



## Natick Finance Committee

Pursuant to Chapter 40, Section 3 of the Town of Natick By-Laws, I attest that the attached copy is the approved copy of the minutes for the following meeting:

**Town of Natick Finance Committee**

**Meeting Date: October 17, 2013**

The minutes were approved through the following action:

Motion:	Approval
Made by:	Mr. Pierce
Seconded by:	Mr. Resmimi
Vote:	8-0-0
Date:	January 14, 2014

Respectfully submitted,

James Everett  
Secretary  
Natick Finance Committee

**NATICK FINANCE COMMITTEE MEETING MINUTES**

**October 17, 2013**

**Natick High School  
Library, First Floor**

This meeting has been properly posted as required by law.

**MEMBERS PRESENT:**

Jonathan Freedman, Chairman  
Karen Adelman Foster  
Jimmy Brown  
John Ciccariello  
Cathleen Collins  
Catherine M. Coughlin

Bruce Evans, Vice Chairman  
James Everett, Clerk  
Michael Ferrari  
Jerry Pierce  
Christopher Resmini

**MEMBERS ABSENT:**

Mari Barrera  
Patrick Hayes  
Mark Kelleher  
Edward Shooshanian

**ATTACHMENTS:**

- A. Agenda for this evening's meeting
- B. Memorandum to Town Meeting Members from Martha White, Town Administrator, dated 10/9/2013, Subject: Article 6 – Amend Section 6-3 of the Charter to Allow Greater Flexibility Re: Comptroller Position

Meeting was called to order by Mr. Freedman at 6:35 p.m.

**OLD BUSINESS:**

**Public Hearing FY 2013 Fall Annual Town Meeting Warrant Articles:**

**Article 6 – Amend Section 6-3 of the Charter to Allow Greater Flexibility Re: Comptroller Position:**

Mr. Freedman reminded the members that the Finance Committee presently had no recommendation regarding Article 6 as no motion had received the required eight votes when this Article was previously discussed. He reported that he had consulted with the Town Moderator who had advised that a vote to reconsider would be required if the Committee wished to make any recommendation.

Referring the members to Attachment B, Ms. Martha White, Town Administrator, explained that, based on questions and issues raised during the Committee's previous discussion of this Article, the Administration had made revisions to further clarify the wording of the proposed language and was requesting reconsideration of the Article. She noted that the proposed revision had been determined by the Town Moderator to be within the scope of the original

Article and conceded that more extensive revision might have been preferable but the Moderator had indicated other changes to be outside the scope.

Member questions and discussion included the following:

- Town Counsel has reviewed and approved the changes.
- Although the Selectmen have not reviewed the proposed changes as a body, the Town Administrator consulted individually with several of the members who affirmed that the revisions are consistent with the Board’s original intent in putting the Article forward.
- In hindsight, the same language used in the Charter to address potential outside employment by the Town Administrator would have been preferable; however, the Moderator has ruled that the substitution of that wording would be outside the scope of the Article.
- Due to the continuing difficulty recruiting satisfactory candidates to fill the Comptroller’s position and the time required to complete a Charter change, which requires a favorable Town Meeting vote before the change can be placed on the town ballot, the Administration believes it is preferable to put forward the proposed change at this time, even though the language is not considered to be perfect.
- Concerns were expressed that this change would result in less than full time commitment by future Comptrollers.
- If this change goes forward as proposed, the Administration would not intend to propose any further revision to improve the language clarity in the immediate future.
- The Town Administrator relied on Town Counsel’s interpretation regarding the meaning of the existing wording and did not seek information from individuals who worked on drafting the original Charter regarding their specific intent.
- Neither the existing Charter language, nor the proposed change address whether the position is full-time or part-time.

A motion was made, at 7 p.m., to reconsider Article 6.

Moved/Motioned by:	Mr. Evans
Seconded by:	Ms. Adelman Foster
Motions or Debates:	<ol style="list-style-type: none"> <li>1. Mr. Evans said he understood the concern of other members regarding the meaning of “entire time” but, from the explanation provided by the Town Administrator, he understood that to mean the entire time spent under a contract with the town. He said he didn’t understand that to prevent some type of outside work external to Natick, such as consulting or teaching, which he did not expect to be full time. He pointed out that the current contract was renewed on a year-to-year basis and he thought this change would offer the Selectmen greater latitude to enter into a longer term contract with more flexibility. He said he supported the change as it tightened the language and clarified the commitment of a Comptroller to an arrangement agreed upon by the Selectmen. He said if this was delayed that ran the risk that the necessary flexibility wouldn’t be available to facilitate recruitment if the incumbent was not interested in renewing when the current contract was up.</li> <li>2. Ms. Adelman Foster said she had voted against this when it was previously discussed due to the sub-optimal language of the</li> </ol>

	<p>original proposal and had hoped it would come back with clearer wording. She said the change had improved it, but unfortunately still clearer wording had been ruled to be out of scope. She said she agreed with the concept and respected that Town Counsel interpreted the language to be more than she read and if she was wrong this meant exactly what Counsel said and the town would get what it needed; and, at worst, the change meant nothing and no harm was done. She said she respected Town Counsel's opinion and wished to support the Administration's request in dealing with a difficult recruiting atmosphere. She urged support for reconsideration.</p> <ol style="list-style-type: none"><li>3. Ms. Coughlin pointed out that this position was directly in charge of the town's entire budget and said the reason this was urgent was because the town was currently in violation of a by-law according to the information which had been presented. She read the Charter language related to restriction on other activities by the Town Administrator which she cited as the perfect wording to address this issue and questioned the wisdom of putting forward sub-optimal language for so important an issue as a change to the town's Charter. She disagreed with a previous speaker saying she believed that proceeding with the current proposal would be harmful.</li><li>4. Mr. Freedman asked that members confine debate comment to the merits of reconsideration only, rather than debating the merits of the proposed change.</li><li>5. Ms. Collins said she would vote against reconsideration, agreeing the proposed new wording was not satisfactory and pointing out that the Town Administrator had indicated that, if this language was approved she would not likely proceed to improve it further thereafter. She said if a change was to be made to the town's Charter the language should be exactly what was intended and repeated changes should be avoided. She said she believed the Finance Committee should stay with no recommendation on this Article because the intent as described was still not precisely expressed.</li><li>6. Mr. Everett reviewed the likely timeline if this item wasn't approved at the upcoming Town Meeting which, he noted, would mean that any change to help with the recruitment issue could not be implemented for approximately 1½ years, which he considered to be too long.</li><li>7. Mr. Brown said a previous speaker had cited all the reasons why this should not go forward, saying this was being rushed and the language was not what anyone wanted to live with for years to come. He said this was being put forward only to save the incumbent in the position and put the town on a road where this would be a part-time position which he considered unacceptable. He said he was strongly against reconsideration and suggested that members leave the meeting so there would not be a quorum to vote on the motion.</li><li>8. Mr. Ciccariello said he had spoken with a member of the original group which created on the Charter who had told him that the</li></ol>
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	<p>intent of the “entire time” wording was to restrict the Comptroller, while working in that capacity for the town, from taking on any other duties within the town, such as working in the Assessor’s office, or serving as Treasurer/Collector. Regarding a previous speaker’s suggestion that the town was in violation of the Charter, he referenced the wording of Section 6-3 (c) regarding the Selectmen’s authority to appoint a temporary comptroller so long as the temporary appointment was in writing, signed by a majority of the Board and filed in the office of the town clerk. He said there was no reference to what type of individual could be appointed under those circumstances and, in his opinion there was presently nothing in the Charter which prevented the Selectmen from making an appointment they deemed to be reasonable.</p> <p>9. Mr. Ferrari said he thought no change was necessary as he believed the Selectmen had all the authority necessary to maintain the current relationship or to hire someone on an interim basis. He said he would prefer not to reconsider this and if Town Meeting wanted or more information they could request that and ask questions directly of Town Counsel and amend the Article accordingly.</p> <p>10. In response to a member’s question Mr. Freedman said he believed this represented the Moderator’s view of what would be within the Article’s scope and the same standard applied to Town Meeting as to the Town Administrator.</p>
Vote:	5 – 6 – 0

Mr. Freedman advised that, as the reconsideration motion had not prevailed the Finance Committee would continue to have no recommendation on this Article.

**MEETING MINUTES:**

The Chairman turned the floor over to Mr. Everett to chair discussion of Meeting Minutes.

Mr. Everett referred the members to several sets of Draft Minutes which had been previously distributed via email.

September 26, 2013 General Government Subcommittee Meeting:

Noting that three of the members present were eligible to vote these Minutes Mr. Everett asked if there were any corrections or additions. There were none.

A motion was made, at 7:20 p.m., to approve the Minutes of the September 26, 2013 General Government Subcommittee meeting.

Moved/Motioned by:	Mr. Brown
Seconded by:	Mr. Ferrari
Motions or Debates:	None
Vote:	3 – 0 – 0 (unanimous)

**September 19, 2013 Finance Committee Meeting:**

Advising that all members present were eligible to vote these Minutes Mr. Everett asked if there were any corrections or additions. There were none.

A motion was made, at 7:20 p.m., to approve the Minutes of the September 19, 2013 Finance Committee meeting.

Moved/Motioned by:	Mr. Pierce
Seconded by:	Mr. Evans
Motions or Debates:	None
Vote:	10 – 0 – 1

**September 24, 2013 Finance Committee Meeting:**

Advising that all but one of the members present were eligible to vote these Minutes Mr. Everett asked if there were any corrections or additions. There were none.

A motion was made, at 7:21 p.m., to approve the Minutes of the September 24, 2013 Finance Committee meeting.

Moved/Motioned by:	Mr. Evans
Seconded by:	Mr. Ciccariello
Motions or Debates:	None
Vote:	9 – 0 – 1

**September 26, 2013 Finance Committee Meeting:**

Advising that all but two of the members present were eligible to vote these Minutes Mr. Everett asked if there were any corrections or additions. There were none.

A motion was made, at 7:21 p.m., to approve the Minutes of the September 26, 2013 Finance Committee meeting.

Moved/Motioned by:	Ms. Coughlin
Seconded by:	Mr. Evans
Motions or Debates:	None
Vote:	8 – 0 – 1

**ADJOURN (7:21 P.M.):**

A motion was made to Adjourn at 7:21 p.m.

Moved/Motioned by:	Ms. Coughlin
Seconded by:	Mr. Evans
Motions or Debates:	None
Vote:	11 – 0 – 0 (unanimous)