

**Advisory Committee Meeting
Juliani Room, Wellesley Town Hall
Wednesday, June 26, 2019, 7:00 p.m.**

Those present from the Advisory Committee included Julie Bryan, Todd Cook, Rose Mary Donahue, Mary Gard, Bill Maynard, Dave Murphy, Betsy Roberti (joined meeting at 7:35 p.m.), Mary Scanlon, Tom Skelly and Andrea Ward.

7:02 p.m. Executive Session

Tom Skelly made and Mary Scanlon seconded a motion that the Advisory Committee enter executive session under [M.G.L. c. 30A, Section 21(a)(1)] Purpose 1 to discuss an Open Meeting Law Complaint filed against the Advisory Committee by Betsy Roberti on June 18, 2019; to invite Donna Brewer to participate in the executive session; and to return to open session for the purpose of continuing the meeting as posted in the agenda. The motion passed by unanimous roll call vote (9-0) of all members then present: Julie Bryan, Todd Cook, Rose Mary Donahue, Mary Gard, Bill Maynard, Dave Murphy, Mary Scanlon, Tom Skelly and Andrea Ward.

The executive session ended at 7:35 p.m. with a unanimous roll call vote (9-0) to leave executive session and return to open session.

7:35 p.m. Citizen Speak

There was no one present for Citizen Speak.

7:35 p.m. Town Clerk re: Proposed Bylaw Formatting Template

K.C. Kato, Town Clerk, presented a plan on how to move forward with correcting formatting inconsistencies in the Town's bylaws.

- The bylaws contain numerous variations in formatting, such as numbering, capitalization, font, boldface, underlining and indentation (hanging paragraphs)
- These variations are the result of, among other things, Wellesley's system of decentralized government, turnover in Town Clerk's office, and Microsoft Word updates
- Other towns have similar inconsistencies in their bylaws
- Some towns choose to use software database systems (e.g., ecode360.com) to standardize bylaws, but Town Clerk is not recommending that for us
- Goal for Wellesley is to create consistencies in format; Town Clerk will work with the various boards on proposed changes; final proposal will be brought to Annual Town Meeting (ATM) next year

A comment was made that boards should be advised that only formatting changes are being made and that any other changes will not be up to the Town Clerk, but rather to the various boards to make those changes.

A question was asked whether the chosen font is widely available: Yes, it is free on Microsoft.

- Index will be expanded, and website improved, to make bylaws more searchable

A question was asked about procedure and timing: Draft revised bylaws will be prepared over the summer and, in the normal course of presenting ATM articles in the winter, a redline version will be made available for review/discussion.

7:45 p.m. Finance Director re: Year End Transfers

Sheryl Strother, Finance Director, was present.

- M.G.L. c. 44 allows the Board of Selectmen (BOS) to transfer a prior appropriation to another line item with the intent to resolve minor year-end deficits
- Two FY19 transfers approved by BOS on Monday night, one for Advisory and one for the Building Department
- For Advisory, this is a \$2,300 transfer within Advisory budget from expenses (postage) to personal services (clerical)

A comment was made that Advisory's budget is under budget in total; excess will be returned to free cash; FY20 budget was realigned before ATM to reflect higher clerical budget going forward.

- For the Building Department, this is a \$17,300 transfer going from the Town's compensated absences fund to the Building Department's personal services budget (\$7,500) and expense budget (\$9,800)
- All of these accounts (compensated absences and the Building Department) fall under the BOS umbrella
- Building Department shortfall due to: the implementation of on-line permitting system; turnover within the inspector positions; inspector on leave replaced with on-call; reclassification of the Director position with no accompanying transfer of funds from Human Resources (HR) Board; retirement of the administrative assistant; and absences by the assistant administrative assistant
 - The administrative assistant absences were covered by a temp agency; hence the extra charges in the Building Department expense budget
 - Rest of staffing shortages came from personal services

A comment/question was made that, at each annual ATM, money is set aside for these types of things, and why is this being handled as a year-end transfer rather than coming out of HR Reserve Fund: At the time of the Director reclassification, the HR Board felt that the Building Department had the money to fund it; departments don't always receive funds from the HR Board for reclassifications; Building Department did receive some funding for inspector reclassifications.

Andrea Ward made and Julie Bryan seconded a motion to approve the transfer of \$2,300 from Account # 01131200-534010 to Account # 01131100-511370. The motion was approved 9 to 0.

Andrea Ward made and Mary Gard seconded a motion to approve the transfer of \$17,300 from Account # 01950100-519020 as follows: \$7,500 to Account # 01241100-512290 and \$9,800 to Account # 01241200-530900. The motion was approved 9 to 0.

