

CHARTER REVIEW COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS
September 28, 2010

The Charter Review Committee of the Town of Weymouth held a public meeting on Tuesday, September 28, 2010 at 7:00 P.M. at Town Hall Council Chambers, 75 Middle Street, Weymouth, Massachusetts.

Present: Barbara Deacon, Chairperson
Sandra Williams, Vice Chairperson
John Reilly, Secretary
Claire Cunningham
Arthur Mathews
John Reilly
Michael Smart

Not Present: Michael Gallagher
Sean Guilfoyle
James Wilson

Recording Secretary: Paula MacLeod

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

Chairperson Deacon indicated that she had not heard from Mr. Guilfoyle, but that both Mr. Gallagher and Mr. Wilson were unwell and unable to attend. She announced that Mr. Wilson, with all must being aware of his new job, would remain a member of the Committee as a citizen and allowed by, and originally appointed by, Mayor Kay. Chairperson Deacon felt this was valuable to the Committee as they all had worked hard, were at the end of their deliberations, and she was glad that they would stay together as a unit.

Chairperson Deacon presented an overview of where the Committee stood and why meeting this evening. In March and April, after seven months of meetings, the Committee felt they had completed their mission. They had their deliberations and presented their document to Town Council. Throughout their deliberations, they had been fortunate enough to have the guidance of Mr. Curran and Mr. Lane. It had come back to the Committee, through Mr. Curran's and Mr. Lane's advisement, which the document, presented to Town Council, was not in the proper format. Chairperson Deacon informed the members that attached to their packets were copies of the letter received from Mr. Curran, as well as the letter she had sent to Town Council, through Mr. Mathews, asking for the return of the document. They must put it in the proper format to present it to Town Council for the public hearing and move forward with the process. The Town Council did return the document and that is where the Committee was at this point. Chairperson Deacon stated that after they had originally turned the document over to Council, some citizens had come forward with new ideas. Three people had suggestions and two items had gone through Council as that is where the document was at the time. Since the document was returned to the committee, Chairperson Deacon asked Council if they could have the

opportunity to look at those items to deliberate and see if they wished to incorporate those items into the new document they will be submitting. The third item was submitted directly to the Chair, and because they are opening deliberations, she did accept it.

Chairperson Deacon was hoping to address the few issues they had open, close their deliberations as a committee, and let citizens know that the Charter always has an avenue for them to submit changes, or recommendations, even though this committee would be closing their deliberations. After the deliberations are closed, a conversation is needed on how to create the document, how to submit it to the Town Council, again, in the proper format, and how to move the process forward. When they first formed as a committee, they had discussed the idea of keeping everything together, meeting as a whole committee, but suggested that they may wish to form a sub-committee to work together to prepare this final document and then bring it back to the full committee.

Chairperson Deacon wished to go back to the evening's Agenda.

OLD BUSINESS

Minutes

A Motion was made by Ms. Cunningham to accept the Minutes from the April 27, 2010 Meeting and seconded by Mr. Smart. The Motion passed unanimously.

PUBLIC COMMENT

Chairperson Deacon, referred the members to their packets with regards to the idea brought forward from citizen, Linda MacDonald regarding the Director of Municipal Finance which relates to the Charter Section 5-4-2. She invited Ms. MacDonald to address the committee.

Ms. MacDonald stated that she thought that the Director of Municipal Finance to be the second most important position in the Town, especially with the budgetary issues and the need for good oversight of the budgets and finances. She stated that she felt that the person in this position should be devoting full time to it. She believed that this position should not have other business outside of the Town or be contracted to do other work on behalf of the Town or to another agency to make money for the Town. Her suggestion was that the language in the Mayor's job description be inserted into the Municipal Finance Director's job description as well.

Mr. Reilly, wishing to identify which was new, asked Ms. MacDonald if the suggested change was in part two and if it was in the area that appeared in a lighter type. Ms. MacDonald replied in the affirmative and explained that she had typed it in red and added that it was the sentence that began with, "*The director of municipal finance shall devote full time...*"

Ms. Deacon inquired about Ms. MacDonald's second page suggestion. Ms. MacDonald thought that the term "vacancy" needed to be defined. She felt that it seemed like it's "kind of left up in the air" and wondered if the office was vacant because someone didn't show up. She questioned how it is determined if an office is vacant and at what point it's declared vacant. She thought that there were lots of committees in town where members do not show up for many meetings. Defining that term would give people a way to say to these absent members, "the Town Charter

declares that your position is vacant because you have not attended the last four meetings”, or something that is clear.

