

**CHARTER REVIEW COMMITTEE  
RECORD OF MINUTES AND PROCEEDINGS  
January 26, 2010**

The Charter Review Committee of the Town of Weymouth held a public meeting on Tuesday, January 26, 2010, at 7:00pm at Town Hall Council Chambers, 75 Middle Street, Weymouth, MA

Present: Barbara Deacon, Chairperson  
Sandra Williams, Vice-Chairperson  
Michael Smart  
Arthur Mathews  
James Wilson  
Claire Cunningham  
Sean Guilfoyle  
Michael Gallagher  
John Reilly

Also Present: Susan Kay, Mayor  
Recording Secretary: Janet Murray

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

**OLD BUSINESS**

Minutes

A MOTION was made by Councilor Mathews to ACCEPT the January 26, 2010 minutes and was seconded by Councilor Smart.

Ms. Williams noted that on page 3, 4<sup>th</sup> paragraph up from the bottom, “she vote” should read “she votes”. Ms. Williams also noted on page 3, 2<sup>nd</sup> paragraph up, there was a section that was not complete.

Chairperson Deacon noted that this portion was deleted. Chairperson Deacon stated that the date was corrected on the first page.

The MOTION to ACCEPT as amended PASSED on a 7-0-2 vote with Mr. Wilson and Mr. Reilly abstaining.

Chairperson Deacon noted that there was one voice mail message from Allison Manning of the Patriot Ledger. She welcomed Ms. Manning this evening.

Chairperson Deacon stated that there was an email from Mr. Thomas that included the presentation he gave at the last meeting. She stated that each member should have a copy of this in their packets.

**NEW BUSINESS**

Section 5-4: Department of Municipal Finance

Mr. Wilson stated that when the Charter was written the town was a Tier 2 community. With the implementation of the Charter in FY 2002, Weymouth became a Tier 1 community. He pointed

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out that a Tier 1 community has four times the reporting requirements as a Tier 2 or 3 community.

Mr. Wilson stated that the Charter's reporting requirements reflect a Tier 2 community. When comparing the reports required under the Mayor's section and the reports required under the general section, the requirements seem to be discordant; not only with what is required within the Charter but also with what is required of a Tier 1 community.

Mr. Wilson stated that he is now writing reports from mid-July to the end of September; everyone is different, the federal, state, local and the local has two different reports. Also, the federal and state report has to be combined for the Department of Revenue. There is also an independent auditor which has a whole different set of rules. He noted that he is writing report upon report not getting anything done. He pointed out that when the Charter was written there were two standards, federal standard and state standard. The reporting that is required in the Charter reflects and almost overlaps the state requirement.

Mr. Wilson stated that of all of these topics, this is one piece of it, that we are now repeating reports that we can utilize a different type of report for the same type of information.

Mr. Reilly noted that these reports are required by the feds, the state and other people. He asked Mr. Wilson what he suggests the Charter reflects in regards to the federal, state, and local reporting. Mr. Wilson stated that Article 8-14 is the specific section he is talking about, as well as Article 3-6 (a).

Mr. Wilson stated that within 12 weeks of the close of the fiscal year we do not have the audited financials. The audited financials come in sometime in October or November. He stated that he is required to write a report on the independent auditors' report which is about 20-30 pages long. He stated that he cannot write that report until the auditor's report is done.

Mr. Wilson stated that when he writes these reports, these reports are unaudited because the auditors have not completed them. The analysis given here is different than the analysis that he gives to the independent auditors because the independent auditors use federal standards; here we use state standards and a cash basis. An example: on our audited financials we are permitted to book as receipts, all the tax collections through the end of August, but the state standards and the standards used in this report, he goes to June 30. The state on recap says that he can collect everything through July 15. He pointed out that there are three time frames: June 30, July 15, and August 31.

Chairperson Deacon asked if this is something the Charter can address if these are mandated by the state or federal.

Mr. Wilson stated that this report says 12 weeks so he does not have the other information available. Twelve weeks is the end of August start writing at the end of July using incomplete information.

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Mr. Wilson stated that creating multiple reports causes confusion when trying to coordinate all of the other reporting required. He noted that the audit is done during the month of September and federal and state grants are completed by August 31.