7:55 p.m. Moderator re: New Advisory Member Orientation

Mark Kaplan, Town Moderator, provided an orientation for new Advisory members. All incoming Advisory members were present: Jenn Fallon, Neal Goins, John Lanza, Deed McCollum, Rusty Kellogg, Patti Quigley, and Ralph Tortorella.

- Exiting third year members of Advisory were thanked for their service and incoming new members were thanked for their willingness to serve on Advisory

- There are a number of background/reference materials that may be helpful, including Advisory Committee handbook, primer on Proposition 2 ½, League of Women Voters overview, and materials from MA Association of Town Finance Committees (which also holds very informative fall conference that Advisory members have attended in the past)
- Advisory derives its legal authority from Massachusetts General Laws (MGL) and the Town Bylaws
 - MGL requires every town with a property tax valuation of over \$1 million to establish a finance committee/advisory committee/etc. and requires departments in those towns to submit their budgets to the finance committee for review
 - Our Advisory Committee is really a finance committee “on steroids”
 - Town website has a very good summary of the role of the Advisory Committee
 - Article 11 of the Town Bylaws spells out the actual responsibilities and general duties of the Advisory Committee (e.g., terms of service, investigatory and review powers, requirement to hold public hearings and produce Advisory Reports for Town Meeting (TM))
- The Advisory Report for ATM is generally shepherded by one member of the Committee but all members are needed to provide write-ups in timely manner, to proofread entire document, and to help collate/mail to Town Meeting Members (TMMs)
- Public perception of Advisory Committee is that of a neutral, non-biased organization; Advisory’s influence comes from the rigor of its analysis, the clarity of its presentations, and its seriousness of purpose
 - Influence occurs prior to TM; Advisory’s process of rigorously questioning individuals and boards will result in the modification of the original proposals
- Conflict of interest laws
 - Given that Advisory’s credibility with boards/departments/TM depends on its status as an honest, impartial observer, important for individual Advisory members not to support local candidates or initiatives
 - This does not apply to state or national political matters
 - Further, Moderator recommends that those Advisory members whose spouses hold elected offices in Town recuse themselves (i.e., step outside of room) from any discussions and votes related to those boards/departments
 - Eliminates any possible claim by someone on the other side of a question that Advisory’s recommendation was influenced by spousal relationships
 - Moderator also recommends that, if any Advisory member has a potential relationship to anything that might come before Advisory, he/she complete a “23B” disclosure form
- Difference between “recusal” and “abstention”
 - Abstention is much more limited than recusal and should be minimally used – e.g., situations where Advisory member is not competent to vote
- Open Meeting Law
 - Consensus among a majority of Advisory Committee members on any issue cannot be achieved outside of an open meeting
 - Emails are essential for notifications and circulation of information, but can be dangerous for conducting business/substantive matters
- Context in which the Advisory Committee works is Wellesley’s highly decentralized government, with multiple independently operated Town boards; no Town Manager to present a consolidated budget and priorities
 - Advisory is appointed, which gives the Committee its independence

- Advisory does due diligence for TM; serve as representatives (almost like “staff”) of TM and expresses skepticism, kicks the tires, demands verification for any proposal that will come before TM
- Four major responsibilities of Advisory
 - Review and vet all proposals – economic and non-economic – that are scheduled/proposed for TM action
 - Serve as liaison to assigned boards; assignments made by Chair; attend meetings of those boards and keep Advisory informed of board’s proposals/issues/actions
 - Preparation of the Advisory Report
 - TMMs rely on Report to cast an informed vote at TM
 - Advisory members will help with Article 8 (write-ups for assigned boards) as well as non-budget articles
 - Parameters for Advisory supportive and unsupportive votes under Article 8
 - Important for “Advisory Considerations” under each article write-up to reflect any split votes/differences of opinion within Advisory – summarize minority view so that TMMs have some idea what the pros and cons are
 - Advisory Reserve Fund transfers and end-of-year transfers
- Advisory Committee work flow: Financial education by Finance Director/BOS/Executive Director in September; Boards and committees come to Advisory to make general presentations in the fall (what they do and how they do it; what new initiatives are planned); Boards and committees return in winter with actual budget requests and non-Article 8 initiatives/articles
- “Do’s” and “don’ts” for Advisory Committee
 - Advisory is an appointed committee that does not answer to an electorate; expected to have a Town-wide perspective and to act in the best interests of the Town
 - Advisory Committee does not make decisions, it makes recommendations; Advisory’s influence is exercised during the year by reshaping proposals that will come before TM
 - Advisory does not independently generate proposals; Advisory reacts to proposals from elected and appointed committees
 - It is the belief of TM that Advisory is objective and open-minded; influence comes from the strength and rigor of the Committee’s analysis (i.e., the difficult questions asked and the due diligence performed) and its ability to communicate that analysis in a compelling way to TM
 - Advisory members should not flaunt their membership on the Committee; they cannot work on or endorse local campaigns; they don’t take a public position
 - Advisory speaks with one voice – the Chair’s; dissenting voices will be summarized for TM in the Advisory Report and presentations made by Advisory Chair at TM
 - Advisory Committee members who are TMMs should not ask questions or make comments on the floor of TM; they have already had their chance to do so many times throughout the year when hearing from the relevant boards/committees

