

**CHARTER COMMITTEE  
RECORD OF MINUTES AND PROCEEDINGS  
January 12, 2010**

The Charter Committee of the Town of Weymouth held a public meeting on Tuesday, January 12, 2010, at 7:00pm at Town Hall Council Chambers, 75 Middle Street, Weymouth, MA

Present: Barbara Deacon, Chairperson  
Sandra Williams, Vice-Chairperson  
Claire Cunningham  
Michael Gallagher  
Michael Smart  
Arthur Mathews

Also Present: Susan Kay, Mayor

Not Present: James Wilson  
John Reilly  
Sean Guilfoyle

Recording Secretary: Janet Murray

Chairperson Deacon called the meeting to order at 7:00 pm.

**OLD BUSINESS**

**Minutes**

Mr. Gallagher stated that on page 3 under section 5-6, the motion was made to accept the recommendation to add “federal laws” to the Human Resource as stated by Ms. DePina.

A MOTION was made by Mr. Gallagher to accept the minutes from the December 22, 2009 Charter Committee meeting as amended and was seconded by Ms. Williams and PASSED on a 4-0 vote with Mr. Mathews and Mr. Smart abstaining.

**Citizen Questions, Concerns, Update**

Chairperson Deacon stated that as of last evening there were no citizen phone calls or emails to the Committee.

**CALENDAR & MEETING TOPICS**

Chairperson Deacon gave an update of the revised schedule. She noted that the Committee was charged with reporting back to the council by May 1, 2010. Their meetings are the 1<sup>st</sup> and 3<sup>rd</sup> Monday. The last scheduled meeting of April, the 27<sup>th</sup>, she stated that she will be on vacation. The 1<sup>st</sup> council meeting in April is the 5<sup>th</sup>; this meeting is typically taken up with the Mayor’s budget presentation.

Chairperson Deacon stated that based on the current progression, the committee could be ready to present to the council on March 15, 2010 with the rest of the schedule as follows:

1. January 26, 2010
  - Section 5-4: Department of Municipal Finance
  - Article 6: Finance and Fiscal Procedures
2. February 9, 2010
  - Article 7: Elections and Election Related Matters
  - Article 8: General Provisions

## CHARTER COMMITTEE

January 12, 2010

- Article 9: Transitional Provisions
3. February 23, 2010
    - Begin discussion of final document to be presented at March 15, 2010 Town Council Meeting.
    - Initial draft document should be to committee members on February 18, 2010.
  4. March 9, 2010
    - Invite Mr. Curran back to review/finalize document.

Councilor Mathews stated that he believes that the updated schedule is realistic.

Ms. Cunningham noted that it would be helpful if Mr. Curran had questions and comments prior to the meeting on March 9, 2010.

Mr. Bob Montgomery Thomas asked about how the draft document would look. Chairperson Deacon noted that this has not be decided but a draft should be available to the Committee on 2/18/10.

Chairperson Deacon noted that the document provided by this committee will be a list of recommendations to the council.

### **NEW BUSINESS**

#### **Article 3: Executive Branch**

Mayor Kay commented that she had observed the town of Braintree in their charter process. She noted that Braintree used Weymouth's charter as a starting point and went through it making changes.

Mayor Kay began discussion on Article 3-1 (e) Prohibitions. She stated that she believes that this provision needs to be removed. She noted that if the average citizen leaves their job, they give up their job with no expectation that their job will be there for them when they complete their term of office as mayor. She questioned why is this special exception made for town employees.

Mayor Kay commented on the one year employment exception: she stated that this would apply to Weymouth only; add word "this municipality" as this would clarify that the exception refers only to Weymouth. She stated that after a mayor's term ends, this provision is in place to prevent a former mayor from working in a town position for one year after their term of office has ended.

Mayor Kay stated in Section 3-5 regarding temporary appointments or positions to town offices the mayor may designate a replacement; she noted that this does not exclude council or school committee designees.

Mr. Smart stated that the Committee could ask Mr. Curran to clarify this.

Mr. Gallagher asked if the mayor was referring to a council or school committee members. The Mayor clarified that she means an appointed position not an elected position.

## CHARTER COMMITTEE

January 12, 2010

Mayor Kay discussed the swearing in of council and school committee members. On page 30, section 4 - 2, as soon as practical, school committee shall organize – Article 8-10 after oath has been administered, council organization shall occur; same with school committee, but 4-2 states as soon as practical. She stated that she is pointing out that this language is “muddy” and seems in conflict.

Mayor Kay noted that in Section 4-4 school committee members receive compensation for their service. She noted that this should specifically exclude the mayor.

Mayor Kay noted that she believes that the voters, at the time of the Charter change, wanted a strong mayoral form of government. She noted that a charter commission would be needed to change this.

Chairperson Deacon asked the Mayor regarding the mayor as the chairperson of school committee. Mayor Kay stated she does not believe that a mayor should be the chairperson. She stated that it is her opinion that the Mayor is on the school committee as a “check and balance”. She noted that in the position of Mayor, she is acutely aware of the needs of the school department versus general government. She noted a current situation where the state may require the town restore funding to the school department. She pointed out that this type is a difficult position for the mayor which would be exacerbated if the mayor were the chairperson.

Councilor Smart asked the Mayor about Article 3-5 and temporary appointments; that this should exclude council and school committee. Mayor Kay stated that she agreed that temporary appointments to the council and school committee elected positions should not be made by the mayor.

