appoint, such other staff for whom funding has been provided. and such staff as it deems necessary. Any such commission shall have overall authority and responsibility with respect to: the use, acquisition, management, preservation, and protection of conservation land, park land and such other land as may be transferred to or acquired by the commission, forest and tree nursery management, insect pest and moth control, and administration of the conservation fund under sections 5(51) and 8C of chapter 40 of the General Laws. In addition, it shall study and make recommendations regarding the use, maintenance, management, preservation, and protection of the natural resources of the town which are under the jurisdiction of other boards, establish general policies to be implemented by the department of public works for carrying out of work affecting natural resources, propose for acquisition by the town those natural resources that the commission deems useful, or important to the town, and carry out such other related responsibilities as the town may assign to it or as may be permitted or required by law. ~~Members of the commission shall be elected at the annual town election to be held in nineteen hundred and seventy nine. The terms of office shall be staggered in a manner determined by vote of the town. Initial organization of the commission and the termination of the conservation commission, the park and tree board and the town forest committee shall also be as determined by vote of the town.~~

SECTION 9. Notwithstanding any contrary provisions of section 69E of chapter 41 of the General Laws, the ~~superintending superintendent officer of public works appointed by the board of public works~~ town manager of the town ~~pursuant to said section 69E shall s have the~~ title "Director of Public Works" ..

ADVISORY REPORT

A TOWN MANAGER FORM OF GOVERNMENT

Summary of Proposal to Adopt a Town Manager Form of Government

- A new Town Manager would replace the current Executive Director of General Government Services. The Town Manager would be the person designated under the Special Act (Article 3) and Town bylaws (Article 4) as accountable for the day-to-day administration of the Town (not including the School Department or the Municipal Light Plant (MLP)).
- The Town Manager would be the Chief Administrative Officer of the Town.
- The Town Manager would provide a centralized point of responsibility for all Town operations.
- The Town Manager would be responsible for implementing a strategic plan created by the Board of Selectmen (BOS).
- The Town Manager would produce and present Town-wide operating and capital budgets, along with a budget message, to Annual Town Meeting (ATM).
- The Town Manager would appoint and terminate the Police Chief (with BOS approval), the Fire Chief (with BOS approval), the Town Clerk, all Department Heads/Directors and all other town employees (except those employed by the Schools and MLP). This authority currently resides with the elected and appointed boards and with respect to the Town Clerk, directly with the voters.
- The Town Manager would manage the performance reviews of all department heads with consultation of the boards (except those employed by the schools and MLP).
- The Town Manager would fix the compensation of the Police Chief, the Fire Chief, the Town Clerk, all Department Heads/Directors, and all other Town employees (except those employed by the schools and MLP).
- The Town Manager would be responsible for negotiating all nonschool labor contracts.
- The Town Manager would participate in contract negotiations with school collective bargaining units, but would not have a vote in the decision whether to accept a proposed contract.
- The Town Manager would have the authority to sign accounts payable and payroll warrants, relieving the BOS of having to attend to this generally administrative task.
- Elected and appointed boards would remain the same, except for the Town Clerk, whom the BOS would appoint.
- The Town Manager would assume all the duties and responsibilities currently held by the Executive Director of Government Services, including preparing the Town-Wide Financial Plan.
- The Town Manager would be hired by and would report to the BOS, just as the Executive Director currently does. The contract would be from three to five years.
- The Town Manager would be responsible for submitting an Annual Town Report that includes financial statements and would compile reports of all town boards for publication each year, just as the current Executive Director does.
- The MLP would continue to report to the BOS.
- The School Department's budget and staff would continue to be managed separately from the other Town departments.
- The BOS would still appoint Town Counsel.

Advisory Considerations Regarding a Town Manager Form of Government

- The majority of Advisory members feel that the hiring of a Town Manager is long overdue, believing that there is a lack of day-to-day leadership in Town Hall and that having a Town Manager would increase accountability. These members believe that the Town would be best served by greater centralization of town government under an executive with the authority to require departments of Town government to cooperate, instead of relying on the Boards' nonmandated collaboration to achieve goals. These Advisory members believe that a town manager form of government would lead to better customer service, promote efficient use of tax dollars, and expedite government decision-making. These members envision a Town Manager assuming some of the administrative duties currently held by boards, freeing up boards to focus on framing and implementing substantive policies. These members also believe that boards may benefit from having a Town Manager who would set priorities that would support the boards' work over time.
- Several Advisory members believe that the town is well run now and thrives *because* of decentralized government, which necessitates collaboration and consensus. These members point to our excellent school system, steadily increasing property values, well-maintained parks and conservations areas, outstanding public safety, thriving commercial areas, and excellent library, all achieved while Wellesley functioned under a decentralized government structure. These Advisory members are concerned that too much centralization under a Town Manager would marginalize the boards by reducing their roles to advisory in nature rather than supervisory and decision-making, potentially resulting in fewer citizens interested in volunteering their valuable time to board work.
- Most Advisory members agree that the current proposals, if adopted, would result in a fundamental shift of power away from the voters and their elected representatives to a nonelected professional hired by and reporting to the BOS. Currently the authority to hire and fire the Police Chief, the Fire Chief, and department heads resides with elected boards or boards appointed by an elected official. The Town Clerk is currently elected by the voters, but would be appointed by the Town Manager under the current proposals. One member noted that the Town Manager would not be subject to the Open Meeting Law. Consequently, some decision-making by boards that currently takes place in open meetings will no longer be subject to the Open Meeting Law if such decision-making authority is transferred to the Town Manager. The Special Act and bylaws provide for a transfer of the authority to hire, fire, evaluate and compensate all Town employees (except Schools and MLP) from a number of boards to one individual who is hired and fired by one elected board, the BOS.
- Several members of Advisory believe that the process for termination of the Town Manager should be in a bylaw, and not in the Special Act. Changing the special legislation calls for a new act of the Legislature, a cumbersome process in case there is a need to amend the termination process, whereas changing a bylaw takes only a vote of Town Meeting. Generally speaking, the Special Act should set forth only what is absolutely necessary for the Town to bypass the General Laws and previously enacted special legislation in adopting a town manager form of government.
- Every member of Advisory, however, believes that a change to a town manager form of government is desirable. The different views within Advisory revolve around details of the proposal coming before Town Meeting, not the overall concept. The majority of Advisory members voted favorable action on the Special Act in Article 3.A in the belief that the Town Manager should have supervisory responsibilities for all Town departments, including those with elected boards. A minority of Advisory members believe that it is not necessary to have all departments under the Town Manager to achieve an effective town manager form of government and that certain boards and their respective departments should remain independent, particularly as it relates to the

hiring, management, evaluation and termination of department directors and employees. Each of the Advisory members in this minority believes that one or more of the following boards and departments should be “carved out” of the Special Act and remain independent: Library, Natural Resources Commission and Board of Health. As a result, this minority of Advisory members voted unfavorable action on the Special Act in Article 3.A.

THE HUMAN RESOURCE FUNCTIONS

Summary of Proposed Changes to Town’s HR Functions

- The Town Manager would have appointing authority for department heads and chief staff employees (other than those of the School Department and MLP) rather than the BOS or relevant board being the appointing authority. The Town Manager would consult with the relevant board during the hiring process; the board would have the opportunity to interview one or more of the finalists, submitted by the Town Manager or through a process directed by the Town Manager; and the board would have 15 calendar days after written notice has been provided to the board, to approve or reject the Town Manager’s appointment. If the board takes no action in the 15-day period, the Town Manager’s appointment will be deemed to have been constructively approved by the board.
- The Town Manager would have the ability to remove department heads or chief staff employees over whom the Town Manager has the power of appointment in accordance with the Personnel Policies of the Town. The Town Manager would normally have to give written notice to the affected board before any removal of a department head or chief staff employees. The notice would have to be given in advance if practicable, but in no case later than the end of the third business day following the removal of a department head.
- The Town Manager, working with the Human Resources Director (HR Director), would standardize the human resource processes and procedures for the performance evaluations, goal setting, professional development, and the disciplinary processes of reprimand, suspension, demotion and termination.
- After consultation with the affected boards, the Town Manager would establish annual performance goals for and conduct annual evaluations of all department heads and officers subject to appointment by the Town Manager.
- Appointment of the Police and Fire Chiefs would not take place unless approved by the Board of Selectmen.
- The Town Manager would be responsible for the negotiation of all nonschool labor contracts, subject to approval of the BOS. The Town Manager, HR Director, Finance Director and applicable board’s input would be sought.
- The Town Manager would act as the collective bargaining agent for the Town and would participate and vote as the Town’s representative in the School Committee’s collective bargaining with its unions.

Summary of Proposed Changes to HR Department and HR Board

- Several areas of HR management currently under the authority of the HR Board would move to the HR Director:
 - Administration of the Salary and Classification Plans, Personnel Policies, and collective bargaining agreements.
 - Ongoing review of the Salary Plan and Classification Plan resulting in recommendation for amendments made to the HR Board for approval.
 - Administration of the recruitment process.

- Maintenance of personnel records.
- Compliance with all applicable state and federal laws, rules, and regulations.
- Support and counsel to departments relative to HR issues.
- Changes to the Town's Personnel Policies (except for those pertaining to Schools and MLP) would be recommended by the HR Director, subject to a public hearing, and would be voted by the HR Board rather than by Town Meeting.
- The Classification Plan and Salary Plans would no longer be approved by Town Meeting (currently part of the consent agenda process at Town Meeting) and the Classification will no longer be appended to the Town Bylaws.

Advisory Considerations Regarding Proposed Changes to HR Functions

- The TGSC recommendation that has caused the most debate relates to a proposed change in reporting structure for town employees. The authority to hire, evaluate, manage and terminate employees would shift from the elected and appointed boards to the Town Manager. There would be a corresponding shift in authority related to human resource management from the HR Board to the HR Director and the Town Manager.
- The TGSC's recommendations related to HR have evolved since the initial proposal presented in May of 2015. The initial recommendation was for the Town Manager to have autonomous authority to hire and fire department heads. Several citizens and board members requested changes to the proposed bylaw amendments to require the Town Manager to consult with the boards during the hiring process. After numerous meetings with boards, department heads and the Advisory Committee, the TGSC revised its recommendations. The Town Manager would still have appointing authority for department heads and chief staff employees (other than those of the School Department and MLP); however, the current proposal would require the Town Manager to consult in advance with the relevant board during the hiring process. The board would have the opportunity to interview one or more of the finalists selected by the Town Manager to be their department head, and would then have 15 calendar days to approve or reject the Town Manager's appointment. Furthermore, the Town Manager could delegate to each department head the authority to appoint the staff employees in their respective departments. These alterations of the TGSC's proposal resulted in a consensus opinion from Advisory that consultation with the boards is now assured with respect to the department heads the Town Manager appoints.
- The TGSC believes that having department heads report to the Town Manager would provide the structure needed to implement standardized processes and gain operating efficiencies. The management structure would allow for a uniform hiring process for similar positions in all departments as well as consistent performance evaluations, Personnel Policies, and professional development opportunities for employees. Advisory agrees that standardizing the Town's HR functions would be a benefit.
- In order to make the change to Town Manager supervision of employees more effective, the TGSC is proposing changes in the role of the HR Director. The Town Manager would appoint the HR Director and the Town Manager and/or the HR Director would appoint staff to "funded positions" for non-school and non-MLP departments, replacing the existing system in which the HR Board makes the appointments. The use of the language "funded position" is highly important in understanding the specific changes as it relates to providing checks and balances in the proposed system. The intention here is to make it clear that the staff in a department would be determined, in part, through the budget process. The Town Manager and/or boards cannot unilaterally determine that they need additional staff and make appointments or hires unless funds exist in the budget for that purpose.

- The Town Manager would also have responsibility for group health insurance and other benefits for all Town employees, including those who work for the Schools and MLP.
- Responsibility for the Town's Personnel Policies, which apply to all town employees, would be shifted from the HR Board to the HR Director and Town Manager. Advisory supports this shift of responsibilities.
- The Chair of the HR Board and the HR Director support the TGSC's recommendations. In a meeting with the AC, they voiced agreement with the shift in approval for changes to Personnel Policies and the Salary and Classification Plans from a Town Meeting vote to a vote by the HR Board. They are comfortable that the change in roles relative to the HR Director and the HR Board is the right step in enabling the proposed system to function. They also agree with the TGSC that the standardization in the hiring process, Personnel Policies and performance reviews would result in more consistent practices across departments, which would benefit the Town by making best use of its most significant expense – personnel – as well as benefiting employees by offering a fairer system.
- It should be noted that in the proposed Town Manager structure, Wellesley would continue to have an HR Board, a feature missing from government in numerous peer communities. Advisory believes that maintaining the HR Board, the members of which are appointed by the Town Moderator, provides meaningful citizen control of compensation and HR policy in Wellesley going forward.
- A Town Manager working with the HR Director would provide consistency and uniformity to the annual performance reviews of all Town department heads. The Town Manager would likely have more interaction with the various department heads than most boards currently do (many meet only monthly) and consequently would be better able to conduct fair annual reviews with input from the boards. Advisory members appreciate that the Town Manager would be required to consult with boards to establish annual goals for employees and to conduct annual performance evaluations.
- There is concern that having department directors report to the Town Manager might compromise the mission and goals of their respective boards due to conflicts of interest. If the Town Manager and the board were in disagreement, the director might feel pressured to support the Town Manager's decision despite board opposition, since the Town Manager would conduct the employee's performance reviews and compensation adjustments. In addition, some are concerned that staff might be pulled away from work within their department and asked to work for other departments.
- There is a perception that the BOS currently has too many responsibilities (conducting annual reviews for Police/Fire Chiefs, signing warrants to pay bills, etc.). With a Town Manager assuming some of the BOS's responsibilities, the BOS would likely have more time to develop and improve the town's strategic plan. In addition, the more focused and somewhat diminished responsibilities proposed for the BOS might increase the potential pool of candidates interested in running for the BOS.
- Advisory heard from several members of the last search committee for an Executive Director, which took place ten years ago. That search yielded a shortage of candidates and a candidate pool that was too inexperienced for the position. These search committee members felt that Wellesley may not attract suitably qualified and experienced Town Manager candidates unless the position comes with significantly more authority and responsibility than the Executive Director has now.
- Some Advisory members believe that too many elected positions have gone uncontested in recent years. These Advisory members perceive that changes in lifestyle in Wellesley leave less time for service in Town government, meaning fewer new volunteers. These members believe that taking some of the load off elected and appointed boards would encourage new volunteers, which weighs in favor of transferring substantial authorities away from elected boards and to a Town Manager.

- Other members believe that we must take care not to rush to overturn a system that has served the Town well for many years. One member observed that rarely, if ever, does a Board position go unfilled, there is usually at least one highly contested board seat in each Town election, and that even Town Meeting seats have been heavily contested. These members observed that there remains a substantial core group of very committed volunteers. These members also urge that our town explore ways to recruit more volunteers instead of relinquishing our tradition of self-government. Even these members believe that a town manager form of government may promote volunteerism by reducing the boards' administrative workloads; however, if a Town Manager assumes too much authority from boards, then this may discourage volunteerism by the citizens with the most to contribute.
- Advisory notes that most towns in eastern Massachusetts have a chief administrative officer (usually called a Town Manager or Town Administrator) with broader authorities than Wellesley's Executive Director of General Government Services. The authority of such chief administrative officers ranges from limited to expansive from town to town. The TGSC has reported extensively on the variety of arrangements in use in peer communities. What may work in other towns is worth considering, but should not be given undue weight. The critical question for Town Meeting is whether the proposed structure would work for Wellesley's culture and needs.

Proposed Scope of HR Authority for Town Manager

All of the Advisory Committee members agree that increasing the scope of authority of the Town's chief administrative officer has the potential to bring about some needed improvements, especially with respect to strategic planning, budget development, personnel management and overall financial efficiency. However, there are differing opinions among Advisory members as to how significantly the chief administrative officer's powers should be expanded and in what areas.

- Most members of Advisory believe that the TGSC has found a reasonable balance between the Town Manager having adequate authority to carry out his or her responsibilities and the concerns about preserving our traditions of self-government. However, other members of Advisory believe that the TGSC has not sufficiently addressed concerns about concentrating too much power over Town employees in the hands of a single, unelected individual.
- In response to concerns of an over-concentration of power in one individual and one elected board, the TGSC has increased and strengthened checks and balances on the Town Manager's authority. In hiring department heads, the proposed bylaw now provides that the Town Manager must consult with the affected board and provide an opportunity to the board to interview finalists. The boards also have the authority to veto the Town Manager's selection with 15 days after notice of appointment. However, even with these revisions, the Town Manager retains the ultimate authority to appoint and to terminate employees; several Advisory members disagree with the proposal to transfer this amount of authority from certain boards to a single Town Manager.
- Based on comments, memoranda and presentations to Advisory by the Library Trustees, the Board of Health, the Recreation Department, and the Natural Resource Commission (NRC is addressed in the Article 6 write-up), there remain concerns that the role some boards play in public advocacy could be diminished. Specifically, these Boards maintain that the Town Manager's authority to hire, evaluate, compensate and

terminate their department heads and to control the budget will result in the department heads reporting primarily to the Town Manager instead of to the Boards. The shift in final say in the budget process to the Town Manager and the reporting relationship of the department heads to the Town Manager is seen as a potential threat to funding for advocacy missions that are not aligned with short-term goals related to town operations.

- Despite overwhelming support for the concept of creating a Town Manager, Advisory has discussed at length the belief of some boards that they should be “carved out” of the proposed management structure. (The concerns and deliberations regarding the NRC are addressed under Article 6.) Most Advisory members believe that the Boards made some important points worthy of serious consideration; however, Advisory members came to differing conclusions. Some Advisory members feel that the Town should not risk changing departments that have demonstrated efficiency and effective practices, and do not see how excepting certain departments from Town Manager supervision would take away from possible positive changes a town manager form of government would bring about in other departments. The majority of Advisory concluded that all boards and departments, except MLP and Schools, should be included under the proposed management structure in order to best achieve the goals of Town-wide efficiency. These Advisory members believe that “carving out” certain boards would diminish the effort to have the departments working collaboratively for “one town.” These members feel that the boards and departments should be treated equally, both as a principle of sound government and to give the Town Manager arrangement the best chance of transforming Town government beneficially.
- Among the dissenting group of Advisory members, opinions varied as to which boards should be carved out and for what reasons. Some believed that the independence and advocacy role played by certain boards (public safety, education, and conservation) would be compromised. Others noted that state statutes already govern some boards. In the case of the Library, these members noted that in 86% of municipalities with elected Library Trustees, the libraries are independent of Town Manager oversight. Regardless of which board or boards are or are not excluded, these members believe that now would be the best time to alter the TGSC’s proposals, as doing so at a later date would likely be more difficult. It was noted by some members that the inclusion/exclusion of some boards could be a deciding factor for a favorable or unfavorable vote on the Town Manager proposal.
- Advisory notes that the Board of Selectmen, the School Committee, the Planning Board, the Zoning Board of Appeals, and the Board of Public Works all voted in favor of the TGSC proposal.

In summary, a majority of Advisory members believe that the restructuring of the Town’s human resource functions would result in greater efficiency, better use of tax dollars and a reduction in the volunteer workload. Other members believe that this fundamental shift in government authority from voters and elected boards to a municipal professional as proposed in the Special Act in Article 3.A may go too far in relinquishing our right of self-government central to the Town of Wellesley since its inception.

THE BUDGET PROCESS

Summary of Proposed Changes to Budget Process

- The Town's budget process would be managed by the Town Manager, who would report to the Town's executive body, the BOS.
- The Town Manager would produce and present Town-wide operating and capital budgets, along with a budget message, to ATM. (A separate but coordinated budget and budget message for Schools would be developed and presented by the Superintendent of Schools.)
- The boards would submit their proposed operating and capital budgets at the same time to the Town Manager, following a collaborative developmental effort between the Town Manager and respective boards. The Town Manager would then be responsible for preparing the Town-wide budget and presenting it to the BOS and the Advisory Committee and ultimately to Town Meeting.
- The boards would develop and vote on their operating budgets and then submit them to the Town Manager. The Town Manager would provide an explanation for any proposed changes to the budget requests that have not been subsequently approved by the submitting board. This explanation would be included in the Town Manager's Budget Message submitted with the Town-wide annual operating budget to the BOS, Advisory, and eventually, to ATM.
- Similarly, the boards would develop and vote on their Capital Projects Budgets and submit them to the Town Manager. The Town Manager would provide an explanation for any proposed changes to the Capital Projects budget requests that have not been subsequently approved by the submitting board. This explanation would be included in the Town-Wide Five-Year Capital Budget Program submitted to Advisory.
- The Town Manager would have more flexibility in establishing guidelines, subject to approval by the BOS, to allow for unique departmental situations, which might change from year to year.
- It would be expected that, but not required, that departments that exceed the budget guidelines would provide an explanation, as well as an alternative budget that falls within guidelines.
- The timeline for developing the budget would be accelerated significantly. Departments would submit their budgets to the Town Manager 90 days prior to ATM; schools would submit their budget 70 days prior to ATM. The Town Manager would submit all preliminary information to the BOS and Advisory 60 days prior to ATM. Forty-five days prior to ATM, the Town Manager would submit final operating and capital budget numbers.
- When budgets are submitted to the Town Manager, copies would also be sent to Advisory, who in turn could meet with boards to discuss their budgets.

Advisory Considerations Regarding Proposed Changes to Budget Process

- Since, in the end, Advisory would still be part of the budget review process, some members of the committee feel this is more of a change of sequence than it is a change to the end result. Advisory would still review and deliberate on all aspects of the budget, and issue its report for ATM. Additionally, boards and departments who would like to advocate for their budget directly to Advisory, in addition to the Town Manager, would still be able to do so. Advisory also maintains its authority to request information and to investigate matters felt to be pertinent to the work of the committee.
- Advisory notes that budget information has often come to it at the last minute. Late submission of budget requests hampers the budget process, and may even defeat the goal of evaluating the budget as a whole before it goes to ATM for a vote. While the

Executive Director has done well in explaining the budget and long-term planning to all constituencies, this individual does not have authority to develop a budget on his or her own. A Town Manager, empowered as proposed by the TGSC, would have the authority to create a budget in a timely fashion, reducing or even eliminating last-minute changes, thereby giving Advisory an opportunity to evaluate the budget on a higher level and enhancing Advisory's service to Town Meeting.

- Advisory also notes that the Town Manager would have authority to respond rapidly to board requests concerning the budget, as the Town Manager would have the Strategic Plan to set priorities and the authority to rearrange funding within the Town's budget so as to address board requests while maintaining Town-wide priorities.
- Advisory fully supports the proposal for Town departments to submit their operating and capital budgets at the same time. Advisory would appreciate the opportunity to see the bigger budget picture for the Town at an earlier stage in the budget process.
- Some Advisory members expressed concern regarding requests for capital projects under the Five-Year Capital Plan set forth in the original TGSC proposal. The originally proposed bylaws did not require the Town Manager to elaborate on denials of requests for appropriations. Advisory suggested adding language requiring the Town Manager to provide an explanation for requests that are denied. In response, the TGSC changed the proposed bylaw to require this feedback from the Town Manager. Advisory believes that this concern has been sufficiently addressed.
- Some Town Boards expressed concern or lack of support for the TGSC proposal, because they believe that undue authority of the Town Manager to set the budget might hamper the boards' ability to enact policy. However, the majority of Advisory members believe that combining the resources of the departments could prove to be a more efficient and beneficial use of resources for the Town as a whole. Where outside grants and funding are concerned, Advisory believes that a Town Manager would be familiar with fund restrictions imposed by governmental agencies and grantors, and thus would be equipped to handle the management of these funds. Advisory notes that the TGSC's recent changes to the bylaws adequately address the need for Town Manager feedback to boards after they submit their budgets to the Town Manager for compilation in the Town-wide budget.
- Most boards have expressed support for the Town Manager budget responsibilities as proposed by the TGSC. These Boards feel that a Town Manager would help the process run more efficiently, and are comfortable with their ability to assert the board's authority when needed.
- Advisory notes that a standardized template for departmental budgets would reduce opportunities for errors and miscommunication. A template would also make it easier for Advisory to review and compare the different departmental budgets. Advisory foresees that, after an adjustment period for the departments and boards, a standardized template would streamline the budget process. Advisory is confident that it can play a role in evaluating the merits of these templates and the budget process that comes about if Town Meeting adopts the town manager form of government.
- Advisory strongly supports the proposal to encourage departments that exceed guidelines to present an explanation and alternative budget. Advisory feels that this is another way to encourage all parties involved to take another earnest look at the numbers.
- Advisory feels that the timeline presented for the budget process is reasonable for all parties, including the allowance of additional time for Schools. The core of Advisory's mission is to thoroughly vet the Town's budget; it takes time for this to be done well. Having an improved schedule for the process is a significant step forward, as it would help to prevent situations where Advisory is forced to sift through significant information

without enough time. Advisory does recognize that there will be situations where exceptions need to be made, but in general, the Town is not served well if budget numbers cannot be thoroughly and methodically analyzed.

- Advisory approves of giving the Town Manager discretion in setting budget guidelines and for shifting department budgets within guidelines. Such an arrangement allows for circumstances in which a department might need to add an employee after leaving a position unfilled for several years, or might need extra funds to perform a specific project. On the capital budget side, a particular department might need to replace equipment one year, but not the next.
- Having a Town Manager with flexibility allows for a big picture view of budgets past and present, which could maintain equity between departments over the long term. Advisory notes that this advantage is dependent on the length of the Town Manager's tenure with the Town, as it will require experience to develop a big picture view of the budgets from year to year.
- Some suggest that the control the Town Manager would have in the budget process might lead to competition and tension among boards. Advisory believes it would act as a meaningful counterbalance and mediating force in budget disputes between the Town Manager and boards.
- It has been suggested that a system with a Town Manager in charge of the budget process might result in Advisory spending less time on the more mundane aspects of the budget and would allow for more time for thorough evaluation of the Town-wide budget as a whole. This might also result in Advisory members being willing to serve more than one term, which would allow more continuity and experience on the Advisory Committee from year to year.