Mr. Reilly questioned if it would be the responsibility of the chairperson of the body to declare a vacancy to exist. Ms. MacDonald agreed, adding that it would be based on whatever definition is decided on. Mr. Reilly questioned her definition of “vacancy” as four consecutive absences. She replied that it was just her suggestion. Mr. Reilly expressed his concern of the possibility of having someone with a long-term illness and if that would result in a vacancy. Ms. MacDonald replied that she would think so and would hope that if someone, in a long-term illness and unable to assume the responsibilities that they were elected to fulfill, would make the choice to resign from the office. She thought that sometimes people don’t choose to do that. Mr. Reilly stated that he was not thinking about a year long illness because he would tend to agree with her in that case, but was thinking more about someone ill for a few months. He asked her that if it’s a body that meets twice per month, if she would apply it the same way for somebody in a short-term illness and consider it to be declared a vacancy or could the Chair, or the body, excuse an absence in some cases. Ms. MacDonald felt that made sense and offered that if someone knew right away that they would be out for two months and they make that statement up front. Using a hip replacement as an example, she felt that was a defined sort of illness and that they should probably make leeway for that. However, using a Town Councilor as an example, she added that someone being absent two months, during May and June, would have missed whole budget decisions and discussions. Ms. MacDonald emphasized that it would be important for somebody, in an elected position, to be there for those votes.

Mr. Mathews wished to be a devil’s advocate and asked what if it were a woman who had given birth with a c-section, which typically requires being out of work for up to two months. Ms. MacDonald replied that would be a maternity leave and Mr. Mathews stated that it would be an absence, though, and you would have to consider it. He added that they could apply for an FMLA and be out for awhile. Ms. MacDonald reiterated that it was a maternity leave and is a different thing. Mr. Mathews asked if it were still an absence. Ms. MacDonald replied that they could still fulfill a volunteer duty where that’s more of an employment issue. Mr. Mathews asked what if someone gets cancer and is going through treatment and can’t be there. Ms. MacDonald replied that she would hope, in that case, if they can’t fulfill the duty of the position that the person resigns from the office because it is a responsibility that they’ve assumed. She added that they are trying to prevent someone staying within a position that they can’t do and they hold an elected office. She explained that they are trying to make sure they are beholden to the electorate and that one person’s needs should not take precedence of the whole Town’s needs. She added that it would give an avenue to the chair of that committee to be able to warn someone missing meetings, that if they miss one more meeting, a decision would need to be made about whether or not they can actually do the role and give the person an out or maybe the impetus to return in someway.

Chairman Deacon stated it appeared to her that Ms. MacDonald was looking to have “vacancy” defined and then take each situation, as be, in each committee.

Ms. Williams asked for clarification on Ms. MacDonald’s reference to regular meetings citing Town Council, who meets twice per month, may have additional special meetings. Ms. MacDonald agreed that just regular scheduled meetings would be expected to be at to vote.

Mr. Smart asked if this wouldn't be just Council and Ms. MacDonald answered that it would be everything; School Committee, Memorial Committee, etc. She stated that she knew somebody, who had applied to be on a committee, attending meetings as a citizen notice that people, who could vote, were not showing up. She continued by adding that one committee's organization was just changed to decrease the number of people because they could never get a quorum. She felt that this happens far too often for some of the less public committees.

Mr. Smart wished to follow up on Mr. Mathews point about the maternity absence. He shared that there was an incident, in this building, maybe five or six years ago, where a young lady was bedridden prior to the birth of their child. He asked if that appointed person was supposed to resign from their job. Ms. MacDonald replied that she wasn't referring to a job. Mr. Smart clarified that it was an appointed position requiring a medical leave of absence. He further added that there are cases of women confined to many months of bed rest before the child is born. Ms. MacDonald replied that if someone, in that case, is in a job, there usually is some sort of mechanism for replacing that person, or assuming the duties of that person, which would be a human resource issue. She stated that it's more of an issue to make sure that residents were represented by these people. She felt that, although volunteers were great, they have to be held to a certain standard.

Mr. Reilly commented that her proposal addresses elected and appointed bodies, and not employees. Ms. MacDonald replied that she did not mean employees.

Chairman Deacon stated that she would want clarification on any medical issues from Mr. Lane or Mr. Curran. She did not know if they could get into that area, but she thought having the vacancy described would bring attention to look to see what's going on and if there is reason to excuse. She stated that they would speak about it, as a committee, afterwards.