Mayor Kay stated that the mayor is a member of all multiple member boards, can attend executive session, make motions, but cannot vote. She stated that she vote as a member of the school committee.

Mr. Thomas spoke to Article 4-2 (a) in that the language does not specifically preclude the mayor from being the chairperson, this section references a member-elect. The mayor is a member of the school committee by virtue of office and is not elected to the committee.

Chairperson Deacon asked Mayor Kay about the issue of the incapacity of the mayor. She questioned who would make the determination if the mayor becomes incapacitated due to illness.

Chairperson Deacon informed Mayor Kay that the January 26, 2010, meeting will discuss Article 6.

Mayor Kay commented on Article 6 in that she believes that the school committee budget timeline is impractical.

Chairperson Deacon noted that the school committee has already been before the Charter Committee and expressed their opinions regarding the timeline.

## CHARTER COMMITTEE

January 12, 2010

Mayor Kay asked what happens to the recommendations once the committee makes them. Chairperson Deacon stated that recommendations first go to the Council who either accept or reject the recommendations and then it goes to the mayor. If the mayor is in disagreement then it would go back to the Council.

### **PUBLIC COMMENT**

Mr. Bob Montgomery Thomas stated that there is not a table of contents; there is one in the booklet, but it is not in the PDF file. He also stated that the document should be identified at the top of each page as "Town of Weymouth Home Rule Charter".

Mr. Thomas stated that the word voters shall read "voter or voters" as noted on page 4 of the Charter and on page 3 on the PDF document.

Mr. Thomas stated that there are a number of issues later on in the document that need to be addressed. He noted that the word councilor is spelled with two "l's" in several places. Chairperson Deacon noted that this has been previously discussed and added to the housekeeping changes that are needed.

Mr. Thomas commented on PDF page 5, Section 2.2, council president. He suggested the following addition: for the purposes of this subsection, temporary absence or disability shall mean for 30 days or less. After 30 days the Town Council shall elect a new president from their body at their next election.

Mr. Mathews noted that the council president becomes mayor while the mayor is incapacitated. He asked about when the council president becomes acting mayor for longer than 30 days.

Mr. Thomas pointed out that when the vice-president becomes acting president his abilities are limited to indispensable things; whereas the council president has broader authority.

Mr. Thomas noted that he believes that 30 days is a good time frame. He stated that this would establish a time certain as to what a temporary absence means.

Mr. Smart noted that it is inferred what temporary means in Article 3-8. He noted that there is already a mention of 10 days in the Charter.

Mr. Thomas stated that he would like to see some mechanism to provide for the election of a new council president. He stated that the 30 day time frame allows for two council meetings to pass.

Mr. Gallagher stated that the powers and duties of council president are clearly spelled out in the charter. The essential powers have to do with the council meetings. The only other power is the appointment of committees which would most likely already be in place. He noted that everything else is up to the council.

Mr. Thomas commented on Article 2.3 prohibitions regarding returning to the same office or position held, provided however, that the former office or position is available.

## CHARTER COMMITTEE

January 12, 2010

Mr. Thomas referenced the previous mayor's appointment of the provisional fire chief to permanent fire chief and that he believes that the intent of the charter was abrogated.

Chairperson Deacon stated that this matter was discussed previously and has been taken under advisement.

Mr. Mathews pointed out that the Mayor had stated earlier in the meeting that Braintree, in their charter deliberations completely removed this section.

Mr. Gallagher stated that it would not be practical for a person to give up a full time job to become a part time councilor, but the mayor's job is full time.

Mr. Thomas commented on Article 2-6 subsection (b) as to how many people are necessary to be present to make an appointment. He stated that six members also should be required to vote on the removal or appointment of an individual.

Mayor Kay stated that as a matter of practice six members (a quorum) is required to do anything other than refer to the full council.

Mr. Thomas commented on Article 3-1 and the mayor's qualification that the mayor be a voter should be changed to "voters of the town". Ms. Williams pointed out that the word voter is defined in definitions section. She noted that this was discussed previously.

Mr. Thomas commented on Article 3-8 regarding when neither the president nor vice president is available to serve as acting mayor. He suggested adding "the council shall appoint an acting mayor from their number".

Mr. Thomas commented further on Article 3-1 regarding the designation of a town officer or town employee as temporary mayor. He suggested adding "resident of the town".

Mr. Thomas commented on Article 3-9 regarding delegation of authority of the mayor to a town officer or town employee. He stated that this person would be representing the town and should be the resident of the town.

Mayor Kay stated that she is opposed to this restriction as she believes this would also restrict the ability of town employees to act on behalf of the mayor in other instances.

Mr. Gallagher expressed concern that this could restrict or limit a mayor's ability to appoint the most qualified people to offices because they are not residents of the town.

Mayor Kay commented that this could restrict a mayor's ability to have someone represent him at a meeting.

Mr. Mathews suggested that this issue be taken under advisement and discussed with Mr. Curran.

CHARTER COMMITTEE  
January 12, 2010

**AJOURNMENT**

At 8:30 pm, there being no further business, a MOTION was made by Mr. Mathews to adjourn and was seconded by Mr. Gallagher, and UNANIMOUSLY VOTED.

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Barbara Deacon, Chairperson

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Date