

**CHARTER REVIEW COMMITTEE MINUTES  
22 SEPTEMBER 2009 7:00 PM  
COUNCIL CHAMBERS**

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

Not Present: Sean Guilfoyle

Recording Secretary: Diane T. Hachey

Chairperson Deacon called the Charter Review Committee to order at 7:00 PM. She opened the meeting by extending her gratitude to Diane Hachey for assuming the role of recording secretary this evening.

**OLD BUSINESS**

**RECORDING SECRETARY STATUS**

Michael Gallagher provided an update that last evening the Town Council approved funding for the Charter Review Committee. Diane Hachey will record this evening and Janet Murray has been contracted on a permanent basis.

**MINUTES OF MEETINGS 8/17 AND 9/14**

Arthur Mathews requested an amendment to the minutes of August 17, 2009-paragraph six to omit "School Committee" as he did not state such.

James Wilson requested an amendment-inclusion of those members present and not present.

James Wilson motioned to accept the minutes of August 17-as amended-motion seconded by Michael Smart and voted unanimously.

Chairperson Deacon noted that as there was no recording secretary present for the September 14, 2009 meeting, and the meeting was called to order and quickly convened for that reason-minutes are not necessary but a note to the file will be completed.

It is the Chair's understanding that approved minutes are to be filed in the Town Clerk's Office and on the town's website. Mr. Gallagher agreed to handle accordingly. Additionally he requested that if he receives agendas ahead of time, he will post to the website as well.

**COMMITTEE ORGANIZATION/SECRETARY**

Michael Smart motioned to open nominations for Secretary of the Charter Review Committee, seconded by James Wilson and voted unanimously.

John Reilly nominated Claire Cunningham. Mr. Smart noted a point of information—Ms. Cunningham has a physical issue regarding writing. Mr. Reilly withdrew his motion. Michael Smart nominated John Reilly, seconded by James Wilson and voted unanimously. Mr. Reilly requested direction as to what his role is as Secretary. It was determined that he would handle correspondence and filing of legal advertisements.

**OPERATING BUDGET UPDATE**

Mr. Reilly requested the detail of the budget available to the committee. Michael Smart noted \$5,000 for recording secretary fees and \$1,000 for miscellaneous expenses—namely printing and advertising costs. This measure was approved by a vote of Council last evening (10-1).

**COPIES OF CHARTER AND ORDINANCES**

Chairperson Deacon noted the availability, to both the public and committee, of copies of the Charter and Ordinances.

**MEETING CALENDAR**

Chairperson Deacon announced that the committee's meeting schedule is the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month, commencing at 7:00 PM. Meetings for the near future were forecasted as follows:

October 13 and 27  
November 10 and 24  
December 8 and 22

Chairperson noted a conflict with the December 8 meeting as it falls on the Special State Primary Election and the chambers was previously reserved. Discussion ensued as to the need for two meetings in the month of December and it was agreed upon that the December 8 meeting would be cancelled and the December 22 will remain. It was determined that a review of scheduled meetings at the first of the year will be discussed at a later date.

**WEBSITE UPDATE**

Michael Gallagher agreed to establish a dedicated section on the town's website for the Charter Review Committee. Detail would entail the names of all committee members, a dedicated telephone line (to be determined) with voice mail, and an email address—in order that the committee and/or its members may be contacted. Mr. Gallagher agreed to have this completed by the next meeting.

**PUBLIC COMMENT**

Chairperson Deacon requested if there were any comments from the public, to which the response was none.

**NEW BUSINESS**

Sandra Williams requested that the record reflect that her name is “Sandra Williams” and that she resides in East Weymouth.

Arthur Mathews requested the accessibility of Mr. Curran to the committee. It was noted that he could not be accessible to the committee on a regular basis, but could be requested at some point to appear-cost for his appearance would have to be taken in consideration. The possibility of inviting Mr. Lane and Mr. Curran to a future committee meeting was raised.

Chairperson Deacon reiterated Arthur Mathew’s previous thought that the committee should not break up into groups and review each section of the charter. The committee as a whole should review each section and make its recommendations. Mr. Reilly recommended that a notice is placed in the newspaper requesting comments from the public-he additionally noted that suggestions from the applicable department heads would be beneficial. Mr. Smart concurs but feels that setting guidelines is imperative as the committee is charged with making recommendations only, not revisions. It was also suggested to request the local newspapers to run articles regarding the committee-which would eliminate the need for the legal advertisement and costs associated with it. Mr. Gallagher agreed to include such on the website in an effort to solicit comments. Mr. Gallagher agreed to speak with Mary Heinrichs (WETC) regarding advertising on the local cable channel.

Chairperson Deacon asked for direction as to crafting of the legal advertisement. It was discussed and decided that John Reilly would draft and refer to Chairperson Deacon for review.

Michael Smart motioned that Secretary Reilly and Chairperson Deacon handle all press releases, motion seconded by Arthur Mathews and voted unanimously.

Michael Gallagher suggested that going forward the committee is given a “review assignment” in preparation for the next meeting.

Arthur Mathews noted that he would be willing to proceed with Article I this evening. The committee agreed to proceed with Article I (Incorporation: Short Title: Definitions) this evening.

Chairperson Deacon requested that all members review Sections 1-1 to 1-3.

John Reilly motioned for no revisions to Sections 1-1 to 1-3, motion seconded by Michael Gallagher.

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Sandra Williams asked for clarification as to the background of the Town of Weymouth having a city form of government. Claire Cunningham noted that when the change of government occurred in 2000-many constituents had concerns with calling it the "City of Weymouth"-thereby the reason the "Town" was maintained. Mr. Wilson further noted that although we are a town, we maintain a city form of government and as such must adhere to the applicable statutes.

Mr. Wilson stressed that Article I is a key element as the definitions are the basis of the charter-if the committee makes recommended changes to the definitions, they must be cognizant of further changes within the body of the charter, as the definitions are referred to often.

Motion for no revisions (Sections 1-1 to 1-3) was unanimously voted. It was noted by Chairperson Deacon that as a result of possible feedback from the public, department heads or new information, the committee may revisit sections of the charter.

Chairperson Deacon requested that all members review Sections 1-4 to 1-6.

Mr. Reilly raised the issue of the charter's relationship and interpretation. Mr. Wilson confirmed that the charter basically prevails and should be read harmoniously.

Mr. Mathews cited numerous instances whereby there were issues concerning conflicting interpretation. Appointments to committees and the Community Preservation Committee were cited as examples. Mr. Mathews noted that past opinions from the town solicitor cited that the charter supersedes and in other instances it did not. Mr. Wilson confirmed that the town solicitor makes said interpretation and we are bound to that.

Mr. Reilly motioned for no revisions to Sections 1-4 to 1-6, motion seconded by Arthur Mathews. Mr. Wilson noted that this section is also of great importance as we enter into joint ventures with other communities and it is imperative that we proceed our review accordingly.

Motion for no revisions (Section 1-4 to 1-6) was unanimously voted.

Chairperson Deacon requested that all members review Section 1-7 (a) through (g).

Mr. Reilly questioned if under section (d) a home rule petition is included. Mr. Wilson confirmed that there is a constitutional provision which allows for a home rule petition. The feasibility of adding a separate section which defines/ talks to home rule petitions was discussed. It was agreed upon that Mr. Reilly would draft a definition of home rule petition and submit to the committee at their next meeting.

Mr. Mathews has issue with sections (c) and (j)-he cited issues in the past regarding filing of minutes and believes that these sections should be consolidated , which would possibly alleviate this problem. Mr. Wilson noted that the intent of section (c) differs than that of section (j), in that the former talks about a complement of members necessary for a vote, versus the latter which specifically excludes the Town Council and School Committee. Mr. Wilson cautioned the members concerning issues if these two subsections are combined. Mr. Mathews suggests adding the School Committee and Town Council to section (j). Mr. Gallagher noted that the

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committee needs to be cognizant of redefining definitions as they are referenced often throughout the charter. Sandra Williams recommended that the committee could make this ruling during a latter section and specify that all minutes must be filed with the Town Clerk.

Mr. Reilly motioned for no revisions to Section 1-7 (a) through (g), seconded by Mr. Wilson and voted 7-1, with Mr. Mathews voting no.

Chairperson Deacon requested that all members review Section 1-7 (h) through (r).

Mr. Wilson suggested (under section (p) that a town bulletin board could also be an electronic means of such. Sandra Williams noted that a physical bulletin board still be necessary as not everyone has access to a computer. Michael Gallagher stated that open meeting laws are ambiguous in this area and he is exploring changes to this process by utilizing an electronic calendar or electronic bulletin board. Again the issue was discussed regarding caution in changing definitions as they are inherent throughout the charter.

Mr. Wilson suggests utilizing our libraries for effective dissemination of information, and he would like to include electronic bulletin boards for his financials.

Mr. Mathews noted that section (k) –Organization or Reorganization Plan has posed issues with Council in the past. Whereby Councilors have suggested ordinance revisions or additions and the town solicitor has ruled that these fall under reorganization; as a result there were issues in implementation. Examples cited were the Sexual Offender Ordinance and Blight Ordinance. A more detailed definition of reorganization would hopefully alleviate this issue. Mr. Wilson noted that when solicitor Lane makes a ruling of such ordinances, he is speaking of the manner in which a service is delivered, or the manner in which a town employee performs their job. If the proposed ordinance impacts either of these, then it would be considered a reorganizational change.

Mr. Smart raises the issue to Mr. Wilson that if a proposed ordinance adds duties to a town employee or department head, would this be considered a reorganizational change-to which Mr. Wilson answered in the affirmative. It was agreed upon that Mr. Smart and Mr. Mathews will work on this section, redefine it, consult with legal, and report back to the committee.

Chairperson Deacon questioned at what point the committee involves legal in their recommendation process-either during deliberations or following recommendations. Mr. Gallagher suggested that the town solicitor can appear before the committee if they so desire. Mr. Mathews noted that he wants the committee to be an independent body but is open to the solicitor's opinion on issues.

John Reilly motioned for no revisions to Section 1-7 (h) through (r)-motion seconded by Jim Wilson, and voted unanimously.

Chairperson Deacon announced that she hopes that the public and town employees become involved in the review process and forwards input to them accordingly. The review assignment

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for the meeting of 13 October is to review Article 2 (Legislative Branch) and be ready to discuss at that time.

Ms. Cunningham suggested communicating with department heads in preparation of reviewing their applicable section, in an effort to solicit their feedback and comments. Mr. Gallagher stated that very few departments are listed specifically in the charter.

It was requested of Ms. Hachey to contact the Council to alert them to the 13 October meeting, in order that they either attend or submit suggestions.

### **ADJOURNMENT**

At 8:46 PM, with there being no further business to conduct, Mr. Gallagher motioned to adjourn, seconded by John Reilly, and voted unanimously.

Respectfully Submitted by:

Diane T. Hachey

Approved by:

Chairman Barbara Deacon