Mr. Reilly had questions regarding her reference to elected bodies like the Town Council and School Committee. He asked if they would be running afoul of election laws and if it would be the Charter, or the state election laws, as the control. He suggested that on these issues they would have to ask Mr. Lane and Mr. Curran. Ms. MacDonald replied that there is a means in the Charter to replace a Councilor that's vacant, but that's to the problem that they haven't defined what "vacant" is. She questioned if it is when somebody is deceased or when somebody resigns. Mr. Reilly interjected that he believed "deceased" could be defined.

Mr. Mathews stated that there is some language, in the Charter, if someone moves out of town or if a Councilor moves from one district to another within eighteen months of the term.

Ms. Deacon suggested they maybe re-look at seeing if they should add the terminology and then thanked Ms. MacDonald.

Chairman Deacon announced a second concern brought forward by Michael Murphy whose idea was received after they had submitted to Council. She invited him to attend their meeting to speak to the committee to see if they would want to incorporate his changes and his ideas into the new document.

Dr. Michael Murphy of 425 Front Street introduced himself to the committee. He thanked Mr. Mathews for his help as he wasn't sure of the timelines. He suggested two proposals.

“The Mayor shall serve, by virtue of office, as the seventh member of the School Committee with no voting privileges unless there is a tie amongst the rest of the voting members.”

Dr. Murphy stated that he felt strongly that, in order to be a part of the School Committee, you have to have an impartiality, especially when it comes down to budgeting. He didn't think the Mayor, just by her position and authority, can be impartial where she has control over the budgets for the Police, Fire, DPW, and more. He felt that, as an elected body, the School Committee's sole goal is the schools and that's what they are there for. He did not think the Mayor had the impartiality to do a vote that is conducive just to the school atmosphere, so he would like to see that change, if possible, in the Charter.

“All potential committee members must have a verifiable college degree from an accredited college or university.”

Dr. Murphy stated that he felt very strongly that, throughout the years of his education and time in school, we have been listening to elected officials, from the President to local boards, saying that teachers must be held to higher standards and kids must be brought to higher standards. Everybody must be held to higher standards except our elected officials that are hired to run the school system. He thought that they should hold a certain degree of education in order to dictate policy to the teachers, administrators, superintendents, and eventually down to the children who they hope go on to four year institutions and get their degrees. He didn't think that was asking a terrible amount on their part of an elected board.

Mr. Mathews stated that he thought the second part might run into state law about discriminating against particular people in any election as you cannot discriminate against any candidate who wants to run and obtains signatures. Dr. Murphy responded by asking if they don't already have certain requirements for them. He added that they have to be members of the town and have to be of voting age. He commented if it were really an issue to ask, that in order to run the school system, you must have a degree from a college. Mr. Mathews cautioned believing that there is something bigger than the town and thought it was at a state level. He suggested that they have Solicitor Lane and Solicitor Curran get a definitive answer whether you are crossing legal boundaries there and what that would open it up to. He added that he was not for, or against, it. He was just saying he had concerns over legality and not knowing if they could do it. Dr. Murphy agreed adding that he wasn't sure about that, himself, but thought that already having certain requirements and adding a requirement on education would not be that difficult.

Mr. Reilly stated that he had dealt with many school committees over thirty-five years sitting across the table for bargaining contracts and handling grievances for the teachers' union. Despite thinking Dr. Murphy had a great idea, he shared that he had met many school committee members, without that type of degree that had so much more ability than some of the “morons” who do sit on school committees with degrees. He shared that he held a degree himself and was not knocking it down, but had met people with great insights and great abilities without the benefit, or opportunity, of a college degree. He thought that, today, more people may have the availability to get a degree than it used to be. For that reason, he had some hesitation. Dr. Murphy replied that he would say the same thing in many ways, but likened it to someone natural with their hands would not be what he necessarily would want doing a plumbing job in his house.

To him, it's a group of people that are dealing with professionals, day in and day out. The State of Massachusetts requires him to have a Master's degree. He added that they are requiring even more than that with re-certification every five years. He shared that he just received his doctorate, yet he was being told by people, on the board, or the potential to be on the board, that don't even have a degree, saying they want education to be a certain way. "Where is their background? Where is their expertise?" he questioned. Understanding it's a voted board and anybody can run, he felt that if a better school system is wanted, then having professionals telling them how to do what they do is needed. He added that medical boards are all doctors and the Bar is all lawyers. Mr. Reilly interjected that they are not elected people. Dr. Murphy responded that he knows that and "that's where the kick is, but in a perfect world, wouldn't we want that?" Mr. Reilly agreed, if in a perfect world, they would probably want that, but not one hundred percent of the time.

Ms. Williams, referencing Dr. Murphy's plumber analogy, cited license requirements. The Commonwealth regulates licensure and training and hours are needed to obtain a license. She stated that people who serve on the School Committee are elected and is up to the citizens to decide whether that person is qualified, or not, for that position. A college degree doesn't mean anything, she said, adding that "just because you have Harvard or Boston College next to your name, doesn't make you smart". She continued that she knew people with no college degrees, and echoing her colleague, felt they had more insight into things than some with the degrees. She felt that it was blatant discrimination against people. She commented to let the citizens decide whether someone's qualified. She ended by saying that is why we have elected boards. We have all different types of people from all different walks of life who run for these offices. She told Mr. Murphy it was great he had his Master's, but it's required by the State and not required by a citizen to vote. Dr. Murphy responded that you would have the same thing. If it could done as a requirement under state law, you'd still have a body of people who ran for the office, but the only difference would be that they would have the qualifications that would allow them to make decisions based on their educational background. Ms. Williams commented that, in years past, you had to be a white, male landowner to be in an elected office and asked if they should go back to that. Dr. Murphy said he understood that, but with that logic asked, "Why don't they get rid of the age requirement?" Ms. Williams repeated that it was for the citizens to decide and Dr. Murphy agreed that the citizens could decide with a body of people who have the right education for it though. Ms. Williams stated she disagreed one hundred percent and that, although she holds a college degree, would listen to some of those she knows without the degree because they have a different perspective to someone who is just focused on one thing and that's what the citizenry decides.

Mr. Mathews commented that they could probably go back and forth over the merits and non-merits so suggested that they turn to Solicitor Lane and Solicitor Curran.

Chairperson Deacon asked Dr. Murphy if he was suggesting that the degree should be in education and he replied that it could be in anything in general as long as it was from an accredited college and that the person spent time in a collegiate level understanding the benefits of a college education. He commented that they are gauged and judged on how many kids we have go to four year institutions and if we are putting the onus on them, that college is important to them, he wondered if they shouldn't have those kind of values for the people who are leading it. Chairperson Deacon replied that she understood and that they would discuss it some more and speak with Solicitor Lane and Solicitor Curran to see where the legality falls as she was not

sure it was something they could add at that point. She told Dr. Murphy she appreciated him for bringing it forward.

Mr. Mathews, referencing Dr. Murphy's suggested change, asked if the degree should be an Associate's, Bachelor's, or Master's as it was not defined. Dr. Murphy replied that it could be anything from an Associate's on, as long as they have that experience and the degree. He understood that the value of degrees have shrunk a little bit whereas Associate's degrees in the past would have been good enough, but now more and more is being asked. Mr. Mathews, not seeing the language, just wanted to clarify that. Dr. Murphy stated that the degree could even be from an online university that is accredited adding that would not be putting people out of their way if they had to get some sort of education.

Chairperson Deacon then thanked Dr. Murphy and introduced the third item brought forward through the Town Council to the Committee was from Mr. Robert Montgomery Thomas. She indicated that it was a condensed format which he had previously spoken to the Committee about. He had it done into a smaller version and had it printed up in a nice book. Chairperson Deacon liked the format and stated that she would definitely want to consider this when they determine how they are going to move forward with their own document and to read through to make sure all the changes we put through are in there.

Mr. Mathews commented that he believed Mr. Thomas submitted this prior to them finding out that they had to submit valid questions for each individual change. With that something being a bit different, they would not be able to consider that version until after all the voters vote on each individual ballot question for which ones they decide they want to pass and which ones they didn't want to pass. Chairperson Deacon agreed adding that she wanted to show it to them all. Mr. Mathews requested that it be entered into the record and that a copy of it is given to the recording secretary that we've submitted Mr. Thomas' document. Chairperson Deacon stated that she had only received one copy and Mr. Mathews echoed that.

The forty-four page bound document was provided for the record entitled:

**HOME RULE CHARTER
OF THE TOWN OF WEYMOUTH,
MASSACHUSETTS
Revised 2010
As drafted by
Robert Montgomery Thomas**

Chairperson Deacon stated those were the issues that they had coming into the evening stating that public comment is open and asked the audience if they had wished to come up.