THE ROLE OF THE BOARD OF SELECTMEN

Summary of Proposed Changes to Role of BOS

- The BOS would hire a Town Manager and transfer some of its current responsibilities to the Town Manager.
- The BOS would become less involved in day-to-day administrative work and focus on becoming a strategic and policy-making board. The Town Manager would assume many of the current day-to-day responsibilities of the BOS.
- Appointment of certain positions would move to the Town Manager:
 - Fire Chief, with approval of the BOS
 - Police Chief, with approval of the BOS
 - Civil Defense Director
 - Inspector of Wires
 - Inspector of Gas
 - Director of Veterans' Services
 - Veterans' Grave Officer
 - Sealer of Weights and Measures
 - Public Weighers
 - Building Inspector
 - Keep of the Lockup
 - Cable Television Committee
 - Dog Officer (Appointment would be made by the Police Chief and approved by the Town Manager)
- Budget:
 - The BOS would approve the budget guidelines recommended by the Town Manager.

- The BOS would review the Town Manager’s budget submission.
- The responsibility for the appointment, evaluation and removal of the Town Manager would vest in the BOS. The BOS would be given the authority to enter into a contract of up to five years for the Town Manager who may be re-appointed for additional terms of up to five years each. (Currently the BOS has this responsibility vis-à-vis the Executive Director.)
- Approval of all bill payments would move to the Town Manager.
- The BOS would be responsible for the preparation of the Town-Wide Strategic Plan, which would be updated at least every five years.
- Responsibility for implementing actions of Town Meeting would transfer to the Town Manager.
- Review and enforcement of bylaws would transfer to the Town Manager.
- The assigning of house numbers would move to the Town Manager.
- The BOS would continue to be the chief executive board of the Town.
- The BOS would still be the licensing Board of the Town (except for one-day alcohol licenses which the Town Manager could issue). It may appoint a designee.
- The BOS would continue to appoint the following positions:
 - Town Manager (instead of Executive Director of General Government of Affairs)
 - Constable
 - Town Counsel
 - Registrar of Voters
 - Election Officers
 - Special Police
- The BOS would continue to appoint the following committees:
 - Historical Commission
 - Zoning Board of Appeals
 - Celebrations Committee
 - Council on Aging
 - Youth Commission
 - Historic District Commission
 - Wellesley Media Corp (three members)
 - Municipal Light Board (two members)

Advisory Considerations Regarding Proposed Changes to Role of BOS

- Advisory approves of the proposed changes in Article 19 of the Bylaw, the principle article laying out the responsibilities and the duties of the BOS. Advisory notes that Town Counsel has confirmed that the changes are fully congruent with the special legislation that is the keystone of the TGSC proposal.
- Some advisory members are unsure whether responsibilities for appointing the Police Chief and managing personnel within the Police Department have been resolved satisfactorily. Given the extraordinary role of the police, and the authority that they have over citizens, these advisory members feel that control of the police should remain with the BOS as it is presently arranged. The BOS gave as its reason for yielding control over the police to a Town Manager that it wanted to demonstrate to other boards that it is in the Town’s best interest to centralize control in the Town Manager. The majority of advisory members are comfortable with the Police Chief reporting to the Town Manager. They feel that the elected BOS will sufficiently monitor the Police Chief and Police Department through the Town Manager.
- Advisory is satisfied that leaving the MLP out of the Town Manager hierarchy serves a valid purpose. The MLP is established as a separate, Town-owned enterprise and has served its role well. Electric rates and service in Wellesley are some of the best in the

state. Further, the MLP has a specialized role, which does not lend itself to supervision from Town Hall.

- Advisory recognizes that the success of the proposed town government structure is dependent upon the skill of the person hired as Town Manager. To ensure that the Town gets a pool of highly qualified candidates, the BOS would retain an executive search firm to conduct a search and vetting process. The BOS would develop a comprehensive job description outlining the required educational background, skill sets and relevant municipal work experience for the role. All candidates would need senior-level municipal management experience as a baseline qualification. Consideration would be given to the nature and culture of the municipalities in which the candidate worked and how those municipalities compare to Wellesley. Advisory agrees that prior municipal experience and cultural fit are important considerations.
- Recognizing the importance of collaboration between the Town Manager and Town boards, the TGSC suggests that the BOS would develop performance evaluation criteria and a process by which boards can provide feedback on the Town Manager. Advisory notes with approval that boards should play a role in supporting the proposed transition to the town manager form of government.
- Timing is important, as the current Executive Director has announced his retirement effective November 2016. Advisory recommends a period of overlap with the current Executive Director to allow a new Town Manager to get up to speed on town operations, budget, staffing and other critical town matters. Advisory further recommends that the BOS develop an onboarding process and orientation to bolster transitional support.

STRATEGIC PLAN

- The BOS would be responsible for preparation of a Town-Wide Strategic Plan. The Strategic Plan would be a holistic approach to overall Town government that would integrate the goals, objectives and strategies established by Town Boards.
- The Strategic Plan would include input from town departments and boards as well as residents and other constituencies and stakeholders. It would articulate a mission statement and long-range vision for the Town and would identify broad community priorities, goals and objectives. It would include action items for coordinating and integrating board objectives within a Town-wide context. The Strategic Plan would also include metrics for achievement, taking into consideration financial feasibility. The Strategic Plan would be updated at least every five years.
- The Town Strategic Plan is separate and apart from the Comprehensive Plan. The Comprehensive Plan is specified under Massachusetts General Laws, chapter 41, and is created by the Planning Board. The Comprehensive Plan addresses housing, economic development and land use. The Strategic Plan, under the direction of the BOS and with participation from many boards, would cover a broader range of areas such as schools, public works and human services. It would focus on the financial aspects of Town government.

Advisory Considerations Regarding Proposed Strategic Plan

- Advisory believes that the establishment of a Town Strategic Plan would benefit the Town greatly. Advisory recognizes that as Town programs and services have become more complex and the budget commensurately larger, it has become increasingly challenging to prioritize competing initiatives and to allocate resources.
- Advisory agrees that the BOS is the proper board for establishing the Strategic Plan and that the Town Manager should be responsible for implementing the plan. Advisory sees

- many benefits flowing from the increased communication and collaboration among departments and boards that would be created by establishing a Strategic Plan.
- Advisory understands the benefits of establishing the Strategic Plan in conjunction with the Comprehensive Plan, which is in the process of being updated. Advisory is encouraged that BOS and the Planning Board have already started working together collaboratively and that both believe it is possible to integrate the process for creating each of the plans by using only one set of focus groups to get input for both plans.
 - Advisory considered whether we could establish the Strategic Plan now under our current form of government. While the Town could establish a Strategic Plan now, there is currently no mechanism for implementation and coordination of such a plan in place. Centralization in a Town Manager would be an effective means of implementing and coordinating such a plan.

THE TOWN CLERK

Summary of Proposed Changes to Town Clerk Position

The Town Government Study Committee (TGSC) recommends that the position of Town Clerk be changed from an elected position to an appointed position. The TGSC believes that the duties and responsibilities of a Town Clerk have become increasingly complex requiring specialized knowledge and training. The requirements for records generation and storage is crucial, and has evolved with technological advancements. The Town Clerk has critical responsibilities to ensure town compliance with many different requirements on the federal, state and local level. These responsibilities include: voter registration; the administration of elections; the administration of town records; vital statistics; and training in ethics, conflict of interest and the open meeting law. In addition, the administrative duties of the Town Clerk require knowledge of and skill in the use of technology.

The TGSC argues that enabling the Town Manager to appoint the Town Clerk ensures that the most qualified person with all of the necessary skills fills the position, and that the appointed Town Clerk would possess the optimal set of skills to work closely and successfully with other senior town officials. The TGSC believes that the Town would be assured of a larger pool of qualified candidates if the Town Clerk were to be appointed. In addition, an appointed Town Clerk would be subject to the municipal employees standards of conduct, Personnel Policies, work hours, vacation, sick days, and any other policies established by the Human Resources Department. An elected Town Clerk is not subject as a town employee to these policies or additional standards and requirements of the Human Resources Department.

In addition, while an elected Town Clerk may answer to the voters, his or her duties and responsibilities do not require independence. The Town Clerk's duties do not conflict with those of the Town Manager, and therefore, an elected Town Clerk does not serve as a check and balance to the Town Manager. While an individual town resident may feel personally connected to the Town as the Town Clerk, there is no guarantee that would be the case with future candidates. If an experienced professional were to become the Town Clerk, he or she would have the essential skills and knowledge necessary to serve successfully in the position, regardless of where he or she lived.

Advisory Considerations Regarding Proposed Changes to Town Clerk Position

Many Advisory members expressed frustration that this proposal is lumped into the Special Act in Article 3.A. They would have preferred to see this proposal as an independent article with the opportunity for a separate debate on the merits of an elected Town Clerk vs. an appointed Town Clerk apart from the proposal to switch to a town manager form of government.

Nonetheless, many members of Advisory agree with the TGSC recommendations. They recognize the complexity of the Town Clerk position and the importance of Town compliance requirements on the local, state and federal levels. Specialized knowledge, training and skills in the use of technology are essential to performing the day-to-day responsibilities of the Town Clerk. Several Advisory members were surprised to learn that an elected Town Clerk is not subject to the municipal employees standards of conduct, Personnel Policies, work hours, vacation, sick days, and any other policies or additional standards and requirements of the Human Resources (HR) Department. They see a benefit to all Town employees subjected to the same HR standards. Some members would prefer to see the salaried position fall under the purview of a Town Manager who is responsible for the Town budget. Many Advisory members do not agree with the argument that a Town Clerk should be a resident of the Town; these members believe it is most important that a Town Clerk be qualified for the job.

On the other hand, there are Advisory members who favor the present system of an elected Town Clerk and argue that an elected Town Clerk is answerable to the voters and serves at the will of the people, and not at the discretion of the Board of Selectmen or Town Manager. One member is especially concerned that if the Special Act in Article 3.A is passed, then the person in charge of the Town's elections would not be elected himself or herself. Those in favor of the elected position want the right to elect the official, and not have an appointment made by a Town Manager. In addition, some members maintain that the Town Clerk should be a resident of the Town; an elected town resident may feel a personal connection to the Town, unlike an appointed nonresident. These Advisory members believe that the tradition of an elected Town Clerk ensures independence of his or her actions.

If approved by Town Meeting and the voters, the transition to an appointed Town Clerk would take effect at the end of the current Town Clerk's three-year term or in the event of an earlier vacancy.

Advisory recommends favorable action, 9 to 5.

Article 3.B. To amend Article 19, Board of Selectmen, of the General Bylaws, as authorized by such Special Act. The proposed revisions to Article 19 replace references to the Executive Director of General Government Services with references to the Town Manager; update provisions related to appointments and licensing in accordance with such Special Act; delete sections that are to be moved to Article 20, Town Manager, of the General Bylaws, as further proposed under this Warrant Article, and to a new Article 6A, Budget Provisions, of the General Bylaws, as proposed in Warrant Article 4; and add new provisions setting forth the procedure and responsibilities for a Town-wide strategic plan. A copy of the proposed language for Article 19 of the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

(Town Government Study Committee)

BYLAW AMENDMENTS WITH TGSC ANNOTATIONS

September 28, 2015

OCTOBER 7: No Changes

ARTICLE 19. BOARD OF SELECTMEN

NOTE FROM TGSC: The current Article 19 sets forth the responsibilities of the Board of Selectmen and its relationship to the Executive Director of General Government Services. Much of the deleted material in this bylaw has been transferred to either the new Article 6A on the budget or to the new Article 20 on the Town Manager. Anything that is new to the Town bylaws has been noted. Please note that the changes indicated in this document show the amendments to the CURRENT Article 19, Board of Selectmen in our bylaws.

PART I. GENERAL PROVISIONS

19.1. Membership. The Town shall have an elected Board of Selectmen consisting of five registered voters of the Town.

19.2. Term. The term of office shall be three years.

PART II. GENERAL DUTIES

19.3. Powers. The Board of Selectmen shall be the chief executive board of the Town and shall oversee all matters affecting the interest and welfare of the Town. The Board shall exercise the power and authority vested in the Town not specifically delegated by law to any other board or office.

19.4. War Memorial Scholarship Fund Trustees. The Board of Selectmen shall be *ex officio* the War Memorial Scholarship Fund Trustees, who shall manage said fund in accordance with the provisions of Chapter 229 of the Acts of 1951, as amended and as the same may be amended from time to time hereafter. The Town Treasurer shall be the custodian of all funds and securities thereof. The Board of Selectmen shall include in the Annual Report a financial report of said fund, showing the total amount thereof, investments, receipts and their sources and disbursements and their purposes.

NOTE FROM TGSC: The entire section 19.5 on Capital Budgeting and Investments has been transferred to the new Article 6A (Section 6A.5) on the budget.

19.5.3. Investment of Town Funds. The Board of Selectmen, after consultation with the ~~Executive Director of General Government Services~~ Town Manager, shall set guidelines and criteria for the Finance Department for the investment of any and all types of Town funds, including trust funds, and shall establish adequate procedures for the reporting of investments of Town funds.

19.6. General Duties. The Board of Selectmen shall have all of the powers and duties of boards of selectmen under the General Laws.

NOTE FROM TGSC: The appointments deleted in this section will now be made by the Town Manager rather than by the Board of Selectmen. The appointment of the Dog Officer will be made on the recommendation of the Police Chief, approved by the Town Manager. The remaining Selectmen appointments consist of appointments to the boards themselves (i.e., Council on Aging) or of individuals for whom there is a statutory or other reason for the Selectmen to make the appointments.

19.7. Appointments. The Board of Selectmen shall appoint qualified persons to those positions which by law the board fills by appointment. Those positions include but are not limited to:

- | | | | |
|---|-------------------------|---|---------------------------------------|
| 1. Executive Director of
General Government Services | Town Manager | 8. Constable | 15. Civil Defense Director |
| 2. Fire Chief | | 16. Inspector of Wires | |
| 3. Police Chief | | 17. Inspector of Gas | |
| 2. Town Counsel | | 18. Building Inspector | |
| 3. Zoning Board of Appeals
(including associate
members) | | 9. Council on Aging | |
| 4. Historical Commission | | 10. Youth Commission | |
| 5. Celebrations Committee | | 21. Keeper of the Lockup | |
| 6. Registrars of Voters
Commission | (3 of 4) | 11. Special Police | |
| 7. Election Officers | | 23. Dog Officer | 12. Historic District |
| 10. Director of Veterans' Services
Wellesley | | 25. Cable Television Committee | |
| 11. Veterans' Grave Officer | | 13. Wellesley Cable Access Board
Media Corp. (three members) | |
| 12. Sealer of Weights and Measures | | 14. Municipal Light Board (two members) | |
| 13. Public Weighers | | | |

19.8. Communication and Cooperation. The Board of Selectmen shall encourage and facilitate close communication and cooperation among all boards, officers and officials.

19.9. Investigations. The Board of Selectmen shall exercise the authority granted by Chapter 41, Section 23B of the General Laws to investigate the conduct and operation of any Town department and publish a report upon completion of such investigation.

19.10. Appearance Before Other Bodies. The Board of Selectmen may appear personally, by counsel or by a designee before any committee of the General Court or before any other person or body to protect the interests of the Town. The Board is not authorized by this section to commit the Town to any course of action.

19.11. Legal Actions and Settlements. The Board of Selectmen shall have full authority as agents of the Town, acting upon the advice of counsel, to institute, prosecute, defend and compromise any and all claims, actions, and proceedings on behalf of or against the Town and in which the interests of the Town are or may be involved. However, this authority shall not restrict the Collector of Taxes in the exercise of the powers for the collection of taxes and accounts due the Town conferred upon the Collector of Taxes by the General Laws. No settlement shall be made by a payment of more than \$5000 without authority from the Town. Note: The responsibility placed on the Town Manager for these functions is found in Section 20.3.r.

NOTE FROM TGSC: The following sections, Actions of Town Meeting (Section 19.12), Enforcement of Bylaws and Regulations (Section 19.13), and Review of Bylaws and Government (Section 19.14) have been moved to new Article 20, the Town Manager, Sections 20.3.n., 20.3.f., and 20.3.s., respectively. The provisions of Section 19.15 have been picked up by Article 6A, the new budget article and by Article 20, the new article on Town Manager.

~~**19.12. Actions of Town Meeting.** The Selectmen shall oversee the implementation of the actions of Town Meeting.~~

~~**19.13. Enforcement of Bylaws and Regulations.** The Selectmen shall be responsible for the enforcement of all bylaws and regulations of the Town.~~

~~**19.14. Review of Bylaws and Government.** The Selectmen shall periodically review the bylaws and the structure and functioning of Town government and make appropriate recommendations to the Town.~~

NOTE FROM TGSC: Section 19.16, Town-Wide Financial Planning and Budgeting has been moved to Article 6A (Section 6A.6.), the new article on the budget provisions.

NOTE FROM TGSC: The following section, 19.17, has been moved to the Town Manager bylaw, Section 20.3.o.

~~**19.17. Weekly Warrant.** The Selectmen shall approve all bills before payment by the Treasurer.~~

NOTE FROM TGSC: The following section is all new.

19.12. Town-Wide Strategic Plan. The Board of Selectmen shall be responsible for preparation of a Town-Wide Strategic Plan. The Strategic Plan shall form a holistic, integrated agenda for the Town that reflects the goals, objectives and strategies that may be adopted from time to time by Town boards. The Board of Selectmen shall publish an updated Strategic Plan at least every five years; provided, however, that the Town Manager shall be responsible for implementing, monitoring and assessing progress on the Strategic Plan, and for presenting to the Annual Town Meeting an update.

a. The Strategic Plan shall include:

(i) an articulated long-range vision for the Town;

(ii) a mission statement of Wellesley Town government, including a statement of purpose(s) describing the functions of the municipal government and for whom it provides those functions;

(ii) a specification of broad community goals and priorities;

(iv) a statement of objectives: identification of deliverables, both products and services to be provided;

(v) strategies by which objectives and goals will be achieved and by whom, as well as a timeline for action;

(vi) recommended action items for coordinating and integrating board or departmental objectives within a Town-wide context;

(iii) existing or anticipated financial constraints on the ability of the Town to pursue the objectives of the Strategic Plan and how those constraints will be addressed;

(iv) specific and measurable metrics for assessing progress at agreed-upon time intervals; and

(iv) such other matters as are deemed appropriate by the Board of Selectmen.

- b. In preparing the Strategic Plan, the Board of Selectmen shall consult with Town boards and department staff, as well as residents and other constituencies and stakeholders. All Town boards, officers, and staff are expected to cooperate and participate in the preparation of the Strategic Plan.

19.13. System for Citizen Inquiries. The Board of Selectmen shall establish a system to be administered by the ~~Executive Director of General Government Services~~ Town Manager to take effective and efficient action on citizen complaints and requests for service.

Note: This section has been moved from the current Section 19.18.

19.14. Licensing Board.

NOTE FROM TGSC: This section has been revised based on the new provisions in the Special Act Section 1(D).

- a. Except as otherwise provided in Section 19.14.b, the Board of Selectmen or its designee shall serve as the local licensing authority ~~board~~ for the Town. ~~under those statutes granting licensing powers to boards of selectmen.~~ The Board shall adopt rules and regulations regarding the issuance of such licenses.
- b. The Board of Selectmen shall be the local licensing authority for the issuance of all licenses pursuant to Chapter 138 of the General Laws; provided, however, that the Board or its designee may issue temporary licenses in accordance with Chapter 138, Section 14 of the General Laws.
- c. In granting of licenses for the sale of wines and malt beverages not to be drunk on the premises as authorized by ~~Chapter e-~~ 14 of the Acts of 2014, the Board of Selectmen shall limit such licenses to food stores and specialty food stores, said

terms to be defined by the ~~Selectmen~~ in regulations adopted by the ~~Selectmen Board~~ after a public hearing. (~~Amended ATM 2014~~)

NOTE FROM TGSC: Section 19.20, House Numbers, has been moved to the new Article 20 on Town Manager (Section 20.14).

19.24.15. Municipal Charges Lien. No municipal charges lien to secure reimbursement to the Town for its expenses incurred, properly chargeable to the property owner, in correcting any particular encroachment onto town-owned land, authorized by ~~G.L.c. Chapter 40, Section 58 of the General Laws and vote of the 2012 Annual Town Meeting on April 2, 2012, acting under Article 30 of the Warrant for said meeting,~~ shall be imposed without the Selectmen's approval following the giving of due notice to the person to be charged and an opportunity to be heard. (*New section ATM 2012*)

19.22.16. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

NOTE FROM TGSC: The provisions relating to the Executive Director of General Government Services (Sections 19.31-19.34) have been eliminated and replaced by the new Article 20 on Town Manager.

NOTE FROM TGSC: The entire Section on the Finance Department (Sections 19.41 to 19.49) has been moved to new Article 20 on Town Manager (Sections 20.4 through 20.12).

PART V— III. TOWN MEETING DUTIES

19.54. 17. Town Meeting. The Board of Selectmen is responsible for calling all Town Meetings and shall take such actions as are required by law or by Article 8 of these bylaws relative to such Town Meetings.

19.52. 18. Closing of Warrant. The Board of Selectmen shall, by notice to each board and by notice in a newspaper generally circulated in the Town, specify the date when the warrant for any Town Meeting shall close.

19.53. 19. Copies of Warrant. The Board of Selectmen, after drawing a warrant for a Town Meeting, shall promptly transmit a copy of the warrant to each member of the Advisory Committee and to each Town Meeting Member.

19.54.20. Copies of Motions. The Board of Selectmen shall distribute copies of all draft motions received by them to the Town Manager, Moderator, Advisory Committee and Town Counsel, as well as to any board that, in its opinion, is likely to have an interest in the motion, so that they may communicate with the author of the motion as far in advance of the meeting as possible. Copies of such drafts shall also be available for public inspection at the Board's office and at the Wellesley Free Library.

ADVISORY REPORT

The Town Government Study Committee asks Town Meeting to amend the provisions of the General Bylaws concerning the General Duties of the Board of Selectmen (BOS) to conform with such action as Town Meeting may take regarding the Special Act under Article 3.A:

- Section 19.5 Capital Budgeting and Investments
- Section 19.7 Appointments
- Section 19.12 Actions of Town Meeting
- Section 19.13 Enforcement of Bylaws and Regulations
- Section 19.14 Review of Bylaws and Government
- Section 19.16 Town-Wide Financial Planning and Budgeting
- Section 19.17 Weekly Warrant
- Section 19.18 System for Citizen Inquiries (reclassified as section 19.13)
- Section 19.14 Licensing Board
- Section 19.20 House Numbers
- Section 19.21 Municipal Charges Lien (reclassified as section 19.15)
- Section 19.22 General Provisions (reclassified as section 19.16)
- Sections 19.31-19.34 Executive Director of General Government Services
- Sections 19.41-19.49 Finance Department
- **NEW** section 19.12 Town-Wide Strategic Plan

Section 19.5 Capital Budgeting and Investments and Section 19.16 Town-Wide Financial Planning and Budgeting

These sections move responsibility for the Town's financial planning functions to Article 6.A Budget Provisions. If the Special Act passes, then the Town Manager would be responsible for preparation of a Town-wide annual operating budget with a budget Message, a Town-Wide Five-Year Capital Projects Budget and a Town-Wide Financial Plan. The Town Manager would submit these plans to the BOS and the Advisory Committee and ultimately present them to the Annual Town Meeting (ATM).

Section 19.7 Appointments

This section designates responsibility for Town appointments. The BOS would appoint the Town Manager and the title of Executive Director of General Government Services would be removed from the Town Bylaw. In addition, the Town Manager, rather than the BOS, would now appoint the following positions:

1. Fire Chief, with BOS approval
2. Police Chief, with BOS approval
3. Director of Veterans' Services
4. Veterans' Grave Officer
5. Sealer of Weights and Measures
6. Public Weighers
7. Civil Defense Director
8. Inspector of Wires
9. Inspector of Gas
10. Building Inspector
11. Keeper of the Lockup

12. Dog Officer (Note: the appointment of the Dog Officer will be made on the recommendation of the Police Chief and approved by the Town Manager)

Sections 19.12 Actions of Town Meeting, Section 19.13 Enforcement of Bylaws and Regulations and Section 19.14 Review of Bylaws and Government

Currently, the BOS has responsibility for overseeing and/or implementing the actions of Town Meeting, the enforcement of all Town Bylaws and regulations, and periodic review of the Bylaws and the structure and functioning of Town Government. Further, the BOS is responsible for making appropriate recommendations to the Town with regard to the above. If the Special Act in Article 3.A is approved, then the Town Manager would assume responsibility for these duties. Accordingly, this Bylaw amendment would transfer said responsibilities to Article 20, the Town Manager, Sections 20.3.n, 20.3.f, and 20.3.s, respectively.

(New) Section 19.12 Town-Wide Strategic Plan

This section is all new: The BOS would be responsible for preparation of a Town-Wide Strategic Plan that establishes a long-range vision and mission statement for the Town. The Plan would specify community goals and priorities and would include a statement of objectives and deliverables, both products and services to be provided, as well as strategies for achieving town goals and objectives. The plan would further recommend action items for coordinating and integrating objectives, discuss existing or anticipated financial constraints (and how those constraints would be addressed), and establish metrics for assessing progress.

In preparing the Strategic Plan, the BOS would consult with Town boards and department staff, as well as residents and other constituencies and stakeholders. The Plan would be updated and published at least every five years.

Section 19.14 Licensing Board

The BOS retains licensing authority for the Town; however, it may appoint a designee for some licenses. This designee could be the Town Manager, among others. The BOS may not delegate licensing authority for alcohol licenses, except for "one day licenses."

Section 19.17 Weekly Warrant

The BOS will transfer its authority for the approval of all bills to the Town Manager. See Article 20, Section 20.3.o.

Section 19.18 System for Citizen Inquiries

This section changes the title of Executive Director of General Government Services to Town Manager and changes the Section number to 19.13. There is no change in responsibility.

Section 19.20 House Numbers

Responsibility for designating house numbers has been moved to the new Article 20, Section 20.4, Town Manager.

Sections 19.31-19.34 Executive Director of General Government Services

Provisions relating to these sections have been eliminated and replaced by the new Article 20 on Town Manager.

Sections 19.41-19.49 Finance Department

The entire section on the Finance Department has been moved to new Article 20 on Town Manager (Sections 20.4 through 20.12).

ADVISORY CONSIDERATIONS

If Town Meeting approves the Special Act in Article 3.A, then the proposed amendments of the Town's Bylaws in Article 3.B would be necessary to make the bylaws conform to the new law. The amendments would transfer appointment authority from the BOS to the Town Manager, assign responsibility for the preparation of a Town-Wide Strategic Plan to the BOS, and transfer several responsibilities from the BOS to the Town Manager, as spelled out in the new Article 20 and in the new Article 6.A (see Warrant Article 3.C and Warrant Article 4.A). The Advisory Committee has reviewed the proposed amendments with Town Counsel and agrees that these amendments are necessary if the Special Act that is set forth in Article 3.A is approved by Town Meeting.