8:55 p.m. Minutes approval

Andrea Ward made and Rose Mary Donahue seconded a motion to approve the minutes of March 20, April 3, April 24, May 8 and May 13, with revisions as noted. The motion was approved unanimously (9-0).

9:00 p.m. Liaison Reports

Permanent Building Committee (PBC)/Rose Mary Donahue

- Town Hall project is wrapping up; the additional appropriation at this past ATM will cover what is being found with the mortar

- Have started construction work on Middle School piping project and design work for Middle School systems project
- PBC meeting over summer and eager to work with incoming Advisory liaison

Playing Fields Task Force/ Mary Scanlon

- The specific location of the lacrosse practice wall at Sprague is being reconsidered

Municipal Light Plant (MLP)/Bill Maynard

- Don Newell has been appointed the Director of MLP to succeed the retiring Dick Joyce

Board of Health (BOH)/Mary Gard

- The senior social worker position job description is finished and BOH will work with HR to get someone hired by Oct. 1

9:00 p.m. Adjourn

Mary Gard made and Mary Scanlon seconded a motion to adjourn. The motion was approved unanimously (9 to 0).

Materials Reviewed During the Meeting

Formatting of Town Bylaws, Presentation to Advisory Committee (Power Point), Town Clerk, June 26, 2019

**Advisory Committee Meeting
Executive Session
Juliani Room, Wellesley Town Hall
Wednesday, June 26, 2019**

A motion was made and seconded during Open Session of the regular meeting of the Advisory Committee to enter into Executive Session under M.G.L. c. 30A, Section 21(a)(1). The motion passed by unanimous roll call vote (9-0) of the Advisory Committee members present (Julie Bryan, Todd Cook, Rose Mary Donahue, Mary Gard, Bill Maynard, Dave Murphy, Mary Scanlon, Tom Skelly and Andrea Ward). The Executive Session commenced at 7:02 p.m. In addition to the Advisory Committee members listed above, Donna Brewer of Miyares and Harrington LLP, Town Counsel, and Alissa Keene, Administrative Assistant to the Advisory Committee, were also present during Executive Session.

The purpose of the Executive Session was to discuss an Open Meeting Law Complaint filed against the Advisory Committee by Betsy Roberti on June 18, 2019.

A motion was made and seconded that the Advisory Committee recognize that an inadvertent violation of the Open Meeting Law may have occurred when the Chair distributed two emails to a quorum of the Committee outside a public meeting, and to authorize those two emails to be posted to the Town's website. During discussion on this motion, members of the Advisory Committee made comments and asked questions of Town Counsel. Several members commented that Town Counsel's response to the Open Meeting Law Complaint should state that the emails from the Chair were not in violation of the Open Meeting Law because the matter addressed was not within the Committee's authority. The motion passed by unanimous roll call vote (9-0) of the Advisory Committee members present (Julie Bryan, Todd Cook, Rose Mary Donahue, Mary Gard, Bill Maynard, Dave Murphy, Mary Scanlon, Tom Skelly and Andrea Ward).

A motion was then made and seconded to authorize Town Counsel's office to respond to Ms. Roberti's Complaint. During discussion on this motion, members of the Advisory Committee made comments and asked questions of Town Counsel. The motion passed by unanimous roll call vote (9-0) of the Advisory Committee members present (Julie Bryan, Todd Cook, Rose Mary Donahue, Mary Gard, Bill Maynard, Dave Murphy, Mary Scanlon, Tom Skelly and Andrea Ward).

A motion was made and seconded to leave Executive Session and return to Open Session. The motion passed by unanimous roll call vote (9-0) of the Advisory Committee members present (Julie Bryan, Todd Cook, Rose Mary Donahue, Mary Gard, Bill Maynard, Dave Murphy, Mary Scanlon, Tom Skelly and Andrea Ward). The Advisory Committee returned to Open Session at 7:35 p.m.