Ms. Anne Hilbert addressed the Committee regarding Jim Wilson. She asked if the Committee did not think it was a conflict of interest with his employment down at the base and on the Weymouth Retirement Board. She stated that if the Committee was going to meet until next May, that "Mr. Wilson could move things around, being a lawyer, to his advantage as far as Tri-Town is concerned". Chairperson Deacon said she understood her concern but that Mr. Wilson is still appointed by the Mayor and she has approved for him to stay on. She added that they were at the end of their deliberations and she, personally, looked forward to his help in getting

their final document together. She continued explaining that the Mayor appointed several committee members as well as the Town Council had appointed some and it was not her place to question their appointments. Ms. Hilbert responded by saying that Mr. Wilson left the employment of the Town and is working down there. Chairperson Deacon reminded her that he was still a resident of the town and that is how he is going to sit on the board. Ms. Hilbert said that we have a lot of residents, but they would not be qualified. Chairperson Deacon said she understood but that her question was moot and that they would not be meeting until May. They needed to discuss making their final document, present it to Town Council, and then it would be up to the process the Town Council starts with the scheduling of our public hearings. They would continue to meet at least once, if not twice, as a Charter Review Committee and then would reconvene after Town Council takes their action with their recommendation. All of it will be posted on the website and on their calendars. Ms. Hilbert said this was not the intent initially and didn't like the direction they were taking, especially with Mr. Wilson's appointment, even with knowing he was a citizen. She felt other citizens would not be too happy.

The Chair appreciated her concerns and after determining no one else wished to speak, returned to the Agenda.

NEW BUSINESS

Discussion On New Items Submitted For Consideration

Chairperson Deacon commented that she knows they had discussed bringing some of the issues to Mr. Curran and Mr. Lane and would venture to do that if they feel, as a Committee, that they were items that they would support. If they were not going to support those changes in their deliberations, she didn't know if they would want to bring it forward to them, but getting the ruling from them helps to make their decision.

Mr. Mathews stated that he would like Attorney Curran to look at both Ms. MacDonald's point and Mr. Murphy's point. Once they hear from him, then he could be more comfortable about making his decision.

A Motion was made by Mr. Mathews to submit both Ms. MacDonald's comments as well as Mr. Murphy's comments to Attorney Curran and/or Solicitor Lane to review and check the legality of both with regards to Massachusetts General Law and Charter Reviews. The Motion was seconded by Mr. Reilly and unanimously passed.

Chairperson Deacon stated she would form a letter to send to both Mr. Curran and Mr. Lane attaching the documents and asking for a ruling

Mr. Reilly, referencing Ms. MacDonald's proposal regarding vacancies, said he understood that we need some guidance from Mr. Curran and Mr. Lane, but questioned whether they need guidance on her first proposal on the requirement that the Director of Municipal Finance not be engaged in any other business.

Mr. Mathews stated he would like to see guidance on both the documents that were submitted because they had Mr. Curran before them for a last time and then made a final vote as a Committee. Before he would go incorporating anything, he would like to have a full Committee

to deliberate and get a chance to see as he had only got Ms. MacDonald's tonight. Not knowing if the other members got an opportunity to look at it either, he did not want to act on something without having the full Committee and without a legal opinion.

Mr. Reilly stated that he was not suggesting they act on it because they already voted to submit it, but rather just questioning whether they needed guidance on it. Mr. Mathews stated that his Motion was to include both letters in their entirety. Mr. Reilly agreed that had passed.

Discussion Concerning Process to Move Forward With Recommended Charter Amendments

Chairperson Deacon asked the Committee how they wished to proceed with the document.

Mr. Mathews suggested that, while they are having Mr. Curran and Mr. Lane looking at the other issues, they could still go forward with what they already voted on. He thought the only thing they were going to change is every motion made needed to be put in question format.

Chairperson Deacon presented two different formats. One was suggested by Mr. Curran and the other was one that she had been working on. She added that it was a few of their voted recommendations in a format to see if this is what we are going on. Her concern was the not knowing what direction to head on it. They had 28 substantive changes and 18 housekeeping changes. She was unsure people were going to read the document to vote on each one. She knew it had to be set up that way, but unsure if it was going to work. She held up the red booklet, which was the information for the state election, stating that it had about five questions in it and wondered how many people actually read it. She continued by pointing out if they had fifty. Mr. Curran, in one of his documents, had combined some of them, especially the clerical changes. She stated that this was going to be a huge document and very cumbersome. She said she was still confused with the best way for them to do it.

Mr. Reilly asked a question about when the Charter was adopted, if it was adopted as a document and not a whole bunch of different questions. He asked if they need a whole bunch of different questions or could they take, for example, the cosmetic changes, and put those in one question. Chairperson Deacon told him he was correct, but everyone has to read those eighteen changes to say "yes" or "no". Mr. Reilly replied that they didn't know what someone was going to read when they get in a voting booth. Ms. Williams wondered if they were mailed out ahead of time. Chairperson Deacon stated that this was the process they needed to determine. Mr. Reilly was not sure if they were all mailed out normally. Ms. Williams said they got a book when they voted for the Charter. Mr. Mathews stated that, in 1998/1999, the book was sent out to every voter. Mr. Reilly replied that it didn't necessarily mean they have to send out another book with all the changes. He thought it was probably a good idea to do so and if they could get a budget to do it because it would have to be printed and mailed and would take some funds to do that. Mr. Smart commented that there are about 16,000 single family homes in Weymouth. Mr. Mathews stated it would have to be sent to every voter at every address. Mr. Reilly said they have to send it the voters and asked how many are on the list. Mr. Smart questioned if they would send it to every taxpayer as they may want to register to vote after they read it. He was not sure if you exclude someone just because they were not registered. Mr. Reilly stated that the Secretary of State just sent out a booklet last week and asked if they go to every household. Mr. Mathews replied that they go to every single address pointing out the booklet that the Chair had referred to

earlier. Chairperson Deacon commented that it was one per household. Mr. Mathews agreed stating a twenty-one unit building would get twenty-one booklets. Mr. Smart guessed twenty to twenty-five thousand and Mr. Reilly suggested it should be somewhat substantial with about \$1 in postage for each one at the least plus the printing costs.

Chairperson Deacon stated that first they needed to come up with a document that sets up referring the committee to the first paper she provided them. This was just a suggestion. She commented that nowhere does it state this is what is said; this is what we want; what it should be. She asked if they should have something like that, pointing out that the Secretary of State's booklet has it. That's going to add pages and pages and pages. She said she knew of no other community that has done a Charter change to see what they did or how they worked it out. Mr. Smart stated that he asked and Quincy has never done it even though it is in their Charter. Chairperson Deacon stated that they prepare their document, present it to Council, go to public hearing, and then Council determines yes to question six, no to question eight. She felt that some of it may be cut done, but still going to have a pretty substantial document with twenty-eight substantive changes that have to be in the form of questions. Mr. Mathews stated that the Mayor could veto some and the Council could vote out some and be a whole working document. Chairperson Deacon stated that the first step is to get the document together and then determine if they are going to mail it.

Mr. Reilly asked if the document comes from their group, or the Council, or the Mayor's office. Chairperson Deacon replied that the initial document, based upon Attorney Curran's interpretation for which they have used the whole time they had been together, is that it comes from their committee. Mr. Mathews added that it must be in a valid question format. Mr. Reilly clarified that he was talking about the notification to the citizens. Mr. Mathews said, "We will post the public hearing." Mr. Reilly explained that he was talking about the mail notification. Mr. Mathews thought that is something they need to discuss with Mr. Curran when they get to that road because there might be other alternatives such as posting it on the website. He was unsure if it would have to be mailed out to every citizen. Mr. Mathews pointed out that it has to, absolutely, be on the ballot and every individual question. The question was on getting it out to the voters because, for preliminary elections at the Town level, or the general election, there's nothing that's mailed out to the residents telling them who is on the ballot.

Chairperson Deacon stated their need to develop that initial document pointing out that's where they were right now. She said they could talk about it with Mr. Curran, the Mayor, and the Town Council on how it's going to be distributed to the public at another time, but thought that the document they are preparing is going to be the gist of that whole document with maybe some things deleted and some things added. She said that was going to be the basic format based on decisions from Mr. Curran.

Mr. Mathews said that he agreed with Ms. Deacon and thought they should make a document first and then maybe bring Mr. Curran back in to review it. At the same time, he suggested that they could question him about involving the public or speak to the Secretary of State's office.

Chairperson Deacon stated that looking at what Mr. Curran submitted where he combined things and, as an example, referenced, "Proposed Amendment #1". There are four subsections under that. "Proposed Amendment #2" had three sections under. She thought it seemed like that's the way to condense. Mr. Smart agreed and stated that instead of ending up with eighty questions on

the ballot that's seven pages long. Mr. Mathews asked if it were only twenty-eight. Chairperson Deacon replied that it was twenty-eight substantive and eighteen clerical in their original document. Ms. Williams said the clerical could all go together. Mr. Mathews agreed but wanted to ask Mr. Curran. Mr. Smart said all the spelling and grammar errors could be lumped into one. Chairperson Deacon pointed out that they needed to put those together and asked who wanted to help do the document. Mr. Mathews stated he like this format that she had been working on, and was thinking it was as plain as it could be for the public to see. He added that a ballot is bigger at 8 ½ x 14 to fit more questions on. She replied that her concern with it is that it didn't say what the Charter said. Mr. Smart stated that when you get it from the Secretary of State, he lists how it is read and what the proposed changes are. Chairperson Deacon replied that was what they did with their original document, but was told it was in a invalid format. She didn't think they needed to have everything in a ballot format and neither did Mr. Mathews feeling he couldn't guess at how long the ballot could then be. He continued that he liked her format and cited some examples suggesting the possibility of putting what is deleted and/or what is changed in a right hand column and write changes in bold. Chairperson Deacon reminded him that that section, he was looking at, was small compared to some of the others. Paragraphs subject to deletion were written multiple times as well. Mr. Mathews stated that they may have to. She said she could do it that way. Mr. Reilly suggested they do so as everyone seemed to be in agreement.

Mr. Smart pointed out that the first go-around on the charter review is going to be like that as this is the first time it has ever been done and looked at. In making changes, five or ten years from now when it is done again, you would expect it to be a much smaller document. He thought that they have to expect it to be a large document and sort of a hassle for the voters.

Mr. Reilly wished to go back to step one. He stated that they have to submit something to the council in a ballot format and suggested taking the original document, putting questions at the end of the format. The Council makes their changes, and after the Mayor makes changes, they then go back and decide how to present it to the public. He thought they were being premature at that point as they had not a clue what the changes were going to be and not knowing how the suggestions they make are going to be received.

Mr. Mathews agreed that they need to go forward but wanted to hear from Mr. Curran on what needs to go on the ballot and need to know those answers before proceeding. He wouldn't want Chairperson Deacon to spend hours writing the whole thing for not. Chairperson Deacon replied that Mr. Curran gave them that judgment referring to the top of the report he gave to them.

Ms. Cunningham stated that a book should go out to the public with the changes, but as little as possible should go on the form as far as voting is concerned. She shared that, working at Precinct 10, she had seen that voters don't bother if there are too many questions. Mr. Reilly asked her if she were suggesting that they send out an explanation just prior to the election. She replied in the affirmative.

Chairperson Deacon referenced back to what Mr. Curran said, at the end of Proposed Amendment #1, and suggested they put "yes" or "no" and that would be the ballot format.

Ms. Williams suggested that if they really want to simplify it, they do it like the original Charter and vote for all the changes, or none. Mr. Mathews commented that is what he wanted but Mr.

Curran said we had to do each one individually.

Chairperson Deacon explained that that was the recommended change versus the original Charter.

Mr. Reilly said he didn't particularly agree with Mr. Curran. Ms. Williams said he was just an advisor and that they could decide what they wanted to do and didn't think he was quoting state law when telling them that. Mr. Mathews suggested they look at the general laws themselves and refer back to his letters to see if he refers to Massachusetts General Law. Mr. Reilly felt that the Charter, itself, should determine how changes are made.

Ms. Williams pointed out for example, Proposed Amendment #3 changing "shall" to "elect" or "choose to elect". She believed that to be a scrivener's opinion because it is really just keeping it consistent so each paragraph is all the same and is not really a major change. Chairperson Deacon stated that is why she couldn't figure out why he didn't put that under Proposed Amendment #1 because that deals with changing the spelling of "Councillor" and those types of things.

Mr. Reilly agreed that Proposed Amendment #3 is not substantive either as it is just making changes to clarify some of the language. Ms. Williams added that it doesn't change what they can, or cannot, do.

Chairperson Deacon suggested if she should put something together on this format that we started, bring it to our next meeting, look at it, decide if they like it in that format, and ask Mr. Curran to make an opinion. In the letter she is going to send out, with Mr. Murphy's and Ms. MacDonald's suggestions, she will ask Mr. Curran, again, to clarify if they have the option to vote a total "yes" or "no" on all changes, or can he reference why he told them individual. Mr. Mathews suggested she ask him to allude to the section of MGL Chapter 43B and actually point out where it is.

Mr. Reilly emphasized that the Charter, itself, should be more definitive as to how to make the changes doubting that state law addresses it. Mr. Mathews commented that would be a great Charter Review change. He said that they should define that better as the review of the Charter referencing Section 8-5 Periodic Review of the Charter and Ordinances.

Chairperson Deacon asked the Committee, if it were acceptable to all, that she send out the letter and put a document together with their changes. She thought they see where it all plays out for the next meeting. She asked of anything else to be included in the letter to Mr. Curran.

Mr. Mathews commented, after reading the Charter quickly, that there was nothing in there except the Periodic Review of the Charter and Ordinances which just talks about the makeup and the composition of the Charter Review Committee and the Ordinance Review Committee. He said that it talks about timelines and submissions to the Town Council, but nothing, if there were to be changes to either document, about how you go about changes.

Mr. Reilly stated the Statute says the, "City Council or Board of Selectman shall cause the final report of the Charter Commission or Charter Amendment, proposed in an order which becomes effective under the Section, to be printed and a copy to be distributed to each residence of one,

or more, registered voters”. He stated that the Report of the Charter Commission, assuming then that the Report of the Charter Revision may very well have to do the same thing and send something out to each residence. Mr. Mathews said that Mr. Reilly was reading was about a Charter Commission and pointed out that a couple paragraphs before talks about an elected Charter Commission. He explained that is why he was looking at language in 43B about a Charter Review. Mr. Reilly replied that there probably wasn’t anything in there.

Mr. Reilly, addressing Ms. Hilbert in the audience, asked her if the issue about review and the process itself on how they put it on the ballot had ever come up when she sat on the original Charter Commission.

Ms. Hilbert replied that anything major had to go to vote and that it hadn’t come up. She suggested contacting Marilyn Contreas on Beacon Hill as she was a “crackerjack”.

Mr. Mathews asked if Marilyn Contreas worked with them more than Mike Curran did.

Chairperson Deacon asked Mr. Reilly, as Secretary, if he would like to take care of that. He agreed to try to contact her.

MEETING CALENDAR

Chairperson Deacon announced that October 12th is the second Tuesday. As she wished to get this wrapped up and sent to Council as soon as possible, so that Council has time for public hearing, she felt that they may need at least two more meetings in October. One, to go over the document again, and one, to possibly finalize it and maybe even invite Mr. Curran in on that last meeting.

Mr. Reilly stated that as she was sending Mr. Curran a letter with their questions, he thought they should have that back by their next meeting. Ms. Deacon replied that she can send the letter out, but not sure whether he would respond by then, but felt he that he would. Mr. Reilly suggested asking Mr. Curran to respond by a certain date so that they could discuss it.

Chairperson Deacon stated that she will put something together - at least a beginning point for the meeting on the 12th. She said she will try to reach Sean Guilfoyle, as she was not sure where he was, and will contact Jim Wilson and Mike Gallagher as well.

Mr. Smart, referring to Ms. MacDonald’s suggestion explained if they, as a Council, presented that to the Mayor, in the past, Solicitor Lane had always told them that it was a Reorganization Plan. He added that that would be telling the Mayor that he, or she, cannot have the Municipal Finance Director, doing any other job. He requested that she have Mr. Curran take a look at that.

Ms. Cunningham thought that it also comes under discrimination pointing out how many people have a second job. Mr. Smart thought that Ms. MacDonald’s point was that the Municipal Finance Director can’t also be, “the Treasurer, the Tax Collector, the Cook, and the Bottle Washer”. Ms. Cunningham replied that then would definitely come under reorganization. Mr. Smart added that they, as a Town Council, had done something similar to that and Solicitor Lane had come back to them that they could not.

Chairperson Deacon stated that the second meeting would be October 26th and asked if the Committee wished her to extend an invitation to Mr. Curran to attend that meeting. Mr. Reilly responded in the affirmative, but if it were possible to get his answers before the October 12th meeting. Mr. Smart suggested that if he could not make the meeting on the 26th, that maybe he could make the meeting on the 12th if it were their intent to get this done in the next six weeks. Ms. Deacon stated that they would not have time to look at the document, that we are asking him to look at, so we could give him the 26th or the first meeting in November, but would rather give him the 26th. Everyone agreed.

ADJOURNMENT

At 8:06 p.m., a Motion was made by Ms. Williams to adjourn, seconded by Mr. Smart, and voted unanimously.

Respectfully submitted,

Paula MacLeod
Recording Secretary

Minutes Approved 10/26/10