Five members of the Advisory Committee voted unfavorable action on the Special Act in Article 3.A, but all 14 members voted favorable action on Article 3.B. The reasons some members voted against Article 3.A have to do with the change in Human Resource functions with regards to the boards and the department heads (as described in the Advisory Considerations in Article 3.A). The amendments in Article 3.B have to do with transferring responsibilities currently held by the BOS (and not by other boards) to the proposed Town Manager; none of the Advisory members object to these proposals. In addition, every Advisory member agrees with the proposal to assign responsibility of a Town-Wide Strategic Plan to the BOS.

Advisory recommends favorable action, 14 to 0.

Article 3.C. To amend the General Bylaws by deleting Article 20, Telecommunications Advisory Committee, thereof in its entirety and inserting, in place thereof, a new Article 20, as authorized by such Special Act. The proposed Article 20 establishes the position of Town Manager in accordance with the Special Act, assigns powers and duties to the Town Manager, establishes basic qualifications for the Town Manager, recodifies and updates sections related to the Department of Financial Services to reflect the Town Manager's supervisory role over the Department, and adds new provisions for temporary and acting Town Managers. A copy of the proposed language for Article 20 of the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

or take any other action in relation thereto.

(Town Government Study Committee)

BYLAW AMENDMENTS WITH TGSC ANNOTATIONS

September 28, 2015

Rev. October 7, 2015

NOTE FROM TGSC: Article 20 sets out the new bylaw on Town Manager. It is based on the new Special Act and on the existing Article 19 bylaw about the Board of Selectmen. We have identified which sections are new or the source for the provisions.

ARTICLE 20. TOWN MANAGER

NOTE FROM TGSC: Part I is based on the Special Act.

PART I. GENERAL PROVISIONS

20.1. Town Manager. The Town shall have a Town Manager who shall be responsible to the Board of Selectmen for the proper administration of all town affairs placed in the Town Manager's charge by or in accordance with the provisions of any applicable Special Act.

20.2. Appointment of the Town Manager.

a. The Board of Selectmen may elect to enter into a written contract with the Town Manager pursuant to Chapter 41, Section 108N of the General Laws. The Town Manager may be appointed or re-appointed for successive terms of office, no term of which shall be for more than five years.

b. Prior to initiating any effort to recruit any candidate to serve as Town Manager, the Board of Selectmen shall establish minimum educational, municipal administration, leadership and supervisory qualifications for the office. In addition to the qualifications required by any applicable Special Act, the Town Manager shall have comprehensive knowledge of the functions of municipal government and the management of municipal finance, as well as demonstrated skills in managing the interests of multiple stakeholders. In appointing a Town Manager, the Board may waive any such minimum qualifications only upon a finding that specific substitute requirements can be adopted that will result in substantial protection of the public interest and the rights of persons affected by the waiver.

c. The Town Manager may be removed in accordance with the procedures set forth in any applicable Special Act.

PART II. GENERAL POWERS AND DUTIES

NOTE FROM TGSC: Most of this section is found in the Special Act unless otherwise noted.

20.3. Powers and Duties. The Town Manager shall be the chief administrative officer of the Town, whose powers and duties shall include:

- a. Notwithstanding the provisions of Chapter 41, Sections 69E and 97A, the Town Manager may fix the compensation of all Town officers and employees appointed by the Town Manager within the limits established by applicable appropriations and any compensation plan in effect at such time.

Note: The Special Act will override General Laws ch. 41 with respect to the authority of the Board of Public Works to appoint its director (Section 69E) and of the Selectmen to appoint the Police Chief (Section 97A).

NOTE FROM TGSC: The following is the detailed section on staff appointments, goal-setting, evaluation and removal.

- b. Notwithstanding the provisions of Chapter 48, section 42 or 42A, if accepted at any time by the Town, or any other general or special law to the contrary, the Town Manager may, in accordance with the Personnel Policies approved pursuant to Section 30.10, appoint and remove a Police Chief, a Fire Chief or Chief Fire Engineer, a Town Clerk and all other department heads and ~~officers, subordinates and employees of the Town,~~ except for employees of the School Committee, the Municipal Light Board, appointments made by the Commonwealth and those appointments for which another method of appointment is otherwise provided for. Notwithstanding the provisions of any general or special law to the contrary, appointment of subordinates and all other employees shall be made by the Town Manager or the Town Manager's designee within the affected department in accordance with approved Personnel Policies.
 - (i) Appointments of the Police Chief and Fire Chief or Chief Fire Engineer shall not take effect unless approved by the Board of Selectmen.
 - (ii) Any appointment of other department heads or chief staff employees of elected and appointed boards and committees shall be made only after consultation with such board regarding applicable duties and qualifications; and an opportunity for such board to interview one or more final candidates submitted by the Town Manager or through a process under the direction of the Town Manager. Such appointment shall take effect no sooner than (a) (1) it is approved by such board or committee; or (b) (2)-15 calendar days after written notice of the appointment has been provided to such board or committee without any action thereon; whichever occurs first.
 - (iii) In accordance with the Personnel Policies approved pursuant to Section 30.10, and after consultation with affected boards, the Town Manager shall establish annual goals for and conduct annual evaluations of all

department heads and officers subject to appointment by the Town Manager.

(iv) The Town Manager may remove any employee in accordance with the Personnel Policies approved pursuant to Section 30.10.

(v) The Town Manager shall provide written notice to the affected board or committee before any removal of a department head or chief staff employee of such board or committee if practicable, but in no case later than the end of the third business day following the removal of a department head or chief staff employee.

NOTE FROM TGSC: The Special Act overrides the General Law provisions that authorize the Board of Selectmen to appoint the Chief Fire Engineer (i.e., our Fire Chief).

- c. The Town Manager shall manage and supervise all Town departments except for the School Department and the Municipal Light Department.
- d. The Town Manager may, except as otherwise prohibited by law, re-organize, consolidate, abolish or create Town departments in whole or in part, and transfer the duties, powers and appropriations incidental to the reorganization of one Town department to another as follows:
 - (i) For Town departments under the supervision of the Board of Selectmen, with the approval of the Board of Selectmen; and
 - (ii) For all other Town departments, after consultation with the affected board, and with the approval of the affected board or Town Meeting.
- e. The Town Manager shall direct the operational and strategic planning for the town and shall support the Board of Selectmen in the preparation of a Town-Wide Strategic Plan pursuant to section 19.12.

NOTE FROM TGSC: Section 19.12 sets out the responsibility of the Board of Selectmen for the preparation of a Town-Wide strategic plan.

- f. The Town Manager shall provide for the execution and enforcement of the provisions of law that require enforcement by Town officers and employees subject to the Town Manager's direction and supervision.
- g. The Town Manager shall keep the Board of Selectmen fully informed as to the financial condition and needs of the Town and to make such recommendations to the Board of Selectmen as the Town Manager may deem necessary or appropriate.
- h. The Town Manager shall ensure that a full and complete record of the financial and administrative activities of the Town is kept, and render a report of such activities to the Board of Selectmen at the end of each fiscal year and at such other times as may be required by the Board of Selectmen.

- i. The Town Manager shall prepare and submit a proposed Town-wide annual operating budget, financial plan and the five-year capital budget program in accordance with Article 6A.

NOTE FROM TGSC: Article 6A is the new bylaw on the budget process.

- j. The Town Manager shall be responsible, directly or through other Town Boards or departments, for the preparation of plans and the supervision of work on all construction, reconstruction, alterations, improvements and other undertakings for public buildings authorized by the Town.

NOTE FROM TGSC: Section j. is not in the Special Act. It is intended to make it clear that the Town Manager is ultimately responsible for all of this work whether it is directly by the Town Manager's supervision of the Facilities Maintenance Department or through the work of the Permanent Building Committee.

- k. Except as otherwise provided by law, the Town Manager shall act as the collective bargaining agent for the Town. In consultation with the human resources director, the Town Manager shall negotiate collective bargaining agreements for execution by the Board of Selectmen; provided, however, that nothing contained herein shall be construed to limit the authority of the Town Manager to participate and vote as a member of the School Committee for the purpose of representing the Town pursuant to Chapter 150E of the Massachusetts General Laws.
- l. The Town Manager shall attend all regular and special meetings of the Board of Selectmen except when excused.
- m. The Town Manager shall attend all sessions of Town Meetings in order to be available to answer all questions directed to the Town Manager that are related to the Town Manager's office or to matters within the Town Manager's authority.
- n. The Town Manager shall oversee the implementation of the actions of Town Meeting.
- o. The Town Manager shall have the authority to approve any warrants for the payment of Town funds prepared by the Finance Director; provided, however, that the approval of any such warrant by the Town Manager shall be sufficient to authorize payment by the Treasurer, and provided further that the Board of Selectmen or its designee shall have the authority to approve such warrants in the event of a vacancy in the office of Town Manager or in the Town Manager's absence.
- p. The Town Manager shall be the Town's Chief Procurement Officer, who may delegate the powers and duties of such position as provided by law.

NOTE FROM TGSC: Section p. is not in the Special Act. Under Mass. General Laws, each town must have a Chief Procurement Officer. At the present time, it is the Executive Director.

- q. The Town Manager shall have full responsibility for the rental and use of all Town buildings, except those under the care, custody, management and control of the School Committee, the Board of Library Trustees, the Municipal Light Board or

other boards as specified by bylaw or Town Meeting vote. The Town Manager or the Town Manager's designee ~~Board of Selectmen~~ shall be responsible for the maintenance and repair of all property except for property under the care, custody and control of the Municipal Light Board.

NOTE FROM TGSC: Section q. is not in the Special Act. The intent here in the first sentence is to make it clear the Town Manager has the responsibility for the use and rental of Town buildings with the exceptions as noted. In the second sentence, the intent is to provide for the centralized function of the Facilities Maintenance Department vis-à-vis maintenance and repair of Town property.

- r. The Town Manager, under the direction of the Board of Selectmen pursuant to Section 19.11, shall prosecute or defend all litigation to which the Town is party in consultation with counsel unless otherwise directed by the Board of Selectmen, shall act as primary liaison with all legal counsels on matters relevant to the Town, shall assist Town Counsel with preparation of litigation proceedings and materials and shall employ special counsel with the approval of the Board to assist Town Counsel whenever the Town Manager considers it necessary.

NOTE FROM TGSC: Section r. is not in the Special Act. Section 19.11 makes it clear that the Board of Selectmen is responsible for instituting, prosecuting, defending and compromising claims and other actions.

- s. The Town Manager shall periodically review the bylaws and the structure and functioning of Town government and make appropriate recommendations to the ~~Town~~ Board of Selectmen.

NOTE FROM TGSC: Section s. currently exists in Section 19.14. The responsibility for reviewing the bylaws and the structure of town government is being shifted from the Board of Selectmen to the Town Manager. The Town Manager will make recommendations to the Board of Selectmen who then may or may not act on the recommendations.

- t. The Town Manager shall serve as the Executive Officer of the Town for the purposes of Chapter 258 of the General Laws.

NOTE FROM TGSC: G.L.c.258 is the Massachusetts Tort Claims Act governing how negligence claims may be brought against municipalities.

- u. The Town Manager shall perform any other duties required by state law, Town bylaw, Town Meeting vote or the Board of Selectmen.

PART II. FINANCE DEPARTMENT

NOTE FROM TGSC: Sections 20.4 through 20.13 have been moved in their entirety, except as otherwise noted, from Article 19, Sections 19.41 through 19.49. We have indicated the changes from the current provisions by underlining additions and striking out the language to be deleted. If editing or substantive changes could be made in these sections, we suggest those changes be made in the context of a major revision to the Town Bylaws. The name of the Department has been updated from "Department of Financial Services" as provided in the bylaws to the name currently in use "Finance Department."

20.4. Department. The Town shall have a Finance Department headed by the Finance Director who shall be the Town's Chief Financial Officer.

20.5. Finance Director. The ~~Executive Director~~ Town Manager may elect to enter into a contract with the Finance Director pursuant to G. L. c. 41, § 108 N, subject to the Board of Selectmen's approval. The Finance Director shall be the Town Accountant and shall have, except as expressly provided by these bylaws, the powers and duties vested by law in comptrollers and town accountants. Among the duties and responsibilities of the Finance Director shall be the following:

- a. Coordinating and administering Town financial services and activities, including providing support as needed to the Advisory Committee and other Town boards and committees.
- b. Serving as a member of the Retirement Board ex officio.
- c. Assisting in the development of budgets and reviewing all budgets for format, completeness, and accuracy before submission to the Advisory Committee.
- d. Assisting the ~~Executive Director~~ Town Manager in preparing and supervising purchasing and inventory control procedures.
- e. Administering the disposal of Town property.
- f. Maintaining Town accounting records and financial statements and cooperating in the performance of annual audits.
- g. Paying all Town obligations, after securing required approvals.
- h. Monitoring all expenditures of Town funds.
- i. Timely reporting to the Board of Selectmen and to other appropriate boards of actual or foreseeable incurring of obligations or expenditures of funds in excess of budgeted appropriations.
- j. Maintaining payroll and other financial records relating to all Town personnel.
- k. Sending to each board, at regular intervals, a statement of the funds expended during the preceding month and a statement of the balances remaining under appropriated budgets.

20.6. Treasurer and Collector of Taxes. The Town shall have a Town Treasurer and Collector of Taxes ("Treasurer/Collector"), who shall be appointed by the Finance Director, for a three year term commencing on July 1, subject to the approval of the ~~Executive Director~~ Town Manager. The Treasurer/Collector shall have, except as otherwise expressly provided by these bylaws, the powers and duties vested by law in Town treasurers and collectors of taxes. Among the duties and responsibilities of the Treasurer/Collector shall be the following:

- a. Collection of taxes and other funds due the Town, including the receipt of payments made on utility bills prepared and sent by the Department of Public Works;

- b. Initiation, with the assistance of the ~~Executive Director~~ Town Manager and with the approval of the Board of Selectmen, of legal action to collect overdue funds payable to the Town;
- c. Delivery of copies of any notice required by General Laws, Chapter 60, of intent to take land for the Town for nonpayment of taxes and of subsequent action relating to such taking and copies of any court order of judgment with respect to the validity or invalidity of the title in any parcel of land so taken, to the Board of Selectmen, Planning Board, Board of Public Works, Natural Resources Commission, Housing Authority, Recreation Commission, School Committee and any other board that may request such notice, or their successors; and
- d. Investment of Town funds in accordance with the guidelines and criteria set by the Board of Selectmen for the investment of any and all types of Town funds as provided in Article 19.5.3- Investment of Town Funds.
- e. Inform all licensing authorities and assist in the collection of unpaid taxes, fees, assessments, betterments, and other municipal charges in accordance with the following procedure:

(I) The Tax Collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as The Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(II) The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Licensing Authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Licensing Authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as the date of issuance of said certificate.

(III) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(IV) The Board of Selectmen, may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section one of Chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: (The references hereinafter set forth being to the General Laws): Open Burning (Section thirteen of Chapter forty-eight); Bicycle Permits (Section eleven A of Chapter eighty-five); Sales of Articles for Charitable Purposes (Section thirty-three of Chapter one hundred and one); Children Work Permits (Section sixty-nine of Chapter one hundred and forty-nine); Clubs and Associations Dispensing Food or Beverage Licenses (Section twenty-one E of Chapter one hundred and forty); Dog Licenses (Section one hundred and thirty-seven of Chapter one hundred and forty); Fishing, Hunting, Trapping License (Section twelve of Chapter one hundred and thirty-one); Marriage Licenses (Section twenty-eight of Chapter two hundred and seven) and Theatrical Events, Public Exhibition Permits (Section one hundred and eighty-one of Chapter one hundred and forty).

20.7. Purchasing Guidelines. ~~The Executive Director, Town Manager,~~ in cooperation with the Superintendent of Schools, the Director of Public Works and any other Town Officers selected by the ~~Executive Director-Town Manager,~~ shall adopt policies and procedures governing the process by which each board or department of the Town purchases or leases any item or service. The policies and procedures shall, among other things:

- a. Implement the several General Laws governing procurements by all Town departments, by providing internal procedures and guidelines for all Town procurements including, without limitation, those procurements governed by General Laws, Chapter 30B, the Uniform Procurement Act, and such other governing authority, when deemed by the ~~Executive Director-Town Manager~~ to be helpful to the procuring departments and to the Finance Department;
- b. Ensure compliance with the 3-year limitation in procurement contracts governed by the Uniform Procurement Act, except to the extent a longer term has been authorized by Town Meeting pursuant to General Laws, Chapter 30B, Section 12 (B), in the following respects:

TYPE OF CONTRACT	LIMIT ON DURATION
1. Communication, (Equipment and/or servicing thereof)	5 Years
2. Trash removal from municipal buildings	5 Years
3. Transportation of school children	5 Years
4. Food services beverages	5 years (<i>New ATM 2002</i>)

- c. Facilitate cooperation among all Town boards and departments to ensure that, to the extent possible, all Town boards and departments jointly purchase materials and supplies used by more than one board and department;
- d. Encourage bidding for serial purchasing of major items, as defined by the ~~Director~~ Town Manager, by requiring that each board or department prepare annually a schedule of the anticipated quantity of major items to be purchased and the anticipated timing for writing specifications, advertising for bid, awarding contracts, and receiving the merchandise.

20.8. Inventory Records and Controls. The ~~Executive Director~~ Town Manager shall adopt policies and procedures by which all boards and departments maintain inventory records of all Town supplies, materials, and equipment and the procedures to be used for maintaining inventory controls.

20.9. Payment of Town Funds. The ~~Executive Director~~ Town Manager shall adopt policies and procedures governing the disbursement of Town funds. These policies and procedures shall, among other things, require that payment for purchases shall be processed in the following manner:

- a. No money shall be paid from the treasury of the Town without a warrant or order prepared by the Town Accountant and signed by ~~a majority of the Selectmen.~~ the Town Manager.
- b. The Town Accountant shall have custody of all vouchers which have been entered on warrants for payment and approved by the ~~Selectmen.~~ the Town Manager. These vouchers shall be available for inspection during regular business hours.
- c. Whenever the account of any appropriation, other than an appropriation for a special purpose (such as a construction contract), for which the work has not been completed shows an unexpended balance at the end of the fiscal year, such balance (except in the case of the Municipal Light Plant) shall revert to the treasury of the Town as unappropriated funds; and
- d. No work, the payment for which is in any part to be contributed voluntarily by private individuals, firms or corporations shall be performed by the officer, official, department, or board of the Town having charge thereof, until a sufficient sum has been deposited with the Town Treasurer to cover such voluntary contributions.

20.10. Disposal of Town Property. The ~~Executive Director~~ Town Manager shall adopt policies and procedures governing the disposal of surplus and obsolete Town property. "Disposal" includes any method by which the officer, official, board, or department responsible for the property terminates or substantially reduces its right to control the property. The policies and procedures shall, among other things:

- a. Implement the General Laws governing the disposal to a third party of a tangible supply no longer useful to the Town but having re-sale or salvage value (General Laws, Chapter 30B, Section 15) and the rental, conveyance or other disposition of real property (General Laws, Chapter 30B, Section 16).

- b. Establish internal procedures to ensure that no tangible or real property of the Town shall be disposed of to a third party without first ascertaining that it is not in the Town's interest to retain and/or transfer the property to another Town department.
- c. Provide that no property belonging to the Municipal Light Plant having a value in excess of \$30,000, no other tangible Town property having a value in excess of \$10,000, and no real property shall be disposed of without Town Meeting approval.
- d. Provide that each board, officer, official, and department shall annually view its property for obsolescence and report thereon to the ~~Executive Director~~ Town Manager and shall promptly take steps for all surplus and obsolete property.

20.11. Evasion. No action shall be taken to increase or decrease, by combination or division or in any other way, the value of any item, service, or piece of property so as to avoid the effects of policies and procedures adopted by the ~~Executive Director~~ Town Manager under Sections ~~19.44. and 19.47.~~ 20.7. and 20.10.

20.12. Annual Report. In addition to the requirements of Article 4, the ~~Executive Director's~~ Town Manager's annual report shall satisfy the requirements of Chapter 41, Section 61 of the General Laws and shall include financial statements showing the financial condition of the Town at the close of the last completed fiscal year, the results of operations in the fiscal year last completed (in the usual accounting format but of limited length and complexity), and a summary statement of (i) all investments made by the Town during the last completed fiscal year, including the rates of return, (ii) all borrowings, including amounts, rates of interest, and names of lenders from whom the money was borrowed and (iii) a list of insurance policies showing the property covered, the amount of each policy, the premiums, the names of the insurers, and the agents through whom the policies were purchased. The ~~Executive Director's~~ Town Manager's report need not repeat information contained in the annual report of the Audit Committee.

PART III: Temporary Town Manager and Acting Town Manager

NOTE FROM TGSC: This provision is new.

20.13. Temporary Town Manager and Acting Town Manager.

- a. The Town Manager may appoint a Temporary Town Manager, to whom the Town Manager may delegate all or some of the powers and duties of the Town Manager during a short-term absence.
- b. The Board of Selectmen may appoint an Acting Town Manager, to whom the Board of Selectmen may delegate all or some of the powers and duties of a Town Manager on an interim basis.

PART IV. House Numbers

NOTE FROM TGSC: This provision was the old Section 19.20.

20.14. Street Numbers. The ~~Selectmen~~ Town Manager may at any time in ~~its~~ the Town Manager's discretion, and shall within ten days from the receipt of a request from the owner of any building, designate the numbers to be affixed to or painted on the building. The owner of each building so designated shall comply within ten days after receiving notice thereof.

ADVISORY REPORT

The Town Government Study Committee asks Town Meeting to delete Article 20 of the General Bylaws, "Telecommunications Advisory Committee," and to replace it by a new Article 20, "Town Manager." The new Article 20 would harmonize the General Bylaws with the Special Act and with the changes in Article 19 of the General Bylaws regarding the Board of Selectmen (BOS) addressed in the motions under Articles 3.A and 3.B of the Special Town Meeting Warrant. Some provisions are entirely new and some provisions were adapted from existing provisions, as noted below. This article also re-codifies into Article 20 what was formerly part of Article 19 regarding the Finance Department. This Bylaw includes:

Part I. General Provisions

- Article 20.1 Town Manager
- Article 20.2 Appointment of Town Manager

Part II. General Powers and Duties

- Article 20.3 Powers and Duties

Part III. Finance Department

- Article 20.4 Department
- Article 20.5 Finance Director
- Article 20.6 Treasurer and Collector of Taxes
- Article 20.7 Purchasing Guidelines
- Article 20.8 Inventory Records and Controls
- Article 20.9 Payment of Town Funds
- Article 20.10 Disposal of Town Property
- Article 20.11 Evasion
- Article 20.12 Annual Report

Part IV. Temporary Town Manager and Acting Town Manager

- Article 20.13 Temporary Town Manger and Acting Town Manager

Part V. House Numbers

- Article 20.14 Street Numbers

PART I. GENERAL PROVISIONS

Part I is new and is based upon the Special Act.

Article 20.1 Town Manager

This article provides that the Town would have a Town Manager who reports to the BOS. The Town Manager would be responsible for the proper administration of town affairs within the Town Manager's authority.

Article 20.2 Appointment of the Town Manager

This article authorizes the BOS to enter into a written employment contract with the Town Manager for a term of up to five years. The BOS may appoint the Town Manager for successive terms; there is not a limitation to the number of terms except that each term may not last more than five years. This article also provides that the BOS will establish qualifications for the office. The article provides that in addition to the qualifications set forth in the Special Act, the Town

manager must have: 1) comprehensive knowledge of the functions of municipal government and management of municipal finance, and 2) demonstrated skills in managing the interests of multiple stakeholders. Such requirements may be waived only upon a finding that substitute requirements will result in substantial protection of the public interest. This article further provides that the Town Manager may be terminated in accordance to procedures provided in the Special Act.

PART II. GENERAL POWERS AND DUTIES

Article 20.3. Powers and Duties

This article lists the authorities and responsibilities that the Town Manager has as the chief administrative officer of the Town. These include:

- a. Within limitations of applicable law, appropriations and compensation plans, the Town Manager is authorized to determine the compensation of all Town officers and employees appointed by the Town Manager. Note that the Special Act will override Massachusetts General Laws (MGL) Chapter 41, resulting in the transfer from the Board of Public Works to the Town Manager the authority to appoint the Department of Public Works Director. Similarly, the authority to appoint the Police Chief would transfer from the BOS to the Town Manager.
- b. This section address staff appointments, goal setting, evaluation and termination: The Town Manager would be authorized to appoint a Police Chief, a Fire Chief, a Town Clerk and all other department heads and officers except for employees of the School Committee, the Municipal Light Board, appointments made by the Commonwealth and those appointments for which another method of appointment is provided for. The Town Manager also has authority to appoint subordinates of all other employees but may delegate this authority to a designee (e.g., a department head) within the affected department. The following subsections describe the limitations on the Town Manager's authority to appoint the Town personnel listed above:
 - The BOS must approve the appointments of the Police Chief and Fire Chief.
 - Before the Town Manager may appoint a department head of elected or appointed boards, the Town Manager must consult with the affected board regarding applicable duties and qualifications and provide the board with an opportunity to interview one or more final candidates. The appointment will not be effective until either: 1) the board approves of the appointment, or 2) 15 calendar days pass after the appointment and the board takes no action during that time, whichever occurs first. In other words, the boards have the authority to veto a candidate within 15 days of the Town Manager's appointment.
 - Before the Town Manager establishes annual goals for and conducts annual evaluations of department heads appointed by the Town Manager, the Town Manager must consult with the affected boards.
 - The Town Manager may terminate any employee in accordance with Personnel Policies approved pursuant to Section 30.10 [*note: these policies are not yet in place*]. In other words, the Town Manager is not required to consult with the affected board before terminating an employee.
 - The Town Manager must provide written notice to the affected board before removal of a department head, if practicable, but no later than the end of the third business day following the removal. In other words, the Town Manager should alert the affected board prior to termination of an employee if possible but is not required to do so.
- c. The Town Manager is to manage and supervise all Town departments except the School Department and the Municipal Light Plant (MLP).

