

**CHARTER REVIEW COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS
October 13, 2009**

The Charter Committee of the Town of Weymouth held a public meeting on Tuesday, October 13, 2009, 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
Michael Gallagher
Claire Cunningham
John Reilly

Not Present: Sean Guilfoyle
James Wilson

Recording Secretary: Janet Murray

Chairman Deacon called the meeting to order at 7:05 pm.

OLD BUSINESS

Minutes

Chairperson Deacon noted that the draft copy of 9/22/09 meeting was distributed.

Chairperson Deacon clarified that the title of the Committee is the Charter Review “Committee” not “Commission”. She stated that this change needs to be made to the minutes.

A MOTION was made by Mr. Gallagher to AMEND the minutes to strike the word “Commission” and replace it with “Committee” and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

A MOTION was made by Mr. Gallagher to accept the minutes as amended from the September 22, 2009 Charter Committee Meeting and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Website update/Citizen Contact Info Update

Mrs. Deacon stated that the contact information is as follows:

- 781-682-3505 is up and running
She noted that there is a recorded message and she will check the machine every couple of days and report back to Committee.
- Website also up and running, CharterReview@Weymouth.ma.us

Press release in the Weymouth News, