

# 2024 Annual Town Meeting

## FAQ for Warrant articles 33 & 34

PUBLIC WORKS PLANNING BOARD EVOLUTION  
SELECT BOARD

Two related warrant articles for the 2024 Annual Town Meeting warrant propose to replace the Public Works Planning Board with a new committee designed to meet current needs and controlled by the Town. They also reinstate the office of appointed Tree Warden.

This document answers the most common questions about these articles.

## Articles 33 & 34 (Public Works committees) FAQ

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Q1: What's behind these articles?

A: When the Town created the DPW from several existing departments, it also created the Public Works Planning Board to oversee the consolidation and replaced the Tree Warden by the Select Board. The PWPB no longer meets stakeholder expectations, and the Select Board isn't a satisfactory Tree Warden

Q2: What's wrong with the Public Works Planning Board?

A. The PWPB's charge and composition is fixed in a state law, and its original mission has been accomplished. As a result, it has become a passive body that rarely meets. Today's needs are different; Town Boards, the Superintendent of Public Works, and many citizens expect a more active board to advise the DPW on the projects that it undertakes.

Q3: Can't Town Meeting update the PWPB's charge and/or composition directly?

A. Because it was established by a state law (at the request of the town), changes require the Legislature to act to amend it. This is an involved, slow process so we want to do it once and decouple the Town from state law as much as possible.

Q4: So, can we just ask to get rid of the state law that's causing us trouble?

A. No. Most of the law is necessary to have the consolidated DPW, which continues to work better and more efficiently than the former separate departments.

Q5: Why does Article 33 just "authorize the Select Board to file a petition"? Can't it, or Town Meeting just do what's necessary directly?

A. The process of amending a state law that applies to a single town is involved. The Select Board, as the executive authority must prepare, submit, and negotiate a "Home Rule" petition to the legislature. But to do that, it must have Town Meeting's permission. Once submitted, the legislature may propose changes to make it conform to its requirements. It isn't practical for the Town Meeting to review each one, so within certain parameters, it authorizes the Select Board to make necessary changes. To ensure transparency, the Select Board must hold a public hearing when it does so.

Q6: The original formation of the DPW needed a vote in the town election. Why not this time?

A. The consolidation of the DPW involved eliminating the elected Highway, Water, and Cemetery Commissioners and replacing the elected Tree Warden with the Board of Selectmen. Removing elected positions merited a ballot question. These articles do not modify the powers of the electorate.

Q7: How long does all this take?

A. The Legislature works in two-year cycles. If Article 33 passes at the 2024 Annual Town Meeting, based on this cycle, the petition would probably be submitted in January of 2025. We expect that sometime in 2025-2026 it will make the changes that we request. However, it could act as soon as 2024 if our delegation expedites consideration. Article 34 takes effect as after the standard Attorney General's bylaw review, the legislature's vote to implement the changes to the special act, and the Governor's signature.

Q8: Are the Selectmen really the Tree Warden?

A. Unfortunately, yes. Now that the town has a population of over 10,000, they're not qualified under state law to be "the Tree Warden", since they aren't "trained and experienced in arboriculture". In any case, they don't want the job – it requires a lot of time from five people who have other responsibilities for a job that's better suited to one.

Q9: What's the new committee created under Article 34? Don't we have enough committees?

A. The DPW is one of the town's biggest departments (after Schools, Police & Fire). The existing boards and committees that might help it to make the right decisions don't have the time to provide guidance and support. As evidenced by some recent controversial projects, that can have unfortunate consequences. The new committee will coordinate and work with the other boards and committees, offloading the detailed work from them. Since the PWPB will be abolished, there is no net increase in the number of committees.

Q10: Does the new committee manage the DPW?

A. No. It's an advisory committee limited to DPW projects that assists with their planning, prioritization, coordination, and communication with residents.

## Articles 33 & 34 (Public Works committees) FAQ

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Q11: What happens with the Tree Warden?

- A. The Tree Warden becomes an appointee of the Select Board and has the qualifications, powers and duties established by state & town law, but day to day work is supervised by the Public Works Superintendent. The normal budget and personnel processes will determine whether the Tree Warden will be a direct employee, or provided by a service contract.

Q12: What are the duties and qualifications required of a Tree Warden?

- A. The duties of the Tree Warden are specified in several sections of state's general law, including chapters 40, 41 and 87. Chapter 41 requires a Tree Warden to be "qualified by training and experience in arboriculture" and to have a pesticide license. Besides trees, the Tree Warden is also responsible for insect pest control. The nature and extent of the required training and experience is not detailed in state law, but will be specified in the Town's Job Description for the position. <https://www.mass.gov/doc/what-is-a-tree-warden/download> provides more detail and references to industry-standard qualifications.

Q13: How expensive is a qualified Tree Warden?

- A. It depends on how the job is scoped and staffed. Recent job listings for full-time Tree Wardens with comparable requirements range from \$64,000 to \$102,000/year. A part-time in-house position would reduce the cost; a contract service could be more. As noted above, the optimum solutions for Southborough will be determined by the normal budget and personnel processes. Not having a qualified Tree Warden can be even more expensive.

Q14: Who supports these articles?

- A. The **Select Board** initiated and supports them. They are supported by the **DPW superintendent**, the **Planning Board**, and the **Advisory Committee**.

Q15: Do these articles change the authority or responsibilities of the Tree Warden?

- A. No. The appointed Tree Warden "shall have all the powers and duties vested by the General (State) Law and town by-law in the office of Tree Warden." Nothing is added or subtracted by this change. However, in the past, the Tree Warden has focused almost exclusively on culling hazardous trees and limbs. We hope that in the future the Tree Warden's other responsibilities will get more attention.

Q16: Why will the Tree Warden "operate under the supervision of the Superintendent of Public Works"? Can the DPW Superintendent over-ride the Tree Warden? Is there a conflict?

- A. The Office of Tree Warden may be filled by a direct employee or service contract. It will need administrative support for contracts, personnel, and equipment. Someone needs to provide that support. The DPW Superintendent was chosen because the DPW has staff and equipment that the Tree Warden will call on. This is the most efficient way to minimize tensions, and to ensure synergies in planning and execution. The alternative of assigning supervision to the Town Administrator or a board is impractical, as all are overloaded.

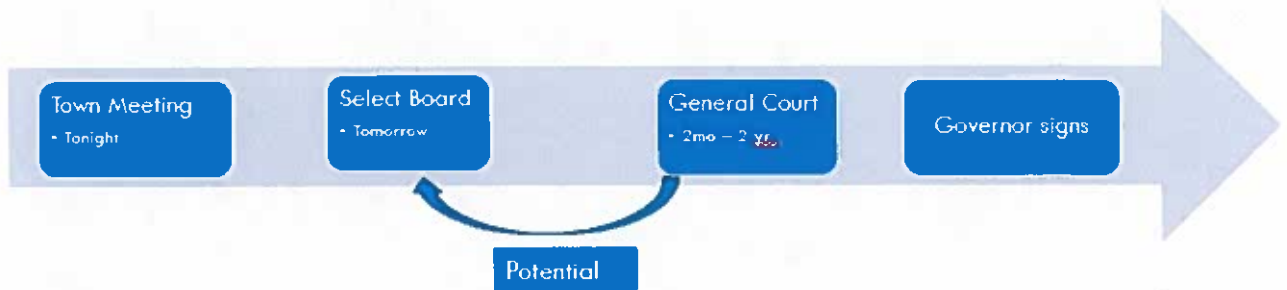
The Tree Warden's powers and duties come directly from the state and town laws and do not accrue to a supervisor, so **his professional judgements cannot be overridden by the DPW Superintendent**. In specific circumstances, the law provides that the Tree Warden may be directed to take action by the Selectmen or Road Commissioner, but this applies in any case. The Selectmen can also hear some appeals of the Tree Warden's decisions.

**No one** wants to spend money to unnecessarily remove trees. The Tree Warden is responsible for developing and executing a plan for managing trees, applying the **industry-standard objective criteria** for dealing with potential hazards. That plan will be subject to the usual public scrutiny and review. **Professionalizing the position and the consequent planning should alleviate concerns about some past practices.**

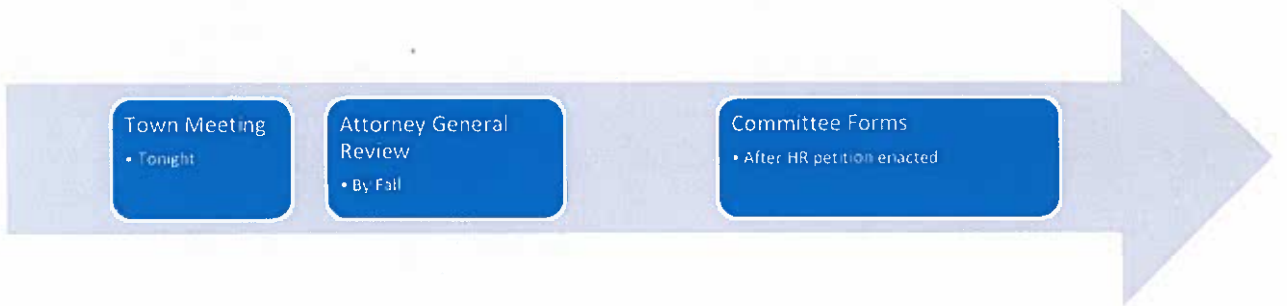
Q17: How and to whom is the Tree Warden accountable?

- A. The Select Board appoints the Tree Warden – whether a direct employee or by contract. As with any appointee, the Select Board is responsible for ensuring that the appointee's duties are spelled out in a job description/contract referencing applicable law. Any performance issues would be handled by the Board.

### Timeline for Article 33



### Timeline for Article 34



Note that these can complete in either order, but the new committee forms when both are complete.