- d. The Town Manager is authorized to consolidate, abolish or create Town departments and to transfer the duties, powers and appropriations incidental to the reorganization. This authority is limited as follows:
 - 1) For Town departments under supervision of the BOS, the Town Manager must have approval of the BOS.
 - 2) For all other Town departments, the Town Manager must first consult with the affected board and obtain approval by either the board or Town Meeting.
- e. Strategic Planning: The Town Manager would direct the operation and strategic planning for the Town and support the BOS in development of a Town-Wide Strategic Plan. Note that Section 19.12 provides that the BOS will prepare a Town-Wide Strategic Plan.
- f. The Town Manager would ensure that Town officers and employees enforce applicable laws.
- g. The Town Manager would keep the BOS informed on the financial condition and needs of the Town.
- h. The Town Manager would ensure that financial and administrative records are kept and report to the BOS on these actions annually and as otherwise required by the BOS.
- i. The Town Manager would prepare and submit a Town-wide annual operating budget, financial plan and five-year capital budget program. Note that this process is governed by Article 6.A on the budget process.
- j. The Town Manager would be ultimately responsible for preparation of plans and supervision of work on all construction and repair of public buildings, whether it is directly by the Town Manager's supervision of the Facilities Maintenance Department or through the work of the Permanent Building Committee.
- k. The Town Manager would be the collective bargaining agent for the Town.
- l. The Town Manager would attend all regular and special meetings of the BOS except when excused.
- m. The Town Manager would attend all sessions of Town Meetings.
- n. The Town Manager would oversee the implementation of the actions of Town Meeting. This provision ensures "carry through" on decisions of Town Meeting.
- o. The Town Manager would have the authority to approve any warrants for the payment of Town funds prepared by the Finance Director.
- p. The Town Manager would be the Town's Chief Procurement Officer but would have the authority to delegate this authority.
- q. The Town Manager would have the responsibility for the rental and use of all Town buildings except those under the control of the School Committee, the Board of Library Trustees, and the MLP. Note that this section refers only to buildings, not to other nonbuilding Town assets such as parks.
- r. The Town Manager, under the direction of the BOS, would in consultation with Town Counsel, prosecute or defend all litigation to which the Town is a party; be the primary liaison with all legal counsels for the Town; assist Town Counsel in preparation for litigation; and employ special counsel with BOS approval when necessary.
- s. The Town Manager would periodically review the bylaws and the structure and functioning of Town Government and make recommendations to BOS as appropriate.
- t. The Town Manager would serve as the Executive Officer for the Town for the purposes of the Massachusetts Tort Claims Act.
- u. The Town Manager would perform any other duties required by state law, Town bylaw, Town Meeting or the BOS.

PART III, FINANCE DEPARTMENT

Sections 20.4 through 20.13 have been moved in their entirety, unless otherwise noted, from Article 19 (BOS), Section 19.41 through 19.49. This article replaces the Executive Director with the Town Manager as the appointing authority of the Finance Director who is the Town's Chief

Financial Officer. Otherwise, these provisions are virtually unchanged. As all changes to these sections are housekeeping in nature (e.g., replacing “Executive Director” with “Town Manager”), we do not discuss these provisions further.

PART IV, TEMPORARY TOWN MANAGER AND ACTING TOWN MANAGER

Article 20.13. This is a new provision that authorizes the Town Manager to appoint a Temporary Town Manager to serve during a short-term absence of the Town Manager. This provision also authorizes the BOS to appoint an Acting Town Manager to serve on an interim basis.

PART V. HOUSE NUMBERS

Article 20.14. This provision replaces the BOS with the Town Manger to designate numbers for buildings in Town.

ADVISORY CONSIDERATIONS

If Town Meeting approves the Special Act in Article 3.A, then passage of the new Article 20 would be necessary to implement the powers and authority that would be granted to the Town Manager by the Special Act. The Advisory Committee has met and discussed these amendments with the Town Counsel.

The Advisory members who voted favorable action on Article 3.A voted for favorable action on Article 3.C. They support the town manager form of government as spelled out in the Special Act in Article 3.A and see this as a “housekeeping” matter to align the Town Bylaws with the proposals already approved by Town Meeting.

The members who voted for unfavorable action on Article 3.A also voted for unfavorable action on Article 3.C. They do not agree with the “one-size-fits-all” approach to implementing a new town manager form of government. They believe that certain boards should have the right to maintain the hiring, supervising, and firing of their own department heads and staff. A few members do not think the authority to appoint the Police Chief and Fire Chief should be transferred to a Town Manager, even though the appointments would “not take effect unless approved by the BOS.”

Advisory recommends favorable action, 9 to 5.

Article 4. To see if the Town will vote:

A. To amend the General Bylaws by adding a new Article 6A entitled “Budget Provisions.” The proposed Article 6A consolidates general budget provisions from existing bylaws into a single article, amends the bylaws to reflect the Town Manager’s role in the budget process as authorized by the Special Act to be requested pursuant to Warrant Article 3, and establishes a timeline for the budget process. This Warrant Article also amends other sections throughout the General Bylaws to conform to Special Act and the proposed Town Manager and Budget bylaws. A copy of the proposed language for Article 6A and the other proposed amendments to the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

(Town Government Study Committee)

BYLAW AMENDMENTS WITH TGSC ANNOTATIONS

NOTE FROM TGSC: The following NEW Article 6A is comprised, in part, of budget provisions set out in our current bylaws. It is followed by several amendments to budget provisions in the current bylaws.

ARTICLE 6.A. BUDGET PROVISIONS

6.A.1. Scope. The provisions of this article apply to all boards unless a specific provision of law otherwise provides.

6.A.2. Responsibilities. The responsibilities for the Town-wide annual operating budget, the Town-Wide Five-Year Capital Budget Program and the Town-Wide Financial Plan are as follows:

- a. **Town Manager.** The Town Manager shall be responsible for, and shall annually prepare and submit, a Town-wide annual operating budget with a Budget Message in accordance with Section 6A.4.a, a Town-Wide Five -Year Capital Projects Budget, and a Town-Wide Financial Plan to the Board of Selectmen and the Advisory Committee and, except as provided in Section 6A.2.b, shall present these submissions, as they may have been modified from time to time, at the Annual Town Meeting. The Town Manager shall establish the procedure and format for budget requests, pursuant to Section 6A.3.a and in accordance with the timeline set forth in Section 6A.7.
- b. **School Superintendent.** The School Superintendent shall submit an annual operating budget request for the School Department with a Budget Message to the Town Manager in accordance with Section 6A.4.b, and shall present these submissions, as they may have been modified from time to time, at the Annual Town Meeting.
- c. **Boards and Officers.** All Town boards and officers shall ~~fully cooperate and participate, at the request of the Town Manager,~~ in preparing and maintaining the Town-wide annual operating budget, the Town-Wide Financial Plan and the Town-Wide Five-Year Capital Budget Program as they relate to their areas of jurisdiction in accordance with the timeline set forth in Section 6A.6.

6.A.3. Annual Operating Budget.

- a. **Budget Requests.** Any board or officer requesting an annual appropriation as part of the Town-wide annual operating budget shall furnish to the Town Manager a voted budget with detailed estimates with and appropriate explanations, of the amounts necessary for the proper administration of the offices or department for which amounts are being requested, and of all income expected to be received in connection with the administration of such departments or offices in accordance with the procedures established pursuant to Section 6A.7.

- b. **Budget Preparation.** The Town Manager shall prepare a Town-wide annual operating budget for the next following fiscal year, taking into account (i) the Town's ability to generate the real estate property taxes assumed in the budget and to fund any deficit balance therein; (ii) the relative need for and level of the various expenditures proposed to be made by the Town; and (iii) alternatives to any of the various sources and uses of funds in the budget.

6.A.4. Budget Message. The Budget Message that accompanies the annual operating budget shall include the Budget Messages of the Town Manager and School Superintendent: ~~consist~~ of:

- a. **Town Manager.** The Town Manager's Budget Message shall: (i) outline proposed financial policies of the town for the ensuing fiscal year; (ii) provide an explanation of the proposed budget for all Town departments, both in fiscal terms and in terms of work programs; (iii) provide an explanation for any proposed changes to budget requests submitted pursuant to Section 6A.7.a that have not been subsequently approved by the submitting board and an explanation of proposed variations from the budgets submitted pursuant to 6A.3.a; (iv) describe important features of the budget and how the proposed budget advances the goals and objectives of any Town-wide strategic plan then in effect; (v) indicate any major variations from the budget for the current year in financial policies, expenditures and revenues, together with the reasons for such changes; (vi) summarize the town's debt position; and (vii) include such other material as the Town Manager deems desirable.

- b. **School Superintendent.** The School Superintendent's Budget Message shall describe important features of the School budget both in fiscal terms and in terms of programs; indicate any major variations from the School budget for the current year and the reasons for such changes; and include such other material as the School Superintendent deems desirable.

6.A.5. Capital Projects Budget-

6.A.5.1. "Capital Project" Defined. For the purposes of this section, a "Capital Project" shall mean:

- a. A public construction or public works project, estimated to cost in excess of \$100,000, including projects for the construction, reconstruction, replacement, major repair or renovation, extension or other improvement of a public building, highway, sidewalk, storm drain, sewerage installation, incinerator, bridge, playground, park or other public works; or

- b. A purchase of land, equipment, buildings or structures, estimated to cost in excess of \$100,000; or

- c. The preparation of plans, specifications or working drawings (estimated to cost in excess of \$10,000) for any project or purchase described in subsections a or b.

6.A.5.2. Capital Projects Budget Program. The Town Manager shall annually prepare and submit a Town-Wide Five-Year Capital Budget Program as follows:

- a. Any board or officer seeking to have a Capital Project placed on the Town-Wide Five-Year Capital Budget Program shall submit a request to the Town Manager voted by any such board, which shall include recommended sequencing and timing for each such project, taking into account the relative need for and cost of each project, the probable effect of each expenditure on the financial position of the Town, and available alternative methods of funding. An explanatory statement shall accompany each request, together with such additional information as may be requested by the Town Manager. All Capital Project requests shall be submitted in accordance with the procedures established pursuant to Section 6A.7.
- b. On the basis of the information submitted by each board or officer pursuant to the provisions of Section 6A.5.a, the Town Manager shall prepare for presentation to the Annual Town Meeting a Town-Wide Five-Year Capital Budget Program for the Town, identifying proposed and anticipated Capital Projects and their timing, the anticipated use of borrowing or other means of funding for such projects, any anticipated so-called Proposition 2½ debt exclusion votes in connection with any such borrowing, ~~and~~ the impact of such borrowing on the Town's outstanding debt service and real estate property tax rates in upcoming years; and an explanation for any proposed changes to Capital Project requests submitted pursuant to Section 6A.7 that have not been subsequently approved by the submitting board and an explanation of proposed variations from the budgets submitted pursuant to 6A.3.a.
- c. The Town Manager shall prepare the Town-Wide Five-Year Capital Budget Program sufficiently in advance of the Annual Town Meeting to permit its publication, together with any comments of the Advisory Committee, in the Reports to the Annual Town Meeting, pursuant to Section 11.8.
- d. The Town Manager shall annually make a written presentation of the Town-Wide Five-Year Capital Budget Program to the Advisory Committee, together with any recommendations or comments as the Town Manager deems appropriate, and including an explanation for any proposed changes to Capital Project requests submitted pursuant to Section 6A.7 that have not been subsequently approved by the submitting board . The Town Manager may subsequently update or amend the Capital Projects Budget before it is published in the Reports to the Annual Town Meeting or presented at the Annual Town Meeting.
- e. The Town Manager shall recommend to any Annual or Special Town Meeting a method of funding for each Capital Project proposed to be submitted for approval at such Town Meeting. The Town Manager's recommendation shall state, for each proposed Capital Project, any proposed use of borrowing for such projects, any anticipated so-called Proposition 2½ debt exclusion votes in connection with any such borrowing, and the impact of such borrowing on the Town's outstanding debt service and real estate property tax rates in upcoming years.

- f. Before any appropriation for a Capital Project is considered at an Annual Town Meeting, the Town Manager shall deliver an oral report to the Annual Town Meeting on the substance of the Town-Wide Five-Year Capital Budget Program, including any recommendations or comments as the Town Manager deems appropriate. Any board, official or officer may provide an oral report at the Annual Town Meeting on aspects of proposed or anticipated Capital Projects that relate to their areas of jurisdiction. Following the oral report on the Program, there shall be an opportunity for comments from the Advisory Committee and from Town Meeting Members.

6.A.6. Town-Wide Financial Plan

6.A.6.1. Definitions. For the purposes of this article, a “Town-Wide Financial Plan” shall mean a sequenced combination of forecasts of the Town’s operating budget (i) for the current fiscal year, (ii) for the next following fiscal year and (iii) for one or more fiscal years beyond the next following fiscal year. Forecasts shall be in the format commonly called “sources and uses of funds.” The term “sequenced combination” is intended to require that the three component parts of the Town-Wide Financial Plan build upon one another in an orderly, reasonable manner. A “deficit balance” in a forecast shall mean that the total uses of funds in the forecast exceed the total sources of funds in the forecast.

6.A.6.2. Report of Town-Wide Financial Plan. The Town Manager shall annually prepare and shall manage the Town-Wide Financial Plan as follows:

- a. The Town Manager shall compile for presentation to the Annual Town Meeting a Town-Wide Financial Plan for the Town. In this Plan, the forecast for the next following fiscal year shall be consistent with the Town-wide annual operating budget prepared pursuant to Section 6.A.3.b.
- b. For any future fiscal year in a Town-Wide Financial Plan, the Town Manager shall estimate the property tax rate that would generate real estate property taxes equal to the sum of (a) the real estate property taxes assumed as a source of funds in the forecast for the fiscal year and (b) any deficit balance in the forecast for that fiscal year. In so doing, the Town Manager may use reasonable assumptions as to growth in the valuation of properties in the Town.
- c. The Town Manager shall prepare the Town-Wide Financial Plan sufficiently in advance of the Annual Town Meeting to permit its publication, together with any comments of the Advisory Committee, in the Reports to the Annual Town Meeting, pursuant to Section 11.8.
- d. The Town Manager shall annually make a written presentation of the Town-Wide Financial Plan to the Advisory Committee, together with such recommendations or comments as the Town Manager deems appropriate. The Town Manager may subsequently update or amend the Plan before it is published in the Reports to the Annual Town Meeting or presented at the Annual Town Meeting.
- e. Before any appropriation article is considered at a Town Meeting, the Town Manager shall deliver an oral report to the Town Meeting on the substance of the Town-Wide Financial Plan, including any recommendations or comments as the Town Manager deems appropriate. Any board, official or officer may provide an oral report at the Town Meeting on aspects of the Plan that relate to their areas of jurisdiction. Following the

oral report on the Plan, there shall be an opportunity for comments from the Advisory Committee and from Town Meeting Members.

6.A.7. Timeline, Guidelines and Format. The Town Manager shall establish a timeline, format and procedures for the submission of proposed annual operating budget requests pursuant to Section 6A.3.a and Capital Project requests pursuant to Section 6A.5.2.a in a timely fashion in order to allow for review by all interested parties. Subject to approval by the Board of Selectmen, the Town Manager shall also develop substantive guidelines for individual department requests. The Town Manager shall hold one or more meetings with board chairs and officers at an early stage of the budgeting process for the upcoming fiscal year to consider the parameters of the Town-wide annual operating budget and the Town-Wide Five-Year Capital Budget Program, including anticipated state or other revenues, expected adjustments to the Town's levy limit, and the relative demands for services anticipated by each Town board and department. The timeline shall include the following:

- a. Not less than 90 days before the start of the Annual Town Meeting, all non-school annual operating and Capital Projects budget requests shall be submitted to the Town Manager, with copies to the Advisory Committee; and the School Superintendent shall submit the school annual operating budget request, along with a Budget Message, and the school Capital Projects budget requests to the School Committee.
- b. Not less than 70 days before the start of the Annual Town Meeting, the School Committee, after public hearing and vote, shall submit an annual operating budget request for the School Department with a Budget Message, together with any Capital Projects budget requests, to the Town Manager, with copies to the Advisory Committee.
- c. All budget requests made pursuant to Section 6A.7.a or 6A.7.b shall be subject to review by the Finance Department in the manner described in Section 20.5.c.
- d. Not less than 60 days before the start of the Annual Town Meeting, the Town Manager shall submit the Town Manager's preliminary proposed Town-Wide Annual Operating and Capital Projects budgets, including the Town Manager's and School Superintendent's Budget Messages, to the Board of Selectmen, the Advisory Committee and all other Town boards and officers, for review and comment. All such comments shall be provided to the Town Manager and the Advisory Committee. If in the Town Manager's preliminary proposed Town-Wide Annual Operating and Capital Projects budgets the Town Manager proposes any revisions to a board's budget that the affected board has not approved, the Town Manager shall furnish to that board a written explanation of any such revision, with copies to the Board of Selectmen and the Advisory Committee.
- e. Not less than 45 days before the start of the Annual Town Meeting, the Town Manager shall submit the Town Manager's proposed annual operating and Capital Projects budgets, including any proposed revisions thereto, and including the Town Manager's and School Superintendent's Budget Messages to the Advisory Committee, with copies to all other Town boards and officers. If in the Town Manager's preliminary proposed Town-Wide Annual Operating and Capital Projects budgets the Town Manager proposes any revisions to a board's budget that the affected board has not approved, the Town Manager shall furnish to that board a written explanation of any such revision, with copies to the Board of Selectmen and the Advisory Committee.

- f. Whenever practicable, the Advisory Committee shall vote on the Town-Wide Annual Operating Budget and Five-Year Capital Budget Program, pursuant to the procedures set forth in Sections 11.7 and 11.8, not less than seven days prior to Town Meeting.

ADVISORY REPORT

The Town Government Study Committee asks Town Meeting to amend the General Bylaws of the Town to harmonize the bylaws with whatever action Town Meeting takes under Article 3.

6.A.1. Scope

This article simply states that these proposals apply to all boards unless noted.

6.A.2. Responsibilities

This section assigns certain responsibilities to the Town Manager, School Superintendent and the Boards/Officers. This is the section that assigns the Town Manager and the School Superintendent with developing and presenting their respective operating budgets and budget messages. It also assigns the Town Manager the responsibility of the Five-year Capital Plan and the Town-Wide Financial Plan. The Town Manager shall establish the procedure and format for budget requests. In addition, boards and officers shall participate in these processes as they relate to their areas of jurisdiction.

6.A.3. Annual Operating Budget

This section relates to how boards and officers should present their voted budget to the Town Manager and how the Town Manager should prepare the annual operating budget.

6.A.4. Budget Message

This section outlines what the Budget Message shall consist of for both the Town Manager and the School Superintendent. It requires the messages to focus on explanations for major variances or changes. The Town Manager must provide an explanation for any proposed changes to the budget requests submitted that have not been subsequently approved by the submitting board. The budget message should also describe how these variances and changes affect the respective strategic plans.

6.A.5. Capital Projects

This section outlines the process for developing and presenting the Town-Wide Five-Year Capital Projects Plan. It describes how, and for what projects, boards should make proposals to the Town Manager, as well as how the Town Manager shall present the plan to the Advisory Committee and Town Meeting. The Town Manager is required to provide explanations to boards that do not have their project approved.

6.A.6. Town-Wide Financial Plan

This section defines the Town-Wide Financial Plan as a forecast of the Town's operating budget for at least three or more years, including the current year. It also lays out the format for the plan, and how the plan shall be presented to Advisory Committee and Town Meeting.

6.A.7. Timelines, Guidelines, and Format

This section grants the Town Manager authority to establish the format and procedures for budget requests. It also states the Town Manager can establish guidelines, subject to approval by the Board of Selectmen. It then lays out the timeline discussed in Article 3 for the budget process. If the Town Manager proposes any revisions to a board's budget that have not been

voted on by the board, then the Town Manager must provide written explanation to the board with copies to the Board of Selectmen and Advisory Committee.

ADVISORY CONSIDERATIONS

If Town Meeting approves the Special Act in Article 3.A, then the proposed amendments of the Town's bylaws in Article 4.A would be necessary to reflect the Town Manager's role in the budget process and to establish a timeline for the budget process. The Advisory Committee has reviewed the proposed amendments with Town Counsel and agrees that these amendments are necessary if the Special Act that is set forth in Article 3.A is approved by Town Meeting.

Five members of the Advisory Committee voted unfavorable action on the Special Act in Article 3.A, but all 14 members voted favorable action on Article 4.A. The reasons some members voted against Article 3.A have to do with the change in Human Resource functions with regards to the boards and the department heads (as described in the Advisory Considerations concerning Article 3.A). However, Article 4.A outlines the proposed budget process with a town manager form of government, which all Advisory members agree would be a positive change. Even if the directors and staff of some boards are excluded from the management authority of the Town Manager, Advisory endorses the proposed budget process.

Advisory recommends favorable action, 14 to 0.

Article 4.B. To see if the Town will vote:

To amend certain appointment provisions throughout the General Bylaws to provide for appointments by the Town Manager, as authorized by the Special Act to be requested pursuant to Warrant Article 3. A copy of the proposed amendments to the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

(Town Government Study Committee)

BYLAW AMENDMENTS WITH TGSC ANNOTATIONS

September 28, 2015

Rev: October 7, 2015

BYLAWS ON APPOINTMENT OF STAFF BY TOWN MANAGER

Following are appointment bylaws to be amended to provide the Town Manager with appointment and oversight authority over Town employees, not including staff contracted for by the Wellesley Housing Authority, the School superintendent and School employees, the MLP Director and employees, and the Director of Veterans' Services. The following amendments anticipate the passage of a Special Act and a new Town Manager bylaw also providing for the Town Manager's appointment and oversight authority over Town employees generally.

We will indicate the title of the Article in which the amendment is proposed and we will:

- Provide the text of the section as it currently reads;
- Provide the text of the section showing proposed deletions and additions; and
- Provide the text of the section as it would read if amended in italics.

Note: This process of showing the text in three ways will be required for Special Town Meeting.

NOTE FROM TGSC: The amendments in this document refer to Bylaw Section 20.3.b., which provides:

- b. Notwithstanding the provisions of Chapter 48, section 42 or 42A, if accepted at any time by the Town, or any other general or special law to the contrary, the Town Manager may, in accordance with the Personnel Policies approved pursuant to Section 30.10, appoint a Police Chief, a Fire Chief or Chief Fire Engineer, a Town Clerk and all other department heads and officers, except for employees of the School Committee, the Municipal Light Board, appointments made by the Commonwealth and those appointments for which another method of appointment is otherwise provided for. Notwithstanding the provisions of any general or special law to the contrary, appointment of subordinates and all other employees shall be made by the Town Manager or the Town Manager's designee within the affected department in accordance with approved Personnel Policies.
 - (i) Appointments of the Police Chief and Fire Chief or Chief Fire Engineer shall not take effect unless approved by the Board of Selectmen.
 - (ii) Any appointment of other department heads or chief staff employees of elected and appointed boards shall be made only after consultation with such board regarding applicable duties and qualifications; and an opportunity for such board to interview one or more final candidates submitted by the Town Manager or through a process under the direction

- of the Town Manager. Such appointment shall take effect no sooner than (a) it is approved by such board; or (b) 15 calendar days after written notice of the appointment has been provided to such board without any action thereon; whichever occurs first.
- (iii) In accordance with the Personnel Policies approved pursuant to Section 30.10, and after consultation with affected boards, the Town Manager shall establish annual goals for and conduct annual evaluations of all department heads and officers subject to appointment by the Town Manager.
 - (iv) The Town Manager may remove any employee in accordance with the Personnel Policies approved pursuant to Section 30.10.
 - (v) The Town Manager shall provide written notice to the affected board before any removal of a department head or chief staff employee of such board if practicable, but in no case later than the end of the third business day following the removal of a department head or chief staff employee.

(1) Article 11. ADVISORY COMMITTEE

The text of the section as it currently reads:

11.5. Staff. The Committee shall appoint such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

11.5. Staff. In accordance with the provisions of Section 20.3.b, ~~t~~The Town Manager ~~Committee~~ shall appoint such staff as it deems necessary for whom funding has been provided.

The text of the section as it would read if amended:

11.5. Staff. *In accordance with the provisions of Section 20.3.b., the Town Manager shall appoint such staff for whom funding has been provided.*

(2) Article 12. SUSTAINABLE ENERGY COMMITTEE

The text of the section as it currently reads:

12.4. Staff. The Committee shall appoint a sustainable energy coordinator and such other staff as it deems necessary.

The text of the section showing proposed deletions and additions:

12.4. Staff. In accordance with the provisions of Section 20.3.b, ~~The Committee~~ the Town Manager shall appoint a sustainable energy coordinator. The Town Manager may appoint, or delegate to the coordinator the authority to appoint, and such other staff as it deems necessary. for whom funding has been provided.

The text of the section as it would read if amended:

12.4. Staff. *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a sustainable energy coordinator. The Town Manager may appoint, or delegate to the coordinator the authority to appoint, such staff for whom funding has been provided.*

NOTE FROM TGSC: Sections 19.42 and 19.43 have been moved to Article 20 (Sections 20.4. through 20.12.) and contain provisions giving the Town Manager appointment and oversight authority over the Finance Department.

(3) Article 21. POLICE DEPARTMENT

NOTE FROM TGSC: The changes here provide that the Police Chief will recommend the appointment and promotion of officers and other Police Department employees, including the Animal Control Officer, to the Town Manager.

The text of the section as it currently reads:

21.2. Responsibilities of Selectmen. The Selectmen shall:

- a. appoint a Chief of Police and such police officers as they deem necessary;
- b. have overall responsibility for the Police Department;
- c. establish suitable policies and procedures governing the Police Department and the police officers, including standards for record keeping.

The text of the section showing proposed deletions and additions:

21.2. Responsibilities of Selectmen Town Manager. The Town Manager ~~Selectmen~~ shall:

- a. in accordance with the provisions of Section 20.3.b, appoint a Chief of Police and, based on the recommendation of said Chief, appoint or promote such police officers and Police Department employees as they deem necessary for whom funding has been provided;
- b. ~~have overall responsibility for the Police Department;~~
- c. ~~establish suitable policies and procedures governing the Police Department and the police officers, including standards for record keeping.~~

The text of the section as it would read if amended:

21.2. Responsibilities of the Town Manager. *The Town Manager shall in accordance with the provisions of Section 20.3.b., appoint a Chief of Police and, based on the recommendation of said Chief, appoint or promote such police officers and Police Department employees for whom funding has been provided.*

The text of the section as it currently reads:

21.3. Responsibilities of Chief of Police. The Chief of Police shall provide to the Town appropriate police and related services as determined by the Selectmen, supervise all police officers, and be responsible for all Town property used by the Department.

The text of the section showing proposed deletions and additions:

21.3. Responsibilities of Chief of Police. The Chief of Police shall provide to the Town appropriate police and related services as determined by the Board of Selectmen, make recommendations to the Town Manager for the appointment or promotion of police officers and Police Department employees other than Special Police, supervise all police officers, and be responsible for all Town property used by the Department.

The text of the section as it would read if amended:

21.3. Responsibilities of Chief of Police. *The Chief of Police shall provide to the Town appropriate police and related services as determined by the Board of Selectmen, recommend persons to the Town Manager for the appointment or promotion of police officers and Police Department employees other than Special Police, supervise all police officers, and be responsible for all Town property used by the Department.*

(4) Article 22. FIRE DEPARTMENT

NOTE FROM TGSC: The amendments allow for future Town Meeting action establishing a Fire Chief rather than Board of Fire Engineer model and provide that the Fire Chief will recommend the appointment and promotion of officers and other Fire Department employees to the Town Manager.

The text of the section as it currently reads:

22.2. Responsibilities of the Selectmen. The Selectmen shall:

- a. appoint the Chief Engineer and such other Fire Engineers and employees as they deem necessary;
- b. have overall responsibility for the Fire Department; and
- c. establish suitable policies and procedures governing the Fire Department and the employees thereof, including standards for record keeping.

The text of the section showing proposed deletions and additions:

22.2. Responsibilities of the Town Manager. ~~Selectmen.~~ The ~~Selectmen~~ Town Manager shall:

- a. in accordance with the provisions of Section 20.3.b, appoint the Fire Chief or Chief Fire Engineer and, based on the recommendation of said Fire Chief or Chief Fire Engineer, appoint or promote such other Fire Engineers, firefighters and other Fire Department ~~and employees as they deem necessary~~ for whom funding has been provided;
- b. have overall responsibility for the Fire Department; and
- c. establish suitable policies and procedures governing the Fire Department and the employees thereof, including standards for record keeping.

The text of the section as it would read if amended:

22.2. Responsibilities of the Town Manager. *The Town Manager shall:*

- a. *in accordance with the provisions of Section 20.3.b, appoint the Fire Chief or Chief Fire Engineer and, based on the recommendation of said Fire Chief or Chief Fire Engineer, appoint or promote such other Fire Engineers, firefighters and other Fire Department employees for whom funding has been provided;*
- b. *have overall responsibility for the Fire Department; and*
- c. *establish suitable policies and procedures governing the Fire Department and the employees thereof, including standards for record keeping.*

The text of the section as it currently reads:

22.3. Responsibilities of Chief Engineer. The Chief Engineer shall provide to the Town appropriate fire fighting and other services as determined by the Selectmen, supervise all fire engineers and other employees, and be responsible for all fire stations and equipment.

The text of the section showing proposed deletions and additions:

22.3. Responsibilities of Fire Chief or Chief Fire Engineer. The Fire Chief or Chief Fire Engineer shall provide to the Town appropriate fire fighting and other services as determined by the Board of Selectmen, make recommendations to the Town Manager for the appointment or promotion of fire engineers, firefighters and other Fire Department employees, supervise all fire engineers, firefighters and other Fire Department employees, and be responsible for all fire stations and equipment.

The text of the section as it would read if amended:

22.3. Responsibilities of Fire Chief or Chief Fire Engineer. *The Fire Chief or Chief Fire Engineer shall provide to the Town appropriate fire fighting and other services as determined by the Board of Selectmen, make recommendations to the Town Manager for the appointment or promotion of fire engineers, firefighters and other Fire Department employees, supervise all fire engineers, firefighters and other Fire Department employees, and be responsible for all fire stations and equipment.*

(5) Article 23. INSPECTORS

NOTE FROM TGSC: The Town Manager, rather than the Board of Selectmen (current bylaw Section 19.7), will make these appointments.

The text of the section as it currently reads:

23.1. Appointment. The Selectmen shall appoint the:

- a. Inspector of Wires;
- b. Inspector of Gas;
- c. Inspector of Buildings; and
- d. Sealer of Weights and Measures

The Inspector of Buildings shall appoint the Inspector of Plumbing (who may, but need not, be the Inspector of Gas).

The text of the section showing proposed deletions and additions:

23.1. Appointment. In accordance with the provisions of Section 20.3.b., ~~the Selectmen~~ Town Manager shall appoint the:

- a. Inspector of Wires;
- b. Inspector of Gas;
- c. Inspector of Buildings; ~~and~~
- d. Sealer of Weights and Measures; and
- e. Inspector of Plumbing (who may, but need not, be the Inspector of Gas.)

~~The Inspector of Buildings shall appoint the Inspector of Plumbing (who may, but need not, be the Inspector of Gas).~~

The text of the section as it would read if amended:

23.1. Appointment. *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the:*

- a. *Inspector of Wires;*
- b. *Inspector of Gas;*
- c. *Inspector of Buildings;*
- d. *Sealer of Weights and Measures; and*
- e. *Inspector of Plumbing (who may, but need not, be the Inspector of Gas).*

(6) Article 24. FACILITIES MAINTENANCE DEPARTMENT

The text of the section as it currently reads:

24.3. Director of Facilities Maintenance. The Facilities Maintenance Department shall be headed by a Director of Facilities Maintenance, who shall be appointed by the Executive Director with the Selectmen's approval and who, subject to the Executive Director's approval, shall appoint such staff as are deemed necessary to fulfill the Department's duties.

The text of the section showing proposed deletions and additions:

24.3. Director of Facilities Maintenance. ~~The Facilities Maintenance Department shall be headed by a Director of Facilities Maintenance, who shall be appointed by the Executive Director with the Selectmen's approval and who, subject to the Executive Director's approval, shall appoint such staff as are deemed necessary to fulfill the Department's duties.~~ In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the Director of Facilities Maintenance. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided.

The text of the section as it would read if amended:

24.3. Director of Facilities Maintenance. *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the Director of Facilities Maintenance. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided.*

(7) Article 29. BOARD OF PUBLIC WORKS

The text of the section as it currently reads:

29.4. Director of Public Works. The Board shall appoint a Director of Public Works who shall:

- a. have the qualifications prescribed in the General Laws;
- b. hold office subject to the will of the Board;
- c. exercise and perform, under the supervision of the Board, such of the powers and duties of the Board as it may delegate to the Director.

The text of the section showing proposed deletions and additions:

29.4. Director of Public Works. In accordance with the provisions of Section 20.3.b, the ~~The Board~~ Town Manager shall appoint a Director of Public Works. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided. who shall:

- ~~a. have the qualifications prescribed in the General Laws;~~
- ~~b. hold office subject to the will of the Board;~~
- ~~c. exercise and perform, under the supervision of the Board, such of the powers and duties of the Board as it may delegate to the Director.~~

The text of the section as it would read if amended:

29.4. Director of Public Works. *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Public Works. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided.*

The text of the section as it currently reads:

29.6. Town Engineer. The Board shall appoint the Town Engineer who shall:

- a. have the qualifications prescribed in the General Laws;
- b. be in charge of the engineering work provided by the Department, subject to the direction and control of the Director.

The text of the section showing proposed deletions and additions:

29.6. Town Engineer. In accordance with the provisions of Section 20.3.b, the ~~Board~~ the Town Manager shall appoint the Town Engineer. who shall:

The text of the section as it would read if amended:

29.6. Town Engineer. *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint the Town Engineer.*

NOTE FROM TGSC: Article 30, Human Resources, provides for the appointment of the Director and staff in accordance with the proposed amendments to Article 20.

(8) Article 33. COUNCIL ON AGING

The text of the section as it currently reads:

33.4. Director of Senior Services. The Council shall appoint a Director of Senior Services and such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

33.4. Director of Senior Services. In accordance with the provisions of Section 20.3.b, The Council the Town Manager shall appoint a Director of Senior Services. The Town Manager may appoint, or delegate to the Director the authority to appoint, and such other staff as it deems necessary for whom funding has been provided.

The text of the section as it would read if amended:

33.4. Director of Senior Services. *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Senior Services. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff as the Town Manager for whom funding has been provided.*

(9) Article 34. BOARD OF HEALTH

The text of the section as it currently reads:

34.4. Director. The Board shall appoint a Director of Public Health and other personnel as it deems necessary.

The text of the section showing proposed deletions and additions:

34.4. Director. In accordance with the provisions of Section 20.3.b, The Board- The Town Manager shall appoint a Director of Public Health. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other personnel as it deems necessary staff for whom funding has been provided.

The text of the section as it would read if amended:

34.4. Director. *In accordance with the provisions of Section 20.3.b., the Town Manager shall appoint a Director of Public Health. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided.*

(10) Article 36. BOARD OF TRUSTEES OF THE WELLESLEY FREE LIBRARY

NOTE FROM TGSC: Chapter 78 of the General Laws provides that Library Trustees appoint their Director. The amendment's clause "except as otherwise provided by Special Act" is a reference to the Special Act which provides that the Town Manager shall appoint all staff. Thus, the Special Act overrides this provision of the General Laws.

The text of the section as it currently reads:

36.3. General Duties. Board shall have the powers and duties of boards of library trustees under Chapter 78 of the General Laws. These include having the custody and management of the library and of all the property owned by the Town relating thereto.

The text of the section showing proposed deletions and additions:

36.3. General Duties. Except as otherwise provided by Special Act, tThe Board shall have the powers and duties of boards of library trustees under Chapter 78 of the General Laws. These include having the custody and management of the library and of all the property owned by the Town relating thereto.

The text of the section as it would read if amended:

36.3. General Duties. *Except as otherwise provided by Special Act, the Board shall have the powers and duties of boards of library trustees under Chapter 78 of the General Laws. These include having the custody and management of the library and of all the property owned by the Town relating thereto.*

The text of the section as it currently reads:

36.4. Staff. The Board shall appoint such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

36.4. Staff. ~~The Board shall appoint such staff as it deems necessary.~~ **Director.** In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Library Director. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided.

The text of the section as it would read if amended:

36.4 Director. In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Library Director. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided.

(11) Article 37. RECREATION COMMISSION

The text of the section as it currently reads:

37.4. Superintendent of Recreation. The Commission shall appoint a Superintendent of Recreation and such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

37.4. Superintendent Director of Recreation. In accordance with the provisions of Section 20.3.b, the ~~The Commission~~ Town Manager shall appoint a ~~Superintendent~~ Director of Recreation. The Town Manager may appoint, or delegate to the Director the authority to appoint, and such other staff as it deems necessary for whom funding has been provided.

The text of the section as it would read if amended:

37.4. Director of Recreation. In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Recreation. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided.

(12) Article 40. YOUTH COMMISSION

The text of the section as it currently reads:

40.4. Director of Youth Services. The Executive Director of General Government shall appoint a Director of Youth Services subject to the approval of the Youth Commission.

The text of the section showing proposed deletions and additions:

40.4. Director of Youth Services. In accordance with the provisions of Section 20.3.b, ~~The Executive Director of General Government~~ Town Manager shall appoint a Director of Youth Services. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided. ~~subject to the approval of the Youth Commission.~~

The text of the section as it would read if amended:

40.4. Director of Youth Services. In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Youth Services. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided.

(13) Article 42. BOARD OF ASSESSORS

The text of the section as it currently reads:

42.4. Assistant Assessor. The Assessors shall appoint an Assistant Assessor, who shall:

- a. be professionally qualified and experienced in the assessment and apportionment of taxes and the valuation of property for the purpose of taxation;

- b. have a term of one year, commencing on the date of appointment, serving at the discretion of the Assessors; provided, that if the Assessors fail to appoint a successor during the month preceding the expiration of said term, the incumbent shall continue to serve during the following period of one year unless sooner removed. The Assistant Assessor may be reappointed annually without limit;
- c. assess and apportion taxes in the Town, subject to the approval of the Board of Assessors;
- d. value property in the Town, both real and personal, for the purpose of taxation, subject to the approval of the Board of Assessors;
- e. perform such other duties as the Assessors may require including acting as a hearing officer in the application for abatements and exemptions, and otherwise assisting the Assessors in the performance of their duties.

The text of the section showing proposed deletions and additions:

42.4. Assistant— Chief Assessor. In accordance with the provisions of Section 20.b.3, ~~The Assessors~~ the Town Manager shall appoint ~~an Assistant~~ a Chief Assessor, who shall:

- a. be professionally qualified and experienced in the assessment and apportionment of taxes and the valuation of property for the purpose of taxation;
- ~~b. have a term of one year, commencing on the date of appointment, serving at the discretion of the Assessors; provided, that if the Assessors fail to appoint a successor during the month preceding the expiration of said term, the incumbent shall continue to serve during the following period of one year unless sooner removed. The Assistant Assessor may be reappointed annually without limit;~~
- ~~eb.~~ assess and apportion taxes in the Town, subject to the approval of the Board of Assessors;
- ~~dc.~~ value property in the Town, both real and personal, for the purpose of taxation, subject to the approval of the Board of Assessors;
- ~~ed.~~ perform such other duties as the Assessors may require including acting as a hearing officer in the application for abatements and exemptions, and otherwise assisting the Assessors in the performance of their duties.

The text of the section as it would read if amended:

42.4. Chief Assessor. In accordance with the provisions of Section 20.b.3, the Town Manager shall appoint a Chief Assessor, who shall:

- a. be professionally qualified and experienced in the assessment and apportionment of taxes and the valuation of property for the purpose of taxation;
- b. assess and apportion taxes in the Town, subject to the approval of the Board of Assessors;
- c. value property in the Town, both real and personal, for the purpose of taxation, subject to the approval of the Board of Assessors;
- d. perform such other duties as the Assessors may require including acting as a hearing officer in the application for abatements and exemptions, and otherwise assisting the Assessors in the performance of their duties.

(14) Article 43. NATURAL RESOURCES COMMISSION

NOTE FROM TGSC: the 1978 Special Act establishing the NRC authorizes the NRC to appoint its Director. The proposed Special Act seeks to amend the 1978 Special Act by authorizing the Town Manager to appoint the Director.

The text of the section as it currently reads:

43.6. Director of Natural Resources. The Commission shall appoint a Director of Natural Resources who shall hold office at the will of the Commission and can be removed only with the consent of at least three members of the Commission. The Commission may delegate to the Director such duties as they deem appropriate. The delegation of major responsibilities shall be in writing. The Commission shall appoint such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

43.6. Director of Natural Resources. In accordance with the provisions of Section 20.3.b, the ~~The Commission~~ Town Manager shall appoint a Director of Natural Resources. The Town ~~Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided. who shall hold office at the will of the Commission and can be removed only with the consent of at least three members of the Commission. The Commission may delegate to the Director such duties as they deem appropriate. The delegation of major responsibilities shall be in writing. The Commission shall appoint such staff as it deems~~ necessary.

The text of the section as it would read if amended:

43.6. Director of Natural Resources. *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Director of Natural Resources. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided.*

(15) Article 45. PLANNING BOARD

The text of the section as it currently reads:

45.4. Planning Director. The Board shall appoint a Planning Director who shall hold office at the will of the Board and such staff as it deems necessary.

The text of the section showing proposed deletions and additions:

45.4. Planning Director. In accordance with the provisions of Section 20.3.b, the ~~The Board~~ Town Manager shall appoint a Planning Director. The Town Manager may appoint, or delegate to the Director the authority to appoint, who shall hold office at the will of the Board and such other staff as it deems necessary for whom funding has been provided.

The text of the section as it would read if amended:

45.4. Planning Director. *In accordance with the provisions of Section 20.3.b, the Town Manager shall appoint a Planning Director. The Town Manager may appoint, or delegate to the Director the authority to appoint, such other staff for whom funding has been provided.*

(16) Article 47. ANIMAL CONTROL REGULATIONS

The text of the section as it currently reads:

47.2. Definitions. As used herein, the following words and terms shall have and include the following respective meanings:

- a. Dog Officer: An officer (or officers) appointed annually by the Selectmen, who shall have all powers and duties conferred upon dog officers by Sections 136A through 175 inclusive, of Chapter 140 of the General Laws, by the Town Bylaws, and by the Selectmen from time to time.

The text of the section showing proposed deletions and additions:

47.2. Definitions. As used herein, the following words and terms shall have and include the following respective meanings:

- a. Dog Officer: An officer ~~(or officers)~~ appointed annually by the ~~Selectmen~~ Town Manager, who shall have all powers and duties conferred upon ~~dog~~ animal control

officers by Sections 136A through 475 ~~174E~~, inclusive, of Chapter 140 of the General Laws, by the Town Bylaws, and by the Board of Selectmen. ~~from time to time~~.

The text of the section as it would read if amended:

47.2. Definitions. *As used herein, the following words and terms shall have and include the following respective meanings:*

a. Dog Officer: An officer appointed annually by the Town Manager, who shall have all powers and duties conferred upon animal control officers by Sections 136A through 174E, inclusive, of Chapter 140 of the General Laws, by the Town Bylaws, and by the

The text of the section as it currently reads:

47.4. Dog Officer. There shall be at least one dog officer charged with the enforcement of this Article.

The text of the section showing proposed deletions and additions:

47.4. Dog Officer. ~~There shall be at least one dog officer~~ In accordance with the provisions of Section 20.3.b, and based on the recommendation of the Chief of Police, the Town Manager shall annually appoint one or more Dog Officers, to be charged with the enforcement of this Article.

The text of the section as it would read if amended:

47.4. Dog Officer. *In accordance with the provisions of Section 20.3.b, and based on the recommendation of the Chief of Police, the Town Manager shall annually appoint one or more Dog Officers, to be charged with the enforcement of this Article.*

ADVISORY REPORT

The Town Government Study Committee asks Town Meeting to amend the General Bylaws to implement the appointing authority, supervisory responsibility and removal power that would be granted to the Town Manager if the Special Act in Article 3.A and the proposed amendments in Article 3.C are approved by Town Meeting. The changes under Article 4.B concern the changes proposed in Articles 3.A and 3.C:

1. The Town Manager would appoint the Police Chief and the Fire Chief, but these appointments would not take effect unless and until approved by the Board of Selectmen.
2. The Town Manager would appoint all other department heads and chief staff employees of all elected and appointed boards except for the School Committee, the Municipal Light Board, the Housing Authority and Veterans' Services.
 - a) Such appointments would be made only after consultation with each board about the applicable duties and qualifications of their director or other head and after each such board has been given an opportunity to interview one or more of the finalists submitted by the Town Manager.
 - b) Such appointments would not take effect unless approved by the affected board or until 15 calendar days after written notice of the Town Manager's recommended appointment have passed without any action having been taken by the board, whichever occurs first.
3. The Town Manager would appoint the Town Clerk after it ceases to be an elective office which would make the Town Clerk an appointive rather than an elective office.
4. The Town Manager would have the authority to appoint all other subordinate employees to the various boards and departments over which the Town Manager has the appointing

authority. However, the Town Manager could delegate this authority to the heads of those boards and departments. In either case, the appointment of all such subordinate employees would have to be in accordance with the Personnel Policies that have been approved by the Human Resources Board and would have to have been funded by Town Meeting.

5. In the case of the appointment to or the promotion of officers, firefighters and all other employees in the Police Department and the Fire Department, the Town Manager's appointments would have to be based on the recommendation of the applicable Chief and would be subject to funding by Town Meeting.
6. The Town Manager would, in accordance with the Personnel Policies that have been approved by the Human Resources Board and after consultation with the affected boards, establish annual goals for and conduct annual evaluations of all department heads and other chief staff officers over whom the Town Manager has the power of appointment.
7. The Town Manager would have the power to remove any employee within the Town Manager's appointing authority in accordance with the Personnel Policies that have been approved by the Human Resources Board. Advance written notice of the removal of any department head or chief staff employee would have to be given to the affected board if practicable, and if not practicable, by no later than the end of the third business day following the removal.

List of Specific Proposed Bylaw Amendments

The proposed amendments to the articles of the bylaws that are listed below would be necessary to implement the above-described powers of appointment of the Town Manager for the department heads, chief staff employees or staff of the following boards, committees or departments if the Special Act is approved:

Article	
Article 11.5. Advisory Committee	Staff
Article 12.4. Sustainable Energy Committee	Sustainable Energy Coordinator
Article 21.2. Police Department	Chief of Police
Article 22.2. Fire Department	Fire Chief or Chief Fire Engineer
Article 23.1. Inspectors	Inspectors of Wires, Gas, Buildings, Plumbing and Sealer of Weights and Measures
Article 24.3. Facilities Maintenance Department	Director of Facilities Maintenance
Article 29.4. and 29.6. Board of Public Works	Director of Public Works and Town Engineer
Article 33.4. Council on Aging	Director of Senior Services
Article 34.4. Board of Health	Director of Public Health
Article 36.3. Board of Trustees of the Wellesley Free Library	Library Director
Article 37.4. Recreation Commission	Director of Recreation
Article 42.4. Board of Assessors	Chief Assessor
Article 40.4. Youth Commission	Director of Youth Services
Article 43.6. Natural Resources Commission	Director of Natural Resources
Article 45.4. Planning Board	Planning Director
Article 47.4. Animal Control Regulations	Dog Officer

Other aspects of the amendments under Warrant Article 4.B that should be noted are as follows:

Article 21.3. Police Department

Under 21.3 the Chief of Police would have the responsibility of making recommendations to the Town Manager for the appointment and promotion of police officers and other Police Department employees, including the Animal Control Officer.

Article 22. Fire Department

The wording of the proposed amendments of this article would allow for future Town Meeting action to establish a Fire Chief for the Fire Department in place of the Board of Fire Engineers and Chief Fire Engineer model that currently exists in Wellesley. In addition, under 22.3 the Fire Chief would have the responsibility of making recommendations to the Town Manager for the appointment and promotion of firefighters and other Fire Department employees.

Article 36. Board of Trustees of the Wellesley Free Library

The reference to “except as otherwise provided by Special Act” in Bylaw 36.3 means that the this amendment would, if approved, override Chapter 78 of the Massachusetts General Laws, which provides that library trustees appoint their Directors.

Article 42. Board of Assessors

The job title of Assistant Assessor in 42.4 would be changed to Chief Assessor and the current provision that limits the appointment of the person holding this position to a renewable one-year term would be eliminated.

Article 43. Natural Resources Commission

The Special Act would, if approved, amend the 1978 Special Act creating the Natural Resources Commission (NRC), which authorizes the NRC to appoint the Director of Natural Resources.

ADVISORY CONSIDERATIONS

If Town Meeting approves the Special Act in Article 3.A, then the proposed amendments of the Town’s Bylaws in Article 4.B would be necessary to assign to the Town Manager the responsibility for appointing and managing Town personnel. The Advisory Committee has reviewed the proposed amendments with Town Counsel and agrees that these amendments are necessary if the Special Act that is set forth in Article 3.A is approved by Town Meeting.

The Advisory members who voted for unfavorable action on Article 3.A also voted for unfavorable action on Article 4.B. They do not agree with the “one-size-fits-all” approach to implementing a new town manager form of government. They believe that certain boards should have the right to maintain the hiring, supervising and firing of their own department heads and staff. Advisory’s considerations concerning the town manager form of government in Article 3.A explain these concerns in further detail.

Advisory recommends favorable action, 9 to 5.

Article 4.C. To see if the Town will vote:

To amend Articles 30, Human Resources Board, and 31, Classification and Salary Plans, of the General Bylaws to establish the roles of the Town Manager, Human Relations Board and Human Relations Director in the administration of Personnel Policies, the Classification and Salary Plan and collective bargaining agreements. A copy of the proposed language for Articles 30 and 31 of the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library.

(Town Government Study Committee)

BYLAW AMENDMENTS WITH TGSC ANNOTATIONS

September 28, 2015
October 7: No changes

ARTICLE 30. HUMAN RESOURCES

NOTE FROM TGSC: Title of the Article has been changed from "Human Resources Board" to "Human Resources" to reflect the content of the article. Deletions from the current bylaws are indicated by strike-outs; new language is underlined.

30.1. Human Resources Board Membership. The Town shall have a Human Resources Board consisting of five residents appointed by the Moderator. No member shall be a member of another board, or an officer, official or paid employee of the Town; provided, except however, that a Town Meeting Member may be a member of the Board. At least two members shall have either education or experience in personnel management or labor relations.

30.2. Term. The term of office shall be three years commencing on July 1.

30.3. Human Resources Director. In accordance with the provisions of Section 20.3.b., ~~The Board~~ The Town Manager shall appoint a Human Resources Director and such other staff as it deems necessary for whom funding has been provided.

NOTE FROM TGSC: This section is the old Section 30.4. in our bylaws and has been moved to become Section 30.3. Section 20.3.b. sets out the procedure for the appointment of the Director and staff by the Town Manager.

30.4. Administer Plans. ~~The Board~~ Director shall administer the Classification and Salary Plans approved pursuant to Article 31, and collective bargaining agreements. ~~and~~ The Town Manager, with the assistance of the Director shall establish procedures, consistent with those Plans, as the Town Manager deems necessary for the administration thereof.

NOTE FROM TGSC: The old section 30.3 was moved here. The Director's duties specifically include administration of the collective bargaining agreements. The word "procedures" is now used to make it clear that the Town Manager and Director will establish "procedures" for the administration of the two Plans and collective bargaining agreements.

30.5. Review Work. ~~The Board~~ Director shall, as necessary and appropriate and consistent with good human resources practices, review the work of all positions subject to the Classification Plan. Such reviews shall be so scheduled either as to respond to requests by department heads or upon the Board's Director's initiative when ~~it~~ the Director becomes aware

of circumstances that indicate that a review is appropriate. As a result of such review, the Board may tentatively add a new position to the Classification Plan. The Director may recommend and the Board may approve a new position to the Classification Plan or reclassify an existing position to a different group subject to the subsequent ratification of its action by a formal amendment of the Classification Plan at the next annual or special Town Meeting.

NOTE FROM TGSC: The Director has assumed new responsibilities vis-à-vis the Board by making recommendations for Board action. Town Meeting's role in the ratification of changes to the Classification Plan has been eliminated.

30.6. Review Salary Plan. The Board Director shall, from time to time, review the Salary Plan. The Director shall keep informed as to pay rates and policies outside the service of the Town, and shall recommend to the Town Board and the Board may approve any action which that it deems desirable to maintain a fair and equitable pay level.

NOTE FROM TGSC: Changes here provide that the Director recommends to the Board on policy issues (i.e., Salary Plan) and the Board, not Town Meeting, approves. Town Meeting, however, funds the salaries through approval of the operating budget.

30.7. Variancections from in Salary Plan. Upon recommendation of an officer the Director, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Board, the Board may authorize an entrance rate higher than the minimum mid-point rate for a position, and such other variances—variations from the Salary Plan as it may deem necessary for the proper functioning of the services of the Town.

NOTE FROM TGSC: The Director, not the department head, makes the recommendation for an entrance rate higher than the mid-point of the range (no longer the minimum rate).