Mr. Reilly made a MOTION to recommend changing the wording in the first line of Section 3-6 (a) from “within 12 weeks” to “by October 15 and was seconded by Councilor Mathews.

Councilor Smart asked what this does to the report. Mr. Wilson responded that the annual report in Section 8.14 would use a cash basis. He noted that this report is not that technical.

Ms. Williams asked why do the auditors come in September and not in July. Mr. Wilson stated that they are statutorily required to report through August 31.

Ms. Williams asked who is the town’s auditor. Mr. Wilson stated that the auditor for this past year was O’Connor and Drew. The audit falls under the control of the Town Council and is currently out to bid. The Council is reviewing candidates at this time.

The MOTION was UNANIMOUSLY VOTED.

Mr. Wilson stated that Section 8-14 speaks to a controller; the town does not have one. He stated that the name should be internally consistent. He noted that a controller is basically a new name for internal auditor.

Mr. Reilly made a MOTION to recommend NO ACTION on Section 5-4 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

### Article 6-1: Finance and Fiscal Procedures

### Article 6-2: School Committee Budget

### Article 6-3: Submission of Budget and Budget Message

Chairperson Deacon stated that the biggest challenge is the budget timeline/preparation.

Mr. Guilfoyle turned over the topic of budget timelines/preparation to Superintendent Mary Jo Livingstone and Assistant Superintendent Mary Anne DeMello.

Ms. Livingstone stated that the school department has a fixed calendar and works backwards from this. She stated that the goal is to have a final budget by the end of June. She noted that if you start at this point the first date that is fixed in the Charter is the 90 day provision for the mayor to submit the budget to the council.

Ms. Livingstone recommended changing the 90 days to 60 days. The Mayor submits the budget to the Council by May 1 which would change to April 1. Then everything else in terms of language falls against that. The 21 days, right now, gives a March 10 date which would change to April 10 and then the public hearing dates would all fall into place. Everything would be pushed up by 30 days.

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Mr. Guilfoyle agreed with the change from 90 to 60 days. This would prevent the need to create budgets that are essentially meaningless.

Mr. Wilson stated that the state constitution requires that the governor submit the first round of numbers by January 31. The budget is then submitted to the House who takes the governor's information and its own information and creates another budget. Historically they have never submitted a budget, called House 1, to themselves prior to April 1. Generally it is submitted the Friday before April vacation. The Senate then has 45 days from that date to submit its budget through its appropriation committee.

Mr. Wilson suggested 75 days rather than 60 days.

Mayor Kay stated that she agrees with the concerns of the school.

Councilor Mathews asked the Mayor if the 21 day time frame to review the school budget is necessary and could it be reduced to 14 or 10 days.

Mayor Kay stated that she could see this number of days decreasing some, since she is a member of the school committee and has already been working on the budget.

Councilor Mathews stated that he believes that 60 days is too tight.

Mayor Kay stated that the time required to advertise for public hearings and notifications needs to be considered.

Mr. Reilly asked what is the procedure if the budget has been adopted and then money is cut. Mr. Wilson stated that the supplemental budget process in Article 6-7 will be utilized.

Councilor Smart commented that there are 31 departments in the budget and he believes that 60 days is a little too tight.

Ms. Livingston stated that there are three components to this timeline: 1) the 90 days to 75 days, the 21 days that the mayor has budget, the public hearing language in 6-2 (a) requires a 21 day window to publish the fact that there will be a public hearing and then once the summary is available there is another 7-14 day window to actually hold the public hearing. She stated that she did not think that the public hearing timeframes should be condensed.

Karen Berry, School Committee member, stated that the budget sub-committee struggles with this timeline every year. She stated that she believes that the reduction from 90 days to 75 would work.

Mr. Wilson stated that Weymouth is the first to produce a budget in the entire state. He noted that other cities use the 60 day/May 1 deadline.

Councilor Mathews stated that he would like to speak with members of the Budget/Management Committee and other councilors.

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Mayor Kay suggested that the committee invite all parties involved in these timelines be invited before a final recommendation is made.

Mr. Guilfoyle made a MOTION to TABLE Article 6-2 and 6-3 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Mr. Reilly made a MOTION to recommend NO ACTION on Article 6-1 and was seconded Mr. Guilfoyle and UNANIMOUSLY VOTED.

### Article 6-4: Budget Message

Mr. Wilson stated that on Budget Message, Article 6-4, he does not understand why the town's debt position is required in a budget message. He stated that it does not seem like you need it. He stated that outside of water and sewer the debt service is approximately \$3 million. The town's debt service is made up primarily of the high school, police station, and renovations to town hall.

Mr. Reilly made a MOTION to recommend that "summarize the town debt position" be stricken and was seconded by Mr. Wilson.

Ms. Williams stated that she sees this as part of the budget to know the whole picture; what are we spending but also what do we owe. This is a summary upfront.

Mr. Wilson stated that this is a part of the financials. He stated that if the position has not changed and the Mayor is required to summarize changes, this costs money because it requires publication. He stated that this should be in the body of the budget. He noted that the detail is in the budget, the capital plan, and the financial plan.

Ms. Williams stated that her opinion is that it does not hurt to have this summary so that you do not get lost in the details.

Mayor Kay stated that this publication requires a legal ad which is paid for by the inch. The print is large. The cost is about \$600.

Councilor Mathews stated that all of this is fully covered in the Budget/Management Committee.

Mayor Kay stated that the basic intention of this publication is to point out drastic changes within the budget. She pointed out that a full copy is available at the clerk's office.

The MOTION PASSED on an 8-1 vote.

### Article 6-5: The Budget

Mr. Wilson made a MOTION to recommend NO ACTION on Article 6-5 and was seconded by Mr. Reilly.

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Article 6-6: Action on the Budget

Mr. Gallagher made a MOTION to TABLE Article 6-6 and was seconded by Mr. Reilly.

Mr. Gallagher stated that this section contains much of the timeline.

The MOTION was UNANIMOUSLY VOTED.

Article 6-7: Supplementary Budgets, Other Appropriations

Mr. Guilfoyle made a MOTION to recommend NO ACTION on Article 6-7 and was seconded by Mr. Reilly and UNANIMOUSLY VOTED.

Article 6-8: Allotments

Mr. Wilson stated that this sections works well as a check and balance on the departments. He stated that is an excellent budgetary tool and is a great guideline.

Mr. Wilson made a MOTION to recommend NO ACTION on Article 6-8 and was seconded by Mr. Reilly and UNANIMOUSLY VOTED.

Article 6-9: Personal Liability

Mr. Wilson stated that this mirrors an actual amendment to the state statute.

Mr. Reilly made a MOTION to recommend NO ACTION and was seconded by Mr. Gallagher and was UNANIMOUSLY VOTED.

Article 6-10: Capital Improvement Program

Mr. Guilfoyle made a MOTION to recommend NO ACTION and was seconded by Ms. Williams.

Councilor Smart noted that there were no capital improvements this year. Mayor Kay stated that this plan still needs to be submitted.

Mayor Kay stated that she is concerned about the lack of capital improvements as this can become a liability to the town. She is looking at risk management.

Mr. Wilson stated that this has a practical effect as now that Weymouth is a Tier 1 community, the town must report all assets.

The MOTION was UNANIMOUSLY VOTED.

Article 6-11: Independent Audit

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Mr. Reilly made a MOTION to recommend NO ACTION and was seconded Mr. Gallagher.

Ms. Williams questioned the dates in regards to other reports. She noted the date of September 15. Mr. Wilson stated that September 15 for the prior fiscal is the independent auditors standard under the generally accepted accounting principles for municipalities.

The MOTION was UNANIMOUSLY VOTED.

### **PUBLIC COMMENT**

Chairperson Deacon asked if there was anyone in the public who would like to speak; there was the following response.

Mr. Robert Montgomery Thomas stated that he has some changes to recommend on Article 6.

Mr. Thomas suggested that in Article 6-2, "At said public hearing" be added to the end of the last sentence. Mr. Thomas also questioned what penalty exists for non-compliance (violation).

Mr. Thomas stated that the state is probably the most responsible for the budgets not being out on time. He asked if it was possible to have a paradigm of a budget; put together certain numbers predicated on a particular whole number. Then, rather than go back through the entire document, is it possible to take a percentage to alleviate some of the work the committees have to go through.

Mr. Wilson stated that state law says you cannot set a tax rate without a vote of the legislative body and ten days passing before the tax rate can be set. The legislative body must assign a specific number by department. He stated that you must have a definitive number not a floating number because state statute prohibits it.

Mr. Thomas stated that he had a number of housekeeping corrections. Mr. Reilly asked Mr. Thomas to send these types of corrections directly to him

Mr. Thomas stated that in Section 6-8 it is ambiguous as to what the penalty is for the violation.

Mr. Wilson stated that the mayor has the ability to prohibit further expenditures of a department and may reduce that department's next quarter expenditures by the amount overspent; any subsequent quarter, Article 6-9 kicks in.

Mr. Wilson stated that only he and the mayor can over-expend; department heads have no authority to expend anything. There is a four step process to expend money.

Ms. Hilbert noted that the annual reports do not show anything about the Tri-Town Development Corporation (SSTTDC). She stated that she knows that a lot of money is exchanged between SSTTDC and the Town of Weymouth.

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Mr. Wilson stated that a lot of money is not exchanged between the town and SSTTDC and SSTTDC is separate body politic. He stated that it has been some time since money has been exchanged between town and tri-town.

Ms. Hilbert asked about town employees working for SSTTDC.

Mr. Wilson stated that SSTTDC is a separate body. They have their own funding source and salary schedule by statute adopted last summer. He stated that the town can have no impact or input into SSTTDC dealings. They have their own board of directors.

Ms. Hilbert stated that Weymouth provides police and fire services.

Mr. Wilson stated that this is done due to federal statute as the property has not been changed over. He stated that the federal retrocession statute which is part of the Base Re-alignment and Closure (BRAC) laws of 1985 require that the town provide police and fire protection until the property is conveyed.

### Article 4

Mr. Guilfoyle began a discussion on Article 4 regarding swearing-in/re-organization. He noted the phrase “as soon as practicable” as it implies “you’ll do it at some point”. He suggested a change to “on or before the first scheduled meeting”. He noted that the Council typically does this right after they are sworn in.

Mr. Guilfoyle stated that if you read Section 8 without article 4 it could be read to mean to reorganize the night of swearing which is the first business day of January 1.

Chairperson Deacon stated that the school committee does not re-organize on the same night as the swearing in is because not all committee members are up for re-election at the same time as is the case with the town council.

Chairman Guilfoyle stated that practicable is not the right verb to use. He stated that he would like to see this changed to “first scheduled meeting”.

Mr. Gallagher stated that he thinks that this is about semantics.

Mr. Guilfoyle stated that one is concrete and the other is not.

Mr. Thomas noted that when a sitting president is not re-elected he remains the president until the newly-elected president is sworn-in.

Mr. Gallagher stated that the term of office is specified as four years, January to December. The 1<sup>st</sup> day of January is when the newly voted members become members of the body.

Councilor Mathews suggested that this be discussed further at the next meeting along with Article 8.

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**MEETING SCHEDULE**

Chairperson Deacon stated that Article 6 needs to be revisited.

1. February 9, 2010.
  - Initial draft document should be to committee members by February 18, 2010.
  - Article 6: Finance and Fiscal Procedures
  - Article 7: Elections and Election Related Matters
  - Article 8: General Provisions
  - Article 9: Transitional Provisions
2. February 23, 2010
  - Begin discussion of final document to be presented at March 15, 2010 town council meeting.
3. March 9, 2010
  - Invite Mr. Curran back to review/finalize document.
4. March 15, 2010
  - Committee members to attend town council meeting for presentation of final document

Mayor Kay asked if Article 3-1 (e) leave of absence will be revisited. Chairperson Deacon stated that this will be revisited along with other articles.

**ADJOURNMENT**

At 9:00 pm, there being no further business, a MOTION was made by Councilor Mathews to adjourn and was seconded by Mr. Gallagher and UNANIMOUSLY VOTED.

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Barbara Deacon, Chairperson

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Date