30.8. Recruitment. The Board Director shall recruit applicants for positions in the Classification Plan.

NOTE FROM TGSC: The responsibility for administrative matters is moved from the Board to the Director.

30.9. Records. The Board Director shall maintain such records and file such reports as are necessary to comply with fair employment practice laws and the rules of appropriate regulatory agencies, and maintain personnel records of all employees in the Classification Plan, including therein such information as the Director deems desirable.

30.10. Personnel Policies Nonunion Employees. The Board Director shall recommend and the Board may approve, following a public hearing with not less than three days' notice to the heads of the department heads and the employees to whom the amendment applies, Personnel Policies and procedures which shall apply applicable to all boards, officers and officials, relating to their and employees of the Town except employees of the School Committee and the Municipal Light Board. T and the Director shall establish subject to approval by Town Meeting and administer such procedures and policies for all Town employees. not covered by collective bargaining agreements.

NOTE FROM TGSC: The process for making changes to the Personnel Policies is set out. Town Meeting's role has been eliminated and a public hearing has been substituted. The Director recommends on the policy and the Board approves. A distinction has been made

between "procedures" administered by the Director and "policies" within the purview of the Board.

30.11. Compliance Advice. ~~The Board~~ Director shall advise all boards, officers, and officials as to compliance with applicable fair employment practice laws and other applicable state and federal laws and regulations.

30.12. Collective Bargaining Agent. ~~The Board shall act as the collective bargaining agent for the School Committee when so directed by that Committee, or for any other board when so directed by the Selectmen.~~

NOTE FROM TGSC: This entire section has been eliminated. The Town Manager will act as the collective bargaining agent as provided in the Special Act and in Article 20.3.k.

30.13.2. Civil Service Law. Nothing in this article, or in the Salary Plan, shall be construed to conflict with Chapter 31 of the General Laws.

30.14.3. Requests for Information. All boards, officers, officials and employees thereof shall furnish such information to the ~~Human Resources Board~~ Director as ~~it~~ the Director shall request in the performance of ~~its~~ the Director's duties.

NOTE FROM TGSC: Here again the Director is assuming administrative responsibilities formerly held by the Board.

30.15.4. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 31. CLASSIFICATION AND SALARY PLANS

31.1. Classification Plan. The positions of all officers and employees in the service of the Town (whether full time, part time, seasonal, casual, special, Civil Service or others) other than those positions under the direction and control of the School Committee or Municipal Light Board, are hereby shall be classified by titles in the groups set forth in a Classification Plan as approved and, from time to time, amended by the Human Resources Board. Listed in Schedule A entitled "Job Classification by Groups" which follows this article and is made a part hereof. (See Appendix)

NOTE FROM TGSC: Since Town Meeting will not be ratifying changes to the Classification Plan, it is no longer necessary to append the Schedule to the Town Bylaws.

31.2. New or Changed Positions. Whenever a new position ~~is established that is required to be classified by Section 31.1.~~ is established ~~that is not included in a collective bargaining unit, or the duties of an existing classified position not included in a collective bargaining unit are so significantly changed that in effect a new position is created,~~ the Human Resources Board shall, upon presentation by the Director of Human Resources of satisfactory substantiating data satisfactory to the Human Resources Board, the Board shall allocate such new or changed position to its appropriate group in the Classification Plan; provided, however, that t The allocation of new or changed positions included in collective bargaining units shall be subject to the negotiations as requirements of by Chapter 150E of the Massachusetts General Laws.

31.3. Titles of Positions. No person shall be appointed, employed or paid as an employee in any position ~~subject to the provisions of the~~ that has been classified pursuant to Section 31.1 ~~except Classification Plan under any a title other than those of set forth in the Classification Plan or under any title other than that of the job~~ the duties of which are actually being performed. The job title in the Plan shall be the official title for all purposes having to do with the position and shall be used to designate the position in all payrolls, budget estimates and official reports, and in every other connection involving personnel and fiscal processes.

31.4. Reclassification of Employees. No employee may be reclassified to a position job in another group, ~~the Classification and Salary Plan either higher or lower~~, unless ~~if~~ the Human Resources Board ~~shall have~~ determines that ~~such~~ reclassification will be consistent with the parameters of the Classification and Salary Plans. There shall be only one reclassification in any ~~twelve~~ 12-month period for any employee ~~except in~~ unless the Board determines that unusual circumstances justify an additional reclassification.

31.5. Job Descriptions. The ~~Human Resources Board~~ Director shall maintain written job descriptions of the ~~jobs, or~~ positions in the Classification Plan, describing the essential characteristics, requirements and general duties of the jobs. The descriptions shall not be construed as an employment contract and shall not be interpreted as complete or limiting definitions of any job. Nothing contained in any job description shall be construed as limiting and employees' duty to shall continue in the future, as in the past, perform any duties tasks assigned by department heads, supervisors, or other administrative authority.

31.6. Salary Plan. A Salary Plan ~~is to~~ shall be established and, from time to time, amended by vote of the ~~Town Meeting~~ to provide minimum and maximum salaries, or single rate salaries, for the groups and positions in the Classification Plan. The salary range, or rate, of a group shall be the salary range, or rate, for all positions classified in the group.

NOTE FROM TGSC: Here the Board, not Town Meeting, will determine the Salary Plan. Of course, Town Meeting retains the responsibility to FUND the salaries.

31.7. Amendment of ~~to~~ Plans. No amendment of either the Classification Plan or the Salary Plan shall be made until it has been presented to the Board with the Director's recommendation thereon. The procedures for amending the Classification and Salary Plans shall be as follows:

- a. For the Classification Plan, upon receipt of a recommendation from the Director, the Board shall give the department heads and employees to whom the amendment applies at least three days' written notice, and may then consider the proposed amendment.
- b. For the Salary Plan, upon receipt of a recommendation from the Director, ~~the~~ Board shall give the department heads and employees to whom the amendment applies at least three days' written notice and shall provide for legal notice in a manner determined by the Board, and then shall hold a hearing to consider the proposed amendment.

NOTE FROM TGSC: The role of Town Meeting is changed here, too. It will no longer vote on changes to the Classification and Salary Plans. The provision distinguishes between the Classification Plan, which is amended several times during the course of the year. Notice is to be given to the department heads and employees to whom the amendment applies. The Salary Plan, however, because it is amended only annually requires "legal notice." Below is the current Section 31.7. The changes are not noted because they are so extensive.

31.7. Amendment to Plans. ~~The Classification and Salary Plans may be amended by a majority vote of Town Meeting. No amendment of either plan shall be made until it has been~~

~~presented by signed petition to the Human Resources Board and acted upon by the Board. Upon receipt of such a petition, the Board, after giving the petitioners, the heads of the departments and employees affected at least three days' written notice, shall hold a hearing of the parties interested to consider the proposed amendment. If the Human Services Board shall fail to act on an amendment so presented within fifteen days after the hearing thereon, the Board shall be deemed to have disapproved the amendment. The petition may then be presented to the Town Meeting, if so desired. The Board may, of its own motion, after a similar hearing of the parties interested, propose an amendment to either Plan.~~

ADVISORY REPORT

The Town Government Study Committee asks Town Meeting to amend Articles 30 and 31 of the General Bylaws so as to bring them into alignment with such action as Town Meeting may take under Article 3. The thrust of the changes in this Article 4.C is to shift the responsibility for all of the various administrative functions in the Human Resources Department (HR Department), including the administration of the Classification and Salary Plans for all non-union employees of the Town except for those of the School Department and the Municipal Light Plant (MLP), from the Human Resources Board (HRB) to the Human Resources Director (HR Director) and to establish the HRB as more of a policy-making board for human resources.

ARTICLE 30: HUMAN RESOURCES

Section 30.1. Human Resources Board Membership

The changes in this section are of a purely housekeeping nature. The superfluous reference to "official" as a disqualifying factor for membership on the HRB has been deleted and the lead-in word to the last clause has been changed from "except" to "provided, however."

Section 30.2. Term

The three-year term of HRB members will remain as is.

Section 30.3. Human Resources Director

This section provides that the Town Manager rather than the HRB would appoint the HR Director pursuant to the appointment procedures that are set forth in Section 20.3(b) of the proposed new Bylaw Article 20. The HRB would have 15 calendar days after receiving notice of the Town Manager's appointment to approve or reject it. The Town Manager would also have the authority to appoint the other staff in the HR Department for whom funding has been approved by Town Meeting; however, the Town Manager could delegate this responsibility to the HR Director.

Section 30.4. Administer Plans

This section would shift the responsibility for administering the Classification and Salary Plans for non-union employees and the collective bargaining agreements for union-represented employees from the HRB to the HR Director. In addition, it would shift the responsibility for establishing the procedures for administering those plans and agreements from the HRB to the Town Manager acting with the assistance of the HR Director.

Section 30.5. Review Work

This section would shift the responsibility for reviewing the work of all positions that are subject to the Classification Plan to insure that they are properly classified from the HRB to the HR Director. If, as a result of any such review, the HR Director concludes either that a new position

should be added to the Classification Plan or that an existing position should be reclassified, he/she would recommend such action to the HRB which would have the ultimate responsibility of approving or rejecting the HR Director's recommendation. Such changes to the Classification Plan would no longer be submitted to Town Meeting for ratification.

Section 30.6. Salary Plan

This section would shift the responsibility for reviewing the Salary Plan from the HRB to the HR Director who, as in the case of the Classification Plan, would make any recommendations for change to the HRB, which would have the responsibility of approving or rejecting any such recommendation. However, the funding of any such change in the Salary Plan and the Classification Plan would continue to be subject to Town Meeting approval through its approval of the Town's operating budget.

Section 30.7. Variations from Plan Salary

Recommendations for starting new employees above the mid-point of the salary range (no longer just above the minimum rate) for a position covered by the Classification Plan would, under this section, be made to the HRB by the HR Director rather than by the head of the affected department as at present. However, the HRB would continue to have the authority to approve such enhanced entrance rates.

Section 30.8. Recruitment

The responsibility for recruiting applicants for positions covered by the Classification Plan would shift from the HRB to the HR Director.

Section 30.9. Records

The record-keeping responsibilities of the HR Director would be transferred from the HRB to the HR Director as part of the overall shift of the administrative functions of the HR Director from the HRB to the HR Director.

Section 30.10. Personnel Policies

This section would assign the responsibility for recommending Personnel Policies for all Town employees except for those of the School Committee and the Municipal Light Board to the Director. Upon receipt of any such recommendation, the HRB would hold a public hearing before voting whether or not to approve any such recommended Personnel Policies. Town Meeting would no longer have any role in the adoption of Personnel Policies.

Section 30.11. Compliance Advances

This section would shift the responsibility for advising all Town boards and officials of the applicable fair employment laws and applicable state and federal laws and regulations from the HRB to the HR Director.

Section 30.12. Civil Service Law

This section is unchanged.

Section 30.13. Requests for Information

Under this section, the HR Director would assume the responsibility of requesting and receiving relevant human resource information, now assigned to the HRB, to the HR Director.

Section 30.14. General Provisions

This section is unchanged.

ARTICLE 31: CLASSIFICATION AND SALARY PLANS

Section 31.1. Classification Plan

There are two substantive changes in this proposed rewrite of Section 31.1. The first would add those positions that are under the direction and control of the Municipal Light Board to those that are under the direction and control of the School Committee as being exempt from the Classification Plan. The second would be that the changes to the Classification Plan would no longer be subject to ratification by Town Meeting if the Special Act and these amendments are ultimately approved, and thus, the Plan itself would no longer be an appendix to the Town bylaws.

Section 31.2. New or Changed Positions

This section would be reworded to conform to the procedure for adding new positions to or changing the placement of existing positions on the Classification Plan that would be introduced if the proposed amendment of Section 30.5 that is described above is approved.

Section 31.3. Titles of Positions

The proposed rewrite of this section does not contain any substantive changes.

Section 31.4. Reclassification of Employees

The proposed rewrite of this section does not contain any substantive changes. However, the reclassification procedure to which it refers and which is set forth in Section 30.5 would undergo the changes that are described above.

Section 31.5. Job Descriptions

This section would shift the responsibility for maintaining written job descriptions for all positions in the Classification Plan from the HRB to the HR Director. In addition, it seeks to clarify that the job descriptions are neither employment contracts nor limitations on the duties that may be assigned to employees who are covered by the Classification Plan by their department heads, supervisors or other administrative authority.

Section 31.6. Salary Plan

This section provides that the HRB would establish and, pursuant to the procedure described in Section 30.6 above, amend the Salary Plan. However, Town Meeting would continue to have the responsibility of funding the salaries in the Salary Plan through its approval of the Town's annual operating budget.

Section 31.7. Amendment of Plans

This section constitutes a complete rewrite of the current procedure for amending the Classification and Salary plans. Amendments to the Classification Plan which typically occur several times each year would be initiated by a recommendation by the HR Director to the HRB as described in Section 30.5 above. The affected department would then be given at least three days written notice before considering the HR Director's recommended change. Changes to the Salary Plan (see Section 30.6 above) occur once per year and would require the HRB to hold a public hearing on the HR Director's recommendation.

ADVISORY CONSIDERATIONS

If Town Meeting approves the Special Act in Article 3.A, then the proposed amendments of Articles 30 and 31 of the Town's Bylaws would be necessary to implement the powers and authority that would be granted to the Town Manager by the Special Act. The Advisory Committee has reviewed the proposed amendments with Town Counsel and agrees that these

amendments are necessary if the Special Act that is set forth in Article 3.A is approved by Town Meeting.

Five members of the Advisory Committee voted to recommend unfavorable action on the Special Act in Article 3.A, but all 14 members voted for favorable action on Article 4.C. The reasons some members voted against Article 3.A have to do with the change in Human Resource functions with regard to the boards and the department heads (as described in the Advisory Considerations in Article 3.A). The amendments in Article 4.C have to do with proposed changes to the responsibilities within the HR Department itself; certain authorities are being transferred from the HR Board to the HR Director. Every Advisory member agrees with these proposed changes.

Advisory recommends favorable action, 14 to 0.

Article 4.D. To see if the Town will vote:

To amend certain provisions throughout the General Bylaws to provide for appointment of the Town Clerk pursuant to the Special Act to be requested pursuant to Warrant Article 3, to require that the Board of Selectmen fix the date for Annual Town Meeting by November 15 of the preceding year, and to make other miscellaneous changes to Town Government in accordance with such Special Act. A copy of the proposed amendments to the General Bylaws is on file and available for viewing at the office of the Town Clerk and at the Wellesley Free Library or take any other action in relation thereto.

(Town Government Study Committee)

BYLAW AMENDMENTS WITH TGSC ANNOTATIONS

September 28, 2015
October 7: No changes

MISCELLANEOUS BYLAWS

The following are several bylaws that need to be amended as a result of the recommendations of the Town Government Study Committee relating to the creation of the position of Town Manager, the appointment, rather than election, of the Town Clerk, and other changes recommended by the Town Government Study Committee.

We will indicate the title of the Article in which the amendment is proposed and we will:

- Provide the text of the section as it currently reads;
- Provide the text of the section showing proposed deletions and additions; and
- Provide the text of the section as it would read if amended in italics.

NOTE FROM TGSC: this process of showing the text in three ways will be required for Special Town Meeting.

(1) Article 1. General Definitions and Rules of Interpretation

NOTE FROM TGSC: The definitional section is being amended to define the senior staff employee as one who is appointed by the Town Manager, not by a board. The Town Clerk, if the Special Act is approved, will be appointed and will no longer be an "official."

The text of the section as it currently reads:

1.2. Definitions. For the purposes of these bylaws:

- a. "Board" means a multiple-member board, commission, committee or sub-committee however created, elected, appointed or otherwise constituted.
- b. "Officer" means the senior departmental staff employee appointed by a board named in these bylaws. A person employed primarily for secretarial duties is not an "officer". The Treasurer and Collector of Taxes, Town Counsel, the Inspectors named in Article 23 and the Sealer of Weights and Measures are also officers.
- c. "Official" means the Moderator and the Town Clerk.
- d. "Resident" means a person who occupies an established place of abode in the Town as his or her principal residence with no present intention of definite and early removal.

The text of the section showing proposed deletions and additions:

1.2. Definitions. For the purposes of these bylaws:

- a. "Board" means a multiple-member board, commission, committee or sub-committee, however created, elected, appointed or otherwise constituted.
- b. "Officer" means the senior departmental staff employee appointed by a the Town Manager; provided, however, that ~~a board named in these bylaws~~. a person employed primarily for secretarial clerical duties is not an "officer." The Moderator, Treasurer and Collector of Taxes, Town Counsel, the Inspectors named in Article 23 and the Sealer of Weights and Measures are also officers.
- c. ~~"Official" means the Moderator and the Town Clerk.~~
- d. "Resident" means a person who occupies an established place of abode in the Town as his or her principal residence with no present intention of definite and early removal.

The text of the section as it would read if amended:

1.2. Definitions. For the purposes of these bylaws:

- a. "Board" means a multiple-member board, commission, committee or sub-committee, however created, elected, appointed or otherwise constituted.
- b. "Officer" means the senior departmental staff employee appointed by the Town Manager; provided, however, that a person employed primarily for clerical duties is not an "officer." The Moderator, Treasurer and Collector of Taxes, Town Counsel, the Inspectors named in Article 23 and the Sealer of Weights and Measures are also officers.
- c. "Resident" means a person who occupies an established place of abode in the Town as his or her principal residence with no present intention of definite and early removal.

(2) Article 6. General Provisions

NOTE FROM TGSC: This section is to be deleted.

The text of the section as it currently reads:

6.3. Staff Performance. Each board is responsible for the faithful and competent performance of duties by persons employed or appointed by it. The Town Clerk shall have the same responsibility with regard to persons the Town Clerk employs.

The text of the section showing proposed deletions and additions:

~~**6.3. Staff Performance.** Each board is responsible for the faithful and competent performance of duties by persons employed or appointed by it. The Town Clerk shall have the same responsibility with regard to persons the Town Clerk employs.~~

The text is to be deleted.

NOTE FROM TGSC: The purpose of this amendment is to clarify that engineering work, not done by the DPW, must be approved by the Town Manager or by vote of Town Meeting.

The text of the section as it currently reads:

6.4. Engineering. Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Board of Public Works, no board, officer, or official (except the Permanent Building

Committee) shall incur expense for engineering services of the kind provided by the Department of Public Works.

The text of the section showing proposed deletions and additions:

6.4. Engineering. Unless expressly authorized by statute, a vote of Town Meeting, or ~~vote of the Board of Public Works~~ by the Town Manager, no board, officer, or official (except the Permanent Building Committee) shall incur expense for engineering services of the kind provided by the Department of Public Works.

The text of the section as it would read if amended:

6.4. Engineering. *Unless expressly authorized by statute, a vote of Town Meeting, or by the Town Manager, no board, officer, or official (except the Permanent Building Committee) shall incur expense for engineering services of the kind provided by the Department of Public Works.*

(3) Article 7. Vacancy

NOTE FROM TGSC: No special provision for filling the vacant position of Town Clerk is needed if the Special Act is passed approving the appointment, not election, of the Town Clerk.

The text of the section as it currently reads:

7.3. Vacancy in Other Elected Positions. A vacancy in an elected board other than the Board of Selectmen shall be filled by appointment in accordance with Chapter 41, Section 11 of the General Laws, or by election in accordance with Chapter 41, Section 10. A vacancy in the office of Town Clerk shall be filled in accordance with Chapter 41, Section 14 of the General Laws.

The text of the section showing proposed deletions and additions:

7.3. Vacancy in Other Elected Positions. A vacancy in an elected board other than the Board of Selectmen shall be filled by appointment in accordance with Chapter 41, Section 11 of the General Laws, or by election in accordance with Chapter 41, Section 10 of the General Laws. ~~A vacancy in the office of Town Clerk shall be filled in accordance with Chapter 41, Section 14 of the General Laws.~~

The text of the section as it would read if amended:

7.3. Vacancy in Other Elected Positions. *A vacancy in an elected board other than the Board of Selectmen shall be filled by appointment in accordance with Chapter 41, Section 11 of the General Laws, or by election in accordance with Chapter 41, Section 10 of the General Laws.*

(4) Article 8. Town Meeting

NOTE FROM TGSC: The purpose here is to require the Board of Selectmen to call for the Annual Town Meeting by November 15 of the year preceding the Annual Town Meeting. The budget deadlines set forth in Section 6A.7 are measured from the start of the Annual Town Meeting.

The text of the section as it currently reads:

8.6. Date of Annual Town Meeting. The Annual Town Meeting shall commence no earlier than the last Monday in March and no later than the last day of May. The Selectmen shall fix the time and place for the Meeting.

The text of the section showing proposed deletions and additions:

8.6. Date for Annual Town Meeting. The Annual Town Meeting shall commence no earlier than the last Monday in March and no later than the last day of May. The Board of Selectmen shall fix the time and place for the Meeting no later than November 15 prior thereto.

The text of the section as it would read if amended:

8.6. Date for Annual Town Meeting. *The Annual Town Meeting shall commence no earlier than the last Monday in March and no later than the last day of May. The Board of Selectmen shall fix the time and place for the Meeting no later than November 15 prior thereto.*

(5) Article 13. Audit Committee

NOTE FROM TGSC: Upon receipt of reports of the auditors, the Audit Committee shall give copies to the Town Clerk and to the Town Manager. The last sentence of the section is deleted because this bylaw was written before the current provisions of the Open Meeting Law were enacted.

The text of the section as it currently reads:

13.5. Audit Reports. The Committee shall receive all reports of the auditors. It shall give any board, officer or official which is audited a copy of that portion of the audit report relating to that board, officer or official. It shall also file a copy of each audit report with the Town Clerk within 120 days after the close of the fiscal year and the copy shall be a public record.

The text of the section showing proposed deletions and additions:

13.5. Audit Reports. The Audit Committee shall receive all reports of the auditors and, upon receipt, shall provide a copy of such reports to the Town Manager and Town Clerk. The Committee shall also provide to ~~It shall give~~ any audited board, officer or official ~~which is audited~~ a copy of that portion of the audit report relating to that board, officer or official. ~~It shall also file a copy of each audit report with the Town Clerk within 120 days after the close of the fiscal year and the copy shall be a public record.~~

The text of the section as it would read if amended:

13.5. Audit Reports. *The Audit Committee shall receive all reports of the auditors and, upon receipt, shall provide a copy of such reports to the Town Manager and Town Clerk. The Committee shall also provide to any audited board, officer or official a copy of that portion of the audit report relating to that board, officer or official.*

(6) Article 24. Facilities Maintenance Department

NOTE FROM TGSC: Town Manager is substituted for Executive Director concerning responsibilities relating to FMD.

The text of the section as it currently reads:

24.5. Annual Report. The Director of Facilities Maintenance shall report annually to the Executive Director, in whatever manner and form the Executive Director finds would be helpful, on the status of all Town-owned buildings under the Director's supervision as of the end of the fiscal year, building by building, including the work performed during the year, together with recommendations for future action, and the expected costs to maintain said buildings to the appropriate standard.

The text of the section showing proposed deletions and additions:

24.5. Annual Report. The Director of Facilities Maintenance shall report annually to the Town Manager ~~Executive Director, in whatever manner and form the Town Manager Executive~~

~~Director finds would be helpful, on the status of all each Town-owned buildings under the Director's supervision as of the end of the fiscal year, building by building, including the any work performed during the year, together with recommendations for future action, and the expected costs to maintain said the buildings to the appropriate standard.~~

The text of the section as it would read if amended:

24.5. Annual Report. *The Director of Facilities Maintenance shall report annually to the Town Manager on the status of each Town-owned building under the Director's supervision, including any work performed during the year, recommendations for future action, and the expected costs to maintain the buildings to the appropriate standard.*

(8) Article 26. Town Clerk

NOTE FROM TGSC: If the Special Act is passed, then the legal change to appointment of the Town Clerk (Special Act, Section 5) will have occurred. This then just follows the provisions in the Special Act.

The text of the section as it currently reads:

26.1. Office. The Town shall have an elected Town Clerk who shall be a registered voter of the Town.

26.2. Term of Office. The term of office shall be three years.

The text of the section showing proposed deletions and additions:

26.1. Office. In accordance with the provisions of Section 20.3.b., the Town Manager shall appoint the Town Clerk.

~~**26.2. Term of Office.** The term of office shall be three years.~~

The text of the section as it would read if amended:

26.1. Office. *In accordance with the provisions of Section 20.3.b., the Town Manager shall appoint the Town Clerk.*

ADVISORY REPORT

The Town Government Study Committee asks Town Meeting to amend the General Bylaws in accordance as such action as Town Meeting takes under Article 3.A. The bylaws affected by this motion are

- Article 1. General Definitions and Rules of Interpretation
- Article 6. General Provisions
- Article 7. Vacancy
- Article 8. Town Meeting
- Article 13. Audit Committee
- Article 24. Facilities Maintenance Department
- Article 26. Town Clerk

Article 1. General Definitions and Rules of Interpretation

The term “officer” is used throughout the Town Bylaws and currently is defined to be the “senior departmental staff employee appointed by a board.” Since the Town Manager, under the proposed bylaws, would appoint the department heads, the definition needs to be revised to provide that an “officer” is the senior departmental staff employee appointed by the Town Manager. If the Special Act is approved, then the Town Clerk would be appointed and would no longer be an “official.”

Article 6. General Provisions

This article includes two changes. Section 6.3, “Staff Performance” would be deleted. Section 6.4, “Engineering” would transfer the authority to approve engineering work not done by the Department of Public Works from the Board of Public Works to the Town Manager.

Article 7. Vacancy

The current reference to the method of filling a vacancy in the position of Town Clerk would be deleted from this section since the Town Clerk would no longer be an elective position.

Article 8. Town Meeting

The timeline for the proposed budget process is based on the start date of the Annual Town Meeting (ATM); therefore, it is important that the date of ATM be set early in the budget year. This proposed amendment would require that the Board of Selectmen set the time and place for ATM by November 15 of the prior year.

Article 13. Audit Committee

The proposed amendment would require the Audit Committee to provide copies of an auditor’s report to both the Town Manager and the Town Clerk upon receipt of the report.

Article 24. Facilities Maintenance Department

The proposed amendment merely substitutes “Town Manager” for “Executive Director.”

Article 26. Town Clerk

If the Special Act is approved, then the Town Clerk would become an appointed rather than an elected position and the Town Manager would appoint the Town Clerk.

ADVISORY CONSIDERATIONS

If Town Meeting approves the Special Act in Article 3.A, then the proposed amendments of the Town’s Bylaws in Article 4.D would be necessary to amend the current bylaws to implement Town Manager authority, to change the Town Clerk from an elected position to an appointed position, and to reflect changes approved as a result of favorable action on the Special Act in Article 3.A. The Advisory Committee has reviewed the proposed amendments with Town Counsel and agrees that these amendments are necessary if the Special Act that is set forth in Article 3.A is approved by Town Meeting.

The Advisory members who voted favorable action on Article 3.A voted for favorable action on Article 4.D. They support the town manager form of government as spelled out in the Special Act in Article 3.A and see these Bylaw amendments as “housekeeping” matters to align the Town Bylaws with the proposals already approved by Town Meeting.

The members who voted for unfavorable action on Article 3.A also voted for unfavorable action on Article 4.D. They do not agree with the “one-size-fits-all” approach to implementing a new town manager form of government. They believe that certain boards should have the right to

maintain the hiring, supervising, and firing of their own department heads and staff. In addition, some members do not support changing the Town Clerk position from an elected position to an appointed position, as they feel that the position that is responsible for elections and dissemination of information should remain directly accountable to the voting public.

Advisory recommends favorable action, 9 to 5.

ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen to take any action they deem necessary or appropriate to implement the Special Act and Bylaw amendments approved under Warrant Articles 4 and 5; or take any other action in relation thereto.

(Town Government Study Committee)

Advisory expects no motion under this Article.

ARTICLE 6. To see if the Town will vote to authorize the Board of Selectmen to create a new administrative division known as the "Planning and Land Management Division" and to appoint a Deputy Town Manager or Deputy Director of General Government Services to serve as the Director of said Division. The Division shall include the following boards and related staff: the Building Department, Planning Board, Zoning Board of Appeals, Natural Resources Commission, Wetlands Protection Committee, Design Review Board, Historical Commission, Historic District Commission, and Neighborhood Conservation Districts. The Director of the Division shall be responsible for developing and managing the Division budget, administering all personnel functions, developing a strategic plan for the Division, coordinating the Division's daily operations, and developing communications and archive protocols; or take any other action in relation thereto.

(Town Government Study Committee)

MOTION: That the Board of Selectmen shall be authorized to create a new administrative division known as the "Planning and Land Management Division" and that the Town Manager or Executive Director of General Government Services shall appoint a Deputy Town Manager or Deputy Director of General Government Services to serve as the Director of said Division; provided that, until such time as the Board of Selectmen or Town Manager, if any, reorganize said Division, said Division shall include the following boards and related staff: the Building Department, Planning Board, Zoning Board of Appeals, Natural Resources Commission, Wetlands Protection Committee, Design Review Board, Historical Commission, Historic District Commission, and Neighborhood Conservation Districts; and provided further that the Director of said Division shall be responsible for developing and managing the PLMD budget, administering personnel functions, managing the Division's daily operations, and developing communications and archive protocols, such division to be established within ninety (90) days after the dissolution of the Special Town Meeting. The Board of Selectmen shall report to the 2016 Annual Town Meeting on the creation of the Planning and Land Management Division.

The Town Government Study Committee (TGSC) requests Town Meeting approval to have the Board of Selectmen (BOS) establish a new administrative division known as the Planning and Land Management Division (PLMD). The director of the PLMD would be a person serving in a newly created position, titled Deputy Town Manager or Deputy Director of General Government Services. The Director of the PLMD would report to the Town Manager or to the Executive Director of General Government Services, respectively. The PLMD would include the following boards and their related staff: the Building Department, Planning Board, Zoning Board of Appeals, Natural Resources Commission, Wetlands Protection Committee, Design Review Board, Historical Commission, Historic District Commission and Neighborhood Conservation Districts.

Currently the above-referenced boards and their staff operate independently. If this Motion were approved, the Director of the PLMD would be responsible for developing and managing the PLMD budget, administering all personnel functions, managing the Division's daily operations, and establishing communication and archive protocols.

It is the opinion of the TGSC that there is a need for a PLMD in order to foster better management of the building permit process and related land use management concerns. Under the current structure, there is no centralized authority to coordinate the Town's building and land management policies and procedures, which has led to inefficiency, confusion, and frustration on the part of Town residents, boards, and staff. The TGSC believes that the creation of the PLMD would ensure more collaboration and coordination in planning and resource management and protection and lead to better access to permitting processes.

The TGSC suggests that likely priorities for the PLMD Director would be better communication between and within departments and with the community; possibly creating a single point of contact for land management and permitting questions; cross-training of staff both to broaden the ability to serve residents and to improve opportunities for professional development of the staff; the implementation of an online permit application and tracking system; centralization and therefore improved management of information technology systems; implementation of a records management system; and flexibility to supplement staff support within the PLMD as needed to meet periodic peak demands and to provide support to unstaffed boards. The TGSC submits that the creation of the PLMD would provide an administrative structure to address these common needs by placing responsibility for these functions with the PLMD Director, whose primary responsibility would be to support the work of the boards and departments.

The TGSC originally proposed this Article in the form of a new Town Bylaw, but later revised the Article making it a motion authorizing the BOS to create the new administrative division. It is anticipated that there will be a Motion under this Article regardless of the outcome of the Motions seeking to establish a Town Manager.

The Natural Resources Commission (NRC) has expressed concerns and objections to the inclusion of the NRC in the proposed division, as it might diminish the NRC's ability to carry out its mission to protect the environment, particularly if there were to be a difference of opinion over conservation and open space between the NRC and the BOS. The NRC reported to Advisory that they do not oppose the creation of the PLMD, but they are opposed to including the NRC and the Natural Resources Department (including the Wetlands Protection Committee) in the new division. The NRC points out that the NRC and its mission were created by special legislation that Town Meeting passed in 1977. The NRC believes that its current independence permits it to carry out best its mission of protecting the Town's natural resources. The NRC also expressed concern that inclusion in this new division would result in the NRC having less control of the NRC staff and budget as the NRC Board and Director would be under a Deputy Director reporting to a Town Manager under the BOS.

ADVISORY CONSIDERATIONS

The majority of the Advisory Committee thinks that the creation of a PLMD would benefit the Town. The departments that would be included in the new division currently have 15 employees reporting to six different boards, and they are behind the curve with technology. Residents have a difficult time negotiating with independent departments, leading to what has been called a group of separate "silos." The residents would benefit from coordinating the processes, cross training the administrative staff, integrating information systems, and better communication

between the departments and their respective boards. Many members think that this type of coordination in our Town government is long overdue.

A majority of members of Advisory think that it would be best not to have the NRC separated from the other boards and departments proposed for inclusion in the PLMD and agree with the the TGSC that the NRC should be included in the day-to-day planning and permitting decisions of the Town. A minority of Advisory members supports the NRC position to remain independent. These members are concerned that, if the NRC becomes part of the PLMD, then environmental protection and conservation of open space could take a second place to the interests of development. In addition, some members of Advisory believe that the issues with permitting can be addressed with a clear and well-defined permitting process coordinated with other departments involved in permitting and do not require the consolidation of the NRC (and Wetlands) under a land use division.

Advisory acknowledges the need for better coordination among land management boards and departments, particularly as it relates to the permitting process and the implementation of a Town-wide strategic and comprehensive plan. Further to that point, if the Special Act passes and Wellesley takes on a town manager form of government, it is likely that the Town Manager would implement a similar management structure for planning and land management. Some members of Advisory believe that it would be best to leave the specific organization of the Town departments to the proposed Town Manager rather than imposing a structure prior to his or her arrival. It is possible that some candidates for Town Manager may prefer having the flexibility to organize departments based on experience and the capabilities of the current department heads, rather than having an existing organizational structure already in place. On the other hand, gathering the land-related departments under one director is logical and typical of other Massachusetts towns, a point that a candidate for Town Manager might appreciate. Perhaps more importantly, the establishment of the PLMD by means of a motion (as opposed to the Bylaw change that was originally proposed) is a decision that the Town Manager could easily change with the approval of the BOS.

It was suggested to Advisory that deferring action on the PLMD until after a Town Manager (or new Executive Director) is hired might delay the change until spring 2018 or even later, given the length of time that it will take to fill the position, plus the time before the new Town Manager or Executive Director finally addresses the need. Some on Advisory are of the opinion that such a delay is unlikely. These Advisory members believe that an effective Town Manager would make it a priority to organize departments under deputies, much as proposed in this Motion. These members of Advisory also suggest that the overall delay in beginning the implementation of the needed changes would likely be 9 to 12 months, which is basically the time needed to hire a Town Manager or new Executive Director and to organize such a division.

Another concern felt by some members of Advisory is that the Motion is not specific enough about the job responsibilities of the Division Director. These members believe that the Motion language is too vague, particularly the words "responsible for developing and managing the PLMD budget, administering personnel functions, developing a strategic plan for the Division, managing the Division's daily operations, and developing communications and archive protocols." For example, until a Town Manager is in place, what does "administering all personnel functions" mean given that the boards currently administer these functions? These Advisory members note that the ambiguity of this language stands in contrast to the specific description of the Town Manager's duties under the proposed Special Act and Bylaw amendments. Finally, this group of Advisory members is concerned that the Motion language could be interpreted to mean that not only department heads, but also boards, would have to report to the PLMD Director.

Other members of Advisory see the flexibility in the proposal under this Motion as desirable, because it gives a new Town Manager or Executive Director a chance to tailor the position as needed. These members also do not perceive a risk that the PLMD Director would control the land use boards.

Advisory recommends favorable action, 8 to 6.

ARTICLE 7. To see if the Town will vote to establish a five-member committee to be appointed by the Moderator to be known as the “BPW Study Committee”; to direct the Committee to review and make findings and recommendations on:

- The ongoing functions of the Department of Public Works and the ongoing role and composition of the Board of Public Works;
- Whether the Board of Public Works should be elected, appointed or eliminated altogether;
- If the recommendation is that the Board of Public Works should be appointed, the composition and appointing authority of such Board recommended to be appointed;
- If the recommendation is that the Board of Public Works should be eliminated, whether the Board of Selectmen or the Town Manager should be responsible for the supervision of the Department of Public Works;
- The composition and appointing authority of the Municipal Light Board; and
- Whether the responsibility for water, stormwater, sewer, electric services should be consolidated into a new Public Utilities Department or otherwise transferred; to direct the Committee to hold public hearings and to make a report to the 2017 Annual Town Meeting; and to see what sum of money the Town will raise and appropriate, transfer from available funds or otherwise provide for such Committee; or take any other action in relation thereto.

(Town Government Study Committee)

The Town Government Study Committee (TGSC) requests Town Meeting approval to create a five-member Board of Public Works Study Committee (BPW Study Committee) to be appointed by the Moderator. The TGSC also requests an appropriation of \$10,000 from Free Cash to the BPW Study Committee to use in support of its work. The BPW Study Committee would convene in July 2016 and would make its report to the 2017 Annual Town Meeting.

The Board of Public Works (BPW) is a three-person, elected board, with three-year terms staggered by a year. The BPW oversees the Department of Public Works (DPW), which consists of eight programs: Engineering, Park, Highway, Recycling & Disposal, Management Services, Water, and Sewer. The BPW also constitutes three of the five members of the Municipal Light Board (MLB). The Board of Selectmen appoints the other two members of the MLB for three-year terms.

This proposal came out of discussions between the TGSC and the BPW. The TGSC observed that only one of Wellesley’s benchmark towns has a BPW; in many instances, the DPW simply reports to the Town Manager or the Board of Selectmen. The BPW suggested that an in-depth study of current governance and structure at the DPW to determine the most effective model would be appropriate if the Town Manager form of government is approved by Town Meeting. In addition, the oversight of water, storm water, and sewer currently resides with the DPW; these can be construed as utilities and hence might be consolidated under the purview of the MLB.

It should be noted that the TGSC intends to make a motion for the creation of this committee only if the Special Act under Warrant Article 3 is approved.

If this motion passes, the Moderator will appoint an experienced five-person committee of Wellesley citizens to start work in July 2016 to conduct a comprehensive study. Group members

would not currently hold appointed or elective office in Wellesley. They would be joined by a liaison from the MLB, the BPW, and the Board of Selectmen.

The majority members of Advisory view this proposal positively: the approach is collaborative and the study is welcomed by the BPW/MLP Boards. One member of Advisory questions why we need to study a structure that currently works well for the Town; one could argue that if we study the BPW, then why not study every board in Town? This member thinks that how benchmark towns manage their Departments of Public Works should not have any impact on how Wellesley manages its own department.

Advisory recommends favorable action, 13 to 1.

ARTICLE 8. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money, to be expended under the direction of the Board of Selectmen, for the cost of conducting a search for a Town Manager or Executive Director of General Government Services; or take any other action in relation thereto.

(Board of Selectmen)

The Board of Selectmen (BOS) requests an appropriation of \$35,000 from Free Cash to engage an executive search firm to assist the Selectmen in conducting a search for a new Executive Director of General Government Services or for a Town Manager, in case the Town adopts a town manager form of government. The funds would be used to hire a search firm in either event, as the current Executive Director of General Government Services has announced that he is retiring in November 2016.

The executive search firm would assist the BOS in soliciting input for and developing a community and candidate recruitment profile; determining the geographic scope, timing and confidentiality of the search; establishing salary parameters; developing the candidate screening, interview, and selection process; and negotiating a compensation package. The BOS anticipates that the search process will take approximately six months. If the Special Act is approved by Town Meeting and subsequently enacted by the state legislature, the executive search firm would begin its work following approval by the voters of the Special Act in a special municipal election in March 2016. The final selection and formal appointment of either a Town Manager or an Executive Director of General Government Services is expected to be made by September 2016.

Advisory supports the use of a search firm to assist the Selectmen in finding the right candidate with the qualifications and experience that suit the Town's needs for either a new Executive Director or a Town Manager. Conducting a thorough search for a candidate with a proven history of executive leadership experience in municipal government will be one of the most important responsibilities that the BOS will have in the coming year.

The position requires comprehensive knowledge of the functions of municipal government and the operations of municipal finance, budgeting, and human resources; demonstrated skills in managing finances and interests of multiple stakeholders; and experience in overseeing municipal collective bargaining and managing employees in a unionized environment. Going outside of Town Hall for assistance in recruiting the best candidate is a sensible choice. Advisory considers this funding request to be adequate and appropriate.

Advisory recommends favorable action, 12 to 0.

ARTICLE 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money, to be expended under the direction of the Permanent Building Committee, for construction, reconstruction, remodeling, rehabilitation or modernization of School District buildings, structures and land area including any necessary site work, and for any other services in connection therewith, to enhance security throughout the Wellesley Public School District; or to take any other action in relation thereto.

(School Committee)

The School Committee (SC) asks Town Meeting to appropriate \$2,454,374 to be expended under the supervision of the Permanent Building Committee (PBC) for construction of security improvements at five elementary schools: Hardy, Hunnewell, Upham, Sprague, and Bates; and at the Middle School, PAWS Preschool, and High School. If Town Meeting approves this appropriation, then the project will be funded by general obligation borrowing within the levy limit. Debt service has been projected roughly to be \$350,000 to \$400,000 over a period of seven to ten years.

The Massachusetts School Building Authority (MSBA) has included safety and security components in its standard package for new and renovated building projects since 2008. As a result, the new high school was constructed with security components that included Aiphones, a combination video feed and buzzer system; proximity cards, for teacher use and day-to-day facilities operation; and cameras. Those same components were then included in the renovation designs at Fiske and Schofield. When the Wellesley Public Schools (WPS) underwent a district-wide security study in 2013, these same elements were taken into consideration. Striking the right balance between safety and security of the school community and safeguarding the Town's physical assets have been a primary goal of this project.

Background

- 2013 – The School Administration began working with the Wellesley Police Department (WPD) to review and identify further security needs. The Facilities Maintenance Division (FMD) implemented security enhancements district-wide, which included upgrading exterior doors and locks and the addition of key cards and buzzer systems at each school. In addition, the Department of Public Works removed heavy bushes at the entrance to some schools to improve visibility.
- 2013 – Town Meeting appropriated \$160,000 to the PBC for a district-wide security system study. TSG Solutions, a security consulting firm, was contracted to produce an assessment of the security, technology, staffing, policies, procedures, and training: \$40K was spent and the remaining \$120K was returned to Town.
- 2014 – the Massachusetts School Safety and Security Task Force released guidelines that focused primarily on staff planning and protocol; security components consistent with the Wellesley High School (WHS) were included in the Fiske and Schofield renovations and are presently in use.
- 2015 – Town Meeting appropriated \$408,000 to PBC for the school security project; LLB Architects was hired to design security plans for eight WPS buildings: \$205,844 has been spent to date; FMD and WPD were essential in the evaluation.

Process

- Security working group formed consisting of the SC, the PBC, the OPM (Owner's Project Manager) Dore & Whittier, LLB Architects, the WPS Administration and technology

department, three WPD officers, and the FMD. The group undertook an exhaustive review of all the WPS buildings, which included more than 40 hours of meetings.

- Security working group used TSG comprehensive assessment from 2013 as starting point.
- Primary goal was to provide a safe and secure environment for students, staff, and community. A school-by-school assessment that took into account how each building functioned in the community was completed.
- Each school building was evaluated based on three components: access controls, communication, and monitoring. The existing security package in place at the WHS and the completed security work at Fiske and Schofield were used as a template.
- Two buildings were assessed regarding the location of the main office.

Access Control

Main points of entry, doors, and hardware, and the ability to monitor and/or assess via the use of video cameras were reviewed. Additional iPhones would be installed at main points of entry. The remaining doors would have prox card readers installed for teacher use and the day-to-day facilities operation at each building. In addition, the FMD has identified a standard lock for the town of Wellesley: Schlage locks, while expensive, have been selected as they have a master key and doors lock from both sides—a critical aspect to providing a safe environment as well as access. This will ease in repairs and replacement and allow for flexibility as the needs of the buildings change. Standard doors have also been identified. The locking and operation of any door to a regularly occupied room, excluding multipurpose rooms such as gymnasiums and cafeterias, were looked at. Upgrades range from hardware-only to frame, and in some cases, complete doors. Recognizing the sensitive nature of having cameras in schools, the security working group worked to reduce the number of cameras from the TSG recommendation of 160 cameras to the LLB proposal of 105 cameras.

Technology

The communication considerations centered around the ability to clearly and consistently communicate within the building and with the WPD via police-specified radios. PA systems would be replaced or integrated as needed. For schools that are under consideration for consolidation or renovation, the life expectancy of each unit is offset by the life expectancy of technology advances. Working with the WPD, two-way radios would be selected based on current models used by the WPD. These have been identified as a high priority and would allow the police to be in direct contact with the schools. Police would purchase the radios on behalf of the Schools. There would be one radio desk unit and two handheld units per school. Interior and exterior cameras would be strategically installed at each school. The cameras would not be watched live but would be used to help, after the fact, with theft, vandalism, and in some cases, discipline. If the need arises, the police would have the ability to live monitor what is happening in the schools.

Building Reconfiguration

Hunnewell's main office would be reconfigured so that it is in direct sight of the main entry. It should be noted that Hardy could benefit from reconfiguration, but the cost would be prohibitive. The proposed changes at Hunnewell would cost \$23,000, while a reconfiguration at Hardy would cost \$800,000. There will be appropriate staff training and security protocols established at Hardy.

Costs

The project, as designed by LLB and as presented to the PBC on October 1, 2015, would cost \$2,454,374 and would be funded with short-term borrowing. The project would be completed

during the summer of 2016. The work at the Wellesley Middle School would be done concurrently with the window replacement project.

The annual maintenance costs of the school security proposal would be shared between the FMD and the WPS. All new equipment would be covered by warranty for one year after construction is completed; annual maintenance costs would be phased in over the next two years. The FMD would be responsible for preventive maintenance costs, plus costs for on-call repair and service, new cameras, access control devices, wiring and cabling between these devices, and electronic door hardware. The WPS IT Department would be responsible for software upgrades, licenses, workstations and network equipment, and issuing and receiving proximity cards and would be covered by an existing WPS staff person. The estimated maintenance costs per year, post-warranty period, for the proposed security scope is \$139,000: \$39,500 is FMD's portion and \$99,500 is WPS IT's portion.

ADVISORY CONSIDERATIONS

Advisory appreciates that this has been a collaborative process with the SC, the WPD, the FMD, and the PBC, and given the sensitive nature of the proposal, is pleased to see the collaboration on the part of the boards. Many members of Advisory are confident that the cost, while significantly more than the first estimate, has been adequately vetted. Advisory appreciates that establishing standard doors, locks and hardware will result in efficiencies, both in cost and ease of repair. Furthermore, the enhancements and changes proposed to improve security in the school buildings help to establish parity across the WPS buildings. While the security systems at WHS have been used as a template for other school buildings, it should be noted that a few improvements to the WHS security system are included in this proposal: hand-held radios, additional cameras, and exterior lighting.

One Advisory member felt that this was not a wise expenditure of the Town's money as there could be a low probability of an incident requiring this level of security, compliance could be low, and the ubiquity of cell phones makes the communication equipment irrelevant. Furthermore, this member felt the process of spending \$400,000 on an architectural study resulting in a plan well over \$2M in expenditures and ongoing maintenance is not prudent. Another member felt that when compared to benchmark communities, this security plan is more elaborate than it needs to be. Yet another member felt that this article was too rushed and that more time is needed to look at other options.

Passage requires a 2/3 vote.

Advisory recommends favorable action, 11 to 3.

Estimated Construction Costs per School

Hardy	\$171,950
Hunnewell	\$189,790
Upham	\$162,915
Sprague	\$134,410
Bates	\$116,795
Middle School	\$216,445
PAWS Preschool	\$48,785
High School	\$102,715

ARTICLE 10. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money, to be expended under the direction of the Permanent Building Committee, for the cost for engineering services, for preparation of plans and specifications and preparation of bid documents, for roofing and building envelope repairs, including but not limited to replacement of the roof, replacement of windows, replacing of exterior caulking, foundation waterproofing, and other building envelope elements at the Wellesley Police Station; or take any other action in relation thereto.

(Board of Selectmen)

This Board of Selectmen ask Town Meeting to appropriate, or to transfer from available funds, \$165,000 for architectural/engineering services and the preparation of plans, specifications, and bid documents for roofing and building envelope repairs at the Wellesley Police Station (WPS). The funds would be expended under the supervision of the Facilities Maintenance Department.

Background

The WPS has experienced numerous and extensive roofing problems including water infiltration in the form of ice dam leaks, rain leaks and snow entrainment almost since it was designed and built in 1995.

The Facilities Maintenance Department (FMD) issued a Request for Proposals (RFP) on April 15, 2015, which noted the following:

- The roof was originally covered with artificial slate shingles that were replaced with natural slate shingles within a few years due to material failure.
- Snow guards were added within the last 10 years to address sliding snow/ice safety concerns.
- The basement area has intermittent water leaks. A waterproofing company grout injected cracks in the concrete foundation walls in two locations in mid 2000. This apparently reduced the leakage in those areas (fitness and storage rooms).
- The attic and second-floor crawl spaces have a wet pipe sprinkler system. Access doors were installed to the crawl spaces in December 1999. In approximately 2005, a sprinkler pipe in a crawl space froze and broke causing interior water damage. Following that break, electric heat was added to these crawl spaces. The addition of the electric heat appeared to increase the ice dam formation on the roofs. Large icicles form and hang from the eaves during the winter.
- The roof experiences water leaks at several locations in the winter when ice dams form. The roof also experiences occasional leakage during rain events. In addition to these leaks, occasional water leaks occur below dormers with HVAC intake louvers. FMD staff believes that a portion of this leakage is caused by snow that is drawn into the ductwork (entrainment), melts, and leaks to the interior.
- In June 2014, the town made localized roofing repairs at two locations with significant ice dam leakage (each about 70 square feet above crawl space). Also, the sprinkler piping was heat-traced and insulated, and the air temperature in the attic and crawl spaces was reduced to 40°F, but this resulted in cold drafts in the adjacent Men's Locker Room.
- During the winter of 2014-2015, large ice dams and icicles formed, and the roof experienced numerous leaks, including below the two repaired roof areas.
- The windows are drafty, which makes workspaces near the windows uncomfortable for building occupants.

Roofing and Envelope Feasibility Study

The FMD hired Simpson, Gumpertz & Heger Inc. (SGH) in June 2015 to perform a Roofing and Envelope Feasibility Study to evaluate and analyze key elements of the existing roofing and building systems for the purpose of identifying repairs, replacement, or other improvements to these systems at the WPS.

SGH performed its on-site Roofing and Envelope Feasibility Study investigation of the WPS on 29–31 July 2015 and 3 August 2015, and observed and concluded the following in its 2 October 2015 Report:

- The roof lacks effective ventilation, and its geometry concentrates water and snow runoff along dormer sidewalls, resulting in water leaks.
- The roof lacks an effective ice barrier, and has defective waterproofing detailing at rising walls, resulting in water leaks.
- A new roof with properly designed and installed flashings and ventilation is required to stop water leakage.
- The louvers lack effective perimeter flashing, and the louver plenum is not waterproofed and drained, resulting in water leaks.
- The louver perimeter must be flashed and the plenum must be modified to be watertight and drained to stop water leakage; other modifications may also be appropriate.
- The windows meet current industry standards for air infiltration, but leak more air than a good quality new window.
- The aluminum-framed windows provide poor thermal resistance, and lack perimeter flashing and air seals, resulting in cooler interior window frame and adjacent interior finish surface temperatures. The cooler surfaces locally cool the air, which is felt by building occupants working near the windows.
- Water leaked through the windows and around the window perimeter during water testing that simulated a severe rain and wind event.
- The windows require flashing to stop perimeter air leakage and reduce the risk of perimeter water leakage. The scope of work should include new windows because the flashing work is the majority of the cost associated with the window replacement project, it is the only way to address the poor thermal performance of the windows, and the insulating glass units are near the end of their service life.
- The below-grade damp proofing is performing satisfactorily and does not require replacement. Localized wall and below-grade damp proofing repair is required where water leaks into the fitness and storage rooms.

The complete SGH Roofing and Envelope Feasibility Study can be found on the FMD's website at:

http://www.wellesleyma.gov/Pages/WellesleyMA_Facilities/Presentations/policroofandenvelopestudy.pdf.

Recommendations

In the Roofing and Envelope Feasibility Study, SGH recommends the following scope of work:

- Construct a new, vented roof over the existing sheathing (using asphalt shingles or other lighter roofing options due to structural restriction).
- Flash the louvers, waterproof and drain the plenums, and other air intake and louver modifications.
- Replace all windows and provide proper flashing.

- Locally repair the building wall and below-grade damp proofing at the fitness and storage rooms.
- Replace all exterior sealant joints. Stain all masonry joints to make new joints match existing.

The budgetary estimate for the total project cost for the remainder of the project is roughly \$3,000,000, which includes actual construction costs with contingencies, OPM (Owner's Project Manager) fees, and CA (Construction Administration) fees.

ADVISORY CONSIDERATIONS

Advisory recognizes the importance of repairing the WPS in a timely manner. The Wellesley Police Department provides a vital service to the community and must have a facility that not only allows efficient operation of the business of providing public safety, but also provides an appropriate and safe environment for its employees. Advisory recognizes that the conditions of the WPS will only deteriorate further if measures are not taken in a timely manner to correct the building envelope deficiencies. While the recommended roofing repairs would be completed without major disruptions to the police department's operations, the proposed window work would be disruptive and would need to be coordinated with the police department to ensure that the department's operations would be as minimally affected as possible.

Town Meeting will have the opportunity to review and approve the final construction plan with "bids-in-hand" at the 2016 Annual Town Meeting, and will then be able to balance the need to correct the building issues at the police station against the Town's other capital budget needs.

It should be noted that the Town has already pursued such remedies as the law provides against the original architect and builder.

Advisory did not receive the \$165,000 estimate for this design work in time to vote on the measure before it issued this Report.

Advisory will make its recommendation at or before Special Town Meeting.

APPENDIX A: TOWN MEETING ACRONYMS

AC	Advisory Committee
ACS	Access Control Systems
ADA	Americans with Disabilities Act
AED	Automated External Defibrillator
AFSCME	American Federation of State, County and Municipal Employees
AMI	Advanced Metering Infrastructure
ATC	American Tower Corporation
ATM	Annual Town Meeting
BOH	Board of Health
BOS	Board of Selectmen
BPW	Board of Public Works
CB	Circuit Breaker
COA	Council on Aging
COLA	Cost of Living Adjustment
CPA	Community Preservation Act
CPC	Community Preservation Committee
DAS	Distributed Antenna System
DEP	Department of Environmental Protection
DESE	Department of Elementary and Secondary Education
DOR	Department of Revenue
DPW	Department of Public Works
DRB	Design Review Board
ELL	English Language Learner
FAR	Floor Area Ratio
FBPC	Fuller Brook Park Committee
FCM	Forward Capacity Market
FF&E	Furniture, Fixtures and Equipment
FMD	Facilities Maintenance Department
FTE	Full-Time Equivalent
FY	Fiscal Year
GIC	Group Insurance Commission
GIS	Geographic Information Systems
HDC	Historic District Commission
HHU	Hardy, Hunnewell and Upham
HRB	Human Resources Board
HRS	Human Relations Service, Inc.
HVAC	Heating, Ventilation and Air Conditioning
ID	In District

IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Plan
ISO-NE	Independent System Operator – New England
IT	Information Technology
LHR	Large House Review
LRE	Least Restrictive Environment
MAAB	Massachusetts Architectural Access Board
MEMA	Massachusetts Emergency Management Agency
MGL	Massachusetts General Laws
MIAA	Massachusetts Interscholastic Athletic Association
MLB	Municipal Light Board
MLP	Municipal Light Plant
MOU	Memorandum of Understanding
MSBA	Massachusetts School Building Authority
MWRA	Massachusetts Water Resources Authority
MWRTA	MetroWest Regional Transit Authority
NCD	Neighborhood Conservation District
NRC	Natural Resources Commission
NRP(Z)	Natural Resource Protection (Zoning)
OOD	Out of District
OPEB	Other Post-Employment Benefits
OPM	Owner’s Project Manager
PARCC	Partnership for Assessment of Readiness for College and Careers
PAWS	Preschool at Wellesley Schools
P&S	Purchase and Sale Agreement
PB	Planning Board
PBC	Permanent Building Committee
PFTP	Playing Fields Task Force
PSI	Project of Significant Impact
RDF	Recycling and Disposal Facility
RFP	Request for Proposals
SC	School Committee
SEC	Sustainable Energy Committee
SFC	School Facilities Committee
SFMP	School Facilities Master Plan
SMMA	Symmes, Maini, McKee & Associates
SOI	Statement of Interest
SPGA	Special Permit Granting Authority
SR	Single Residence (District)
STEM	Science, Technology, Engineering and Mathematics
STM	Special Town Meeting

SWG	Security Working Group
TDRT	Town Development Review Team
TGSC	Town Government Study Committee
TM(M)	Town Meeting (Member)
TPC	Tolles-Parsons Center
TWFP	Town-Wide Financial Plan
VMS	Video Management System
WCRS	Wellesley Contributory Retirement System
WFL	Wellesley Free Library
WHA	Wellesley Housing Authority
WHC	Wellesley Historical Commission
WHDC	Wellesley Housing Development Corporation
WHS	Wellesley High School, Wellesley Historical Society
WMS	Wellesley Middle School
WPC	Wetlands Protection Committee
WPS	Wellesley Public Schools
WSCD	Wellesley Square Commercial District
WSHG	West Suburban Health Group
WSVD	West Suburban Veterans' District
ZBA	Zoning Board of Appeals

APPENDIX B: GLOSSARY OF MUNICIPAL FINANCE TERMS

ABATEMENT. A complete or partial cancellation of a tax or assessment levied (imposed) by the Town. Abatements usually apply to tax levies and special assessments.

APPROPRIATION. An authorization granted by Town Meeting to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to time when it may be expended.

ASSESSED VALUATION. A valuation set upon real estate or other property by the Town as a basis for levying taxes. Equally assessed valuation refers to the Town's assessed valuation as determined by the Assessors, adjusted by the State Department of Revenue on a biennial basis to reflect full market value ("equalized valuation").

BUDGET. A plan of financial operations embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be "preliminary" – the financial plan presented to Town Meeting, or "final" – the plan approved by Town Meeting.

CAPITAL PROJECT. A major nonrecurring physical acquisition expenditure often including planning, acquisition, and construction phases.

CHERRY SHEET. An annual statement received by the Assessors from the State Department of Revenue detailing estimated receipts for the next fiscal year from various state aid accounts and the Local Aid Fund (Lottery) and estimated charges payable by the Assessors in setting the tax rate. Supplemental Cherry Sheets may be issued during the year and there is no guarantee that the estimated receipts and charges shown thereon will not vary from actual receipts and charges.

COLLECTIVE BARGAINING. Negotiations between an employer and union representative regarding wages, hours, and working conditions.

DEBT AUTHORIZATION. The formal approval required under the procedures set forth in Chapter 44 of the Massachusetts General Laws before the Town may lawfully incur debt.

DEBT SERVICE REQUIREMENT. The amount of money required to pay interest on outstanding debt, and serial maturities of principal for serial bonds.

ENTERPRISE FUND. A fund established to account for operations (a) that are financed and operated in a manner similar to private business enterprises – where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes. Examples of Enterprise Funds are those established for the Town's water, sewer, and electric utilities.

EQUALIZED VALUATION. The value of all property as determined by the State Tax Commission biennially, using a standard of “full and fair value.” This is also referred to as “100% valuation.” The equalization figures are reported in December and affect State aid distributions for the two-year period beginning the following July.

EXCESS LEVY CAPACITY. The difference between the Town's maximum tax levy limit as established by Proposition 2 ½ and its actual tax levy in the most recent year for which the Town has set a tax rate. This is the additional tax levy that the Town could raise without going to the voters for an override or debt exclusion.

EXCLUSIONS. A provision in the Proposition 2 ½ Law (Chapter 580 of the Acts of 1980) that provides, through referendum, to add funds to the total tax levy on a temporary basis. Exclusions and Debt Exclusions are specifically for capital or special onetime items. Exclusion type questions, if approved by voters, are used to fund onetime items, usually large capital projects. These funds do not become part of the permanent tax levy base. An exclusion for debt service on a loan to pay for a major capital project expires when the loan is paid. The amount added to the tax levy for a particular year is the debt service needed for that year only. Exclusions are only effective until the funding for the project to which they apply is complete.

FISCAL YEAR. A 12 month period to which the annual operating budget applies and at the end of which the Town determines its financial position and the results of its operations. The Commonwealth and the Town operate on a fiscal year that begins on July 1 and ends on June 30. The number of the fiscal year is that of the calendar year in which the fiscal year ends; *e.g.*, the fiscal year 2014 begins July 1, 2013, and ends June 30, 2014, usually written as FY 14.

FIXED ASSETS. Assets of a long-term character which are intended to continue to be held or used, such as land, buildings, improvements other than buildings, machinery and equipment.

FREE CASH. Sum of funds appropriated and raised by the Town, but not expended in the years for which they were appropriated, minus uncollected taxes of prior years. This amount must be certified by Massachusetts Bureau of Accounts before it can be used.

FULL-TIME EQUIVALENT. A term that expresses the amount of time a position has been budgeted for in terms of the amount of time a regular, full-time employee normally works in a year. For most positions in Town, one FTE has been set to equal the number of hours a typical full-time employee works during a calendar year after deducting holiday, vacation, sick and personal time from a 52.2 week year consisting of 2,088 total hours. A position that has been budgeted to work full-time for only six months is 0.5 FTE.

FUND. A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

FUND TYPE. In governmental accounting, all funds are classified into seven generic fund types: General, Special Revenue, Capital Projects and Debt Service (Governmental Funds), Enterprise and Internal Service (Proprietary Funds), and Trust and Agency (Fiduciary Funds).

GAAP. Generally Accepted Accounting Principles. There are twelve basic principles of accounting and reporting applicable to state and local governments. These include the use of the modified accrual basis of accounting, as appropriate, for measuring financial position and operating results. These principles must be observed in order to provide a basis of comparison of data among different cities and Towns.

GENERAL FUND. The fund used to account for all financial resources of the Town except those required to be accounted for in another fund.

GENERAL REVENUE. The revenues of the Town other than those derived from and retained in an enterprise. If a portion of the net income in an Enterprise Fund is contributed to another non-enterprise fund, such as the General Fund, the amounts constitute general revenue of the Town.

GROWTH REVENUE. The amount of property tax revenue that the Town can add to its allowable tax levy (above the 2 ½%) from new construction, alterations, subdivision, change of use or anything being taxed for the first time. It is computed by applying the prior year's tax rate to the increase in valuation.

MODIFIED ACCRUAL BASIS. The accrual basis of accounting adapted to the government fund type, wherein only current assets and current liabilities are generally reported on fund balance sheets, and fund operating statements present "financial flow" information (revenues and expenditures). Revenues are recognized when they become both "measurable" and "available to finance expenditures of the current period." Expenditures are recognized when the related fund liability is incurred except for a few specific exceptions. All governmental funds and Expendable Trust Funds are accounted for using the modified accrual basis of accounting.

OFFSET RECEIPTS. Includes certain education programs, aid to public libraries and environmental programs which are designated on the Cherry Sheet as offset items. These amounts can be spent without appropriation but must be spent only for these specific municipal programs.

OPERATING BUDGET. Plans of current expenditures and the proposed means of financing them. The annual operating budget is the primary means by which most of the financing, acquisition, spending and service delivery activities of the Town are controlled.

OVERLAY. The amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements on real and personal property taxes and to avoid fractions in the tax rates.

OVERRIDE. A provision in the Proposition 2 ½ Law (Chapter 580 of the Acts of 1980) that provides, through the referendum process, to add funds to the total tax levy on a permanent

basis. If approved by a Town Wide vote, the override amounts become a part of the tax levy base and therefore the amount approved in a given vote does grow with the rest of the base by 2 ½% per year. An override question can only provide for additional funding for either the operating budget or the ongoing capital budget.

PRIMARY LEVY LIMIT. 2 ½% of certified full and fair cash value of taxable property.

PROPOSITION 2 ½. A statewide tax limitation initiative petition limiting the property tax levy in cities and Towns in the Commonwealth to 2 ½% of the full and fair cash valuation of the taxable real estate and personal property in that city or Town. The statute also places an annual growth cap of 2 ½% on the increase in the property tax levy.

REIMBURSEMENTS. (1) Repayments of amounts remitted on behalf of another party. (2) Inter-fund transactions which constitute reimbursements of a fund for expenditures or expenses initially made from it which are properly applicable to another fund – *e.g.*, an expenditure properly chargeable to a Special Revenue Fund was initially made from the General Fund, which is subsequently reimbursed. They are recorded as expenditures or expenses (as appropriate) in the reimbursing fund and as reductions of the expenditure or expense in the fund that is reimbursed.

RESERVE FUND. A fund established by the Annual Town Meeting which is under the control of the Town's Advisory Committee and from which transfer may be made for extraordinary and unforeseen expenditures. It may be composed of an appropriation of not more than 5% of the prior year's tax levy.

REVOLVING FUNDS. Those funds which may be used without appropriation and which are established for particular uses such as school athletics, continuing education programs, school lunch programs, self-supporting recreation and park services, conservation, etc.

SECONDARY LEVY LIMIT. Prior year levy limit plus 2 ½% (Base) plus "growth revenue."

SPECIAL APPROPRIATION. An authorization to expend funds for a specific project not encompassed by normal operating categories.

STABILIZATION FUND. A special reserve account created to provide for capital improvements which is invested until used. The Town may appropriate into this fund in any year an amount no more than 10% of the prior year's tax levy. The outstanding balance in the account cannot exceed 10% of the Town's equalized valuation. Generally, it requires a 2/3 vote of Town Meeting to appropriate money from the Stabilization Fund.

STATE DISTRIBUTION. All revenue flowing from the Commonwealth. Major categories include reimbursement for loss of taxes, educational distributions and reimbursements, funds for direct education expenditures, general government reimbursements and distributions.

SURPLUS REVENUE. This is the amount by which cash, accounts receivable and other floating assets exceed the liabilities and reserves.

SUPPLEMENTARY APPROPRIATION. An appropriation submitted after the main budget has been approved, which must specify a revenue source.

TAX LEVY. The net amount to be raised by the Town each fiscal year by assessing ad valorem taxes on real estate and personal property located within the Town.

TAX RATES. The amount of tax stated in terms of a unit of the tax base; for example, \$8.91 per \$1,000 of assessed valuation of taxable property.

UNFUNDED PENSION LIABILITY. Unfunded pension liability is the difference between the value assigned to the retirement benefits already earned by the Town's employees and the assets the Town's retirement system will have on hand to meet these obligations. The dollar value of the unfunded pension liability is driven by assumptions about interest rates at which a retirement system's assets will grow and the rate of future costs of living increases to pensioners.

UNENCUMBERED APPROPRIATION. The portion of an appropriation not yet expended or encumbered.

UNIFORM MUNICIPAL ACCOUNTING SYSTEM. A comprehensive and practical municipal accounting system that conforms to GAAP for local governments. UMAS is regarded by the Department of Revenue as the professional standard for modern municipal accounting in Massachusetts. Among the benefits of conversion to UMAS are increased consistency in reporting and record keeping and enhanced comparability of data among cities and Towns.

APPENDIX C: GUIDELINES FOR CONDUCT OF WELLESLEY REPRESENTATIVE TOWN MEETING

I. INTRODUCTION

The purpose of Wellesley Town Meeting (the "Meeting") is to reach decisions with respect to the matters brought before the Meeting by a democratic process. The process should not be partisan or adversarial. Rather it should demonstrate an effort by the elected representatives of the Town in open discussion, free from technicalities of parliamentary procedure, to establish constructive policies for the government of the Town. The Meeting depends for its effectiveness on familiarity of the Town Meeting Members with the matters before the Meeting and upon their ability to rely one upon the other and upon their elected or appointed boards and committees.

All who speak to the Meeting or prepare reports to it should seek to be worthy of this trust. Proponents of action should make full and fair disclosure of all facts and considerations bearing on a problem, not merely those favoring their proposal. On the other hand, those opposed to a proposal should make their opposition known to the sponsors as soon as possible, rather than seeking to succeed by surprise at the Meeting. Negotiations prior to Town Meeting are more

likely than debate at Town Meeting to clarify the issues and to produce solutions that will receive the support of the Meeting as a whole.

The great diversity among the residents of the Town often will lead to differences with respect to the matter before the Meeting. The good faith of no one should be questioned; rather, there should be a cooperative effort to find solutions that are reasonably responsive to the needs of all.

The Meeting shall abide by the laws of the Commonwealth including the prohibitions of smoking and carrying firearms on school property.

The following guidelines are intended to inform and guide those who participate in the Meeting and, thus, to assist in its orderly conduct. These guidelines, except to the extent that they embody statutes and Town Bylaws, are not intended as rules having legal effect.

II. PARTICIPANTS IN THE MEETING

- **Public Meeting** - The Town Meeting is a public meeting and may be attended by all. Since only the Members may make motions and vote thereon, they are seated separately from non-members.
- **Quorum** - A majority of the Town Meeting Members shall constitute a quorum for doing business; but a lesser number may adjourn the Meeting to another time.
- **Moderator** - The Moderator shall preside at the Meeting and shall regulate the proceedings and decide all questions of order.

No one shall distribute any material at Town Meeting except with permission of the Moderator.

The Moderator may appoint persons to assist in the conduct of the Meeting, including determination of the vote of the Meeting.

If the Moderator is absent or cannot act, a Moderator Pro Tempore may be elected by the Meeting, the Town Clerk to preside at such election.

The Moderator shall not be an elected Town Meeting Member and shall not vote with respect to any matters before the Meeting. A Town Meeting Member may be a Moderator Pro Tempore, but shall not vote while presiding at the Meeting.

- **Clerk** - The Town Clerk shall determine the presence of a quorum and shall maintain the records of the Meeting, including the results of all votes and other action taken at the Meeting. If there is no Town Clerk, or if the Town Clerk is absent from the Meeting, the Meeting shall elect another person (usually the Assistant Town Clerk) to act as temporary Clerk of the Meeting.

The Town Clerk shall not be an elected Town Meeting Member and shall not vote with respect to any matters before the Meeting. A Town Meeting Member may be Temporary Clerk, but shall not vote while acting as Clerk of the Meeting.

- **Town Counsel** - Town Counsel shall be present at all Meetings and, upon request, shall advise the Moderator and any Member or other person present with respect to any pertinent question of law on which his or her opinion is requested. Such opinion is advisory only and not binding upon the Town, any person or the Meeting. If Town Counsel is unable to attend, the Selectmen shall designate another attorney as Acting Town Counsel to perform those duties at the Meeting.

Town Counsel shall not be an elected Town Meeting Member and shall not vote with respect to any matter before the Meeting. A Town Meeting Member may be Acting Counsel, but shall not vote while so acting.

- **Tellers** - The Moderator shall appoint Town Meeting Members as Tellers for the purpose of counting the votes of the Meeting. Such appointments may, in the Moderator's discretion, be effective for more than one session of any Meeting. The Tellers shall report the results of their count of the section of the Meeting assigned to them, indicating the number in favor of the motion, the number opposed, and, if so instructed by the Moderator, the number abstaining and such shall be announced to the Meeting and maintained with the records of the Meeting. Tellers may vote on any question on which they act as Tellers, but any Teller who decides to participate in the debate of a question should request the Moderator to appoint another Teller to count the vote on that question.

III. MOTIONS

- **Need for Motion** - Action by the Meeting is taken solely by a vote of the Meeting on a motion duly made at the Meeting.
- **Subject of Motions** - Except for such matters as resolutions recognizing individual achievements and the like, no motion shall be entertained by Town Meeting unless the subject thereof is contained within the Warrant. The Moderator shall determine whether a motion is "within the scope of the warrant," that is, whether the warrant gave adequate notice that the action proposed by the motion might be taken at the Meeting. Motions may propose action at variance with that desired by the sponsor of the article. Such motions may, for example, propose the establishment of a guideline, referral to an existing board or committee or one to be established; but all such motions are proper only if "within the scope of the warrant" as determined by the Moderator.

- **Order of Consideration** - All articles shall be considered in the order in which they appear in the warrant, unless the Moderator in his/her discretion or the Meeting by majority vote changes the order. Where there are a number of motions relating to a project calling for the expenditure of funds, the motion calling for the expenditure of the largest sum shall be the first put to vote, unless the Moderator in his/her discretion decides to change the order.
- **Formal Requirements** - Motions can be made only by a Member of the Meeting. All motions other than procedural motions must be in writing signed by the sponsoring Member. No seconds are needed for any motion.

Sponsors of motions are required to submit their motions to the Selectmen by a date specified by the Selectmen. The motions must also be submitted to the Moderator and the Chair of the Advisory Committee. The exact form of any motion or amendment must either be distributed to Town Meeting Members or projected on a screen at Town Meeting before a vote thereon can be taken.

After the initial call to order of any Annual or Special Town Meeting, if a proponent informs the Moderator of an intention to present an amendment or substitute motion or resolution, notice of the action and the text must be made available to Town Meeting Members before action is taken on the article to which it relates.

- **Notice to Moderator** - Every person who prior to the Meeting has decided to make a motion with respect to an article should inform the Moderator and the Chair of the Advisory Committee prior to the Meeting or, if the decision to make a motion is reached only during the Meeting, as early as convenient thereafter.
- **Reconsideration** - Motions to reconsider any action shall be entertained only if in the view of the Moderator there is reason to suppose that Members may have changed their minds. The Moderator may rule that any motion is a motion for reconsideration if it is not substantially different from a motion previously voted upon.

No action taken at any session of a Town Meeting shall be reconsidered at any subsequent session, unless notice of intention to move for reconsideration shall have been given at the session at which such action was taken. If action taken at the final session is to be reconsidered, debate and a vote on a motion for reconsideration may occur at the same session only after all articles have been acted upon unless, in the Moderators discretion, debate and a vote on the motion at an earlier point in the session would expedite the conduct of the session. Any vote that requires more than a simple majority for passage shall require a 3/5ths vote in order to be reconsidered by Town Meeting.

IV. DEBATE

- **Persons Authorized** - All residents of Wellesley, whether or not Town Meeting Members or registered voters, may address the Meeting. Non-residents may address the Meeting with the approval of the Moderator or a majority of the Meeting.
- **Permission of the Moderator** - Persons wishing to address the Meeting shall raise their hands or stand and wait until they are recognized by the Moderator and no one shall address the Meeting without first requesting and receiving the permission of the Moderator.
- **Identification of Speaker** - Each person addressing the Meeting shall begin by stating his or her name and precinct if a resident of Wellesley or place of residence if a non-resident.
- **Conduct** - All remarks should be limited to the subject then under discussion. It is improper to indulge in references to personalities and all expressions of approval or disapproval, such as applause or booing, are out of order.

The Moderator may request any person to keep silent. If, after a warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order such person to withdraw and, if he or she fails to withdraw, may order a police officer to remove such person from the Meeting.

- **Personal or Financial Interest** - Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest before speaking. However, no Town Meeting Member should accept compensation for speaking to or voting at the Meeting.
- **Time** - There is no time limit to the debate of any question. Accordingly, motions to limit time for debate or to call the question are not in order. However, each individual who speaks to the Meeting should make an effort to be as brief as possible, out of consideration for the others attending the Meeting and the need to give adequate time to all matters coming before it. The Moderator may request that all persons who intend to speak for more than five minutes give him/her notice before the start of the session.
- **Repeated Speaking** - In order to give all a fair opportunity to speak, no one who has addressed the Meeting on any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.
- **Maps** - The Planning Board has slides of Town maps available for use at all Meetings and may be requested on reasonable notice to make available a slide of any map appropriate to the subject under discussion.

V. VOTING METHOD

Except as specifically otherwise provided by law or these rules, voting shall be by voice votes or show of hands as the Moderator may determine and the Moderator shall declare the results of such vote. If a vote so declared is immediately questioned by seven or more Members, the result shall be determined by counting the votes of the Meeting by means of a standing vote.

VI. DEFINITIONS

- **Roll Call** - Upon motion supported by not less than sixty members and made prior to the taking of a standing vote, the vote shall be by a roll call of all Members, the Clerk to indicate on the record with respect to each Member, "Aye," "Nay," "Abstain," or "Not Present" as the case may be.
- **Secret Votes** - There shall be no secret ballots or other secret votes at Town Meeting.
- **Majorities** - Except as otherwise provided by law or the Town's Bylaw, all actions of the Meeting shall be taken upon vote of a simple majority of those present and voting.
- **Ballot Vote**
 - Upon a motion supported by not less than 20 Members made prior to a vote on any question (whether required by law to be a counted vote or not), the vote shall be taken by ballot in such form as will in the opinion of the Moderator indicate how individual Town Meeting Members have voted on a question. The results of such vote shall be announced in terms of the numbers of aye, nay, or abstain votes cast. The Town Clerk shall, within a reasonable time after the session has been adjourned, compile a list of Members voting on the question, which list shall disclose how each Member voted. Said list, together with the original ballots, shall be open to public inspection so that the public shall be able to determine the way in which each Town Meeting Member voted on the question and shall be preserved for at least 3 years.
 - If a law or a bylaw requires a two-thirds vote for action by the Meeting, the Moderator is authorized to declare the vote without taking a count, subject to the roll call and ballot vote provisions noted above. If more than a two-thirds vote is required, the Moderator may first determine whether the vote is unanimous and, if it is not, the vote shall be counted either by means of a standing vote, by roll call or by ballot as provided in the Town's Bylaw.

VII. ADJOURNMENT AND DISSOLUTION

A. *Adjournment* - Sessions of the Town Meeting shall normally adjourn about 11 o'clock in the evening but may adjourn at such earlier or later time as the Town Meeting upon vote of a majority of its Members may determine.

B. *Dissolution* - The Meeting shall not dissolve until all articles in the warrant with respect to which any Member wishes to make a motion have been considered.

VIII. RECORD OF MEETING

The Town Clerk in consultation with the Moderator shall prepare and maintain a complete record of the Meeting at the office of the Town Clerk where, upon request, it may be inspected by any interested person and also shall deposit a copy of such record at the Main Library. Such record may, but need not be, verbatim. However, it shall as a minimum contain the text of all articles and motions, whether main motions or subsidiary motions, the name of the moving party, the action of the Meeting with respect thereto and such summary of statements made at the Meeting as will in the opinion of the Town Clerk contribute to a better understanding of the action of the Meeting.

IX. REFERENCE TO TOWN MEETING RULES

Wellesley Representative Town Meeting was established by Chapter 202 of the Acts of 1932 which has been amended several times since then. Certain customs have developed in the conduct of the Town Meeting. Wellesley custom does not differ substantially from the custom of other representative town meetings, as generally described in *Town Meeting Time* (Little, Brown, and Company 1962), a book that also contains references to applicable court decisions and statutes. All custom may be changed by law, or the Bylaws of Wellesley, as from time to time amended.

It is the combination of the foregoing which produces the "rules" of Wellesley Town Meeting in conformity with which the Moderator regulates the conduct of the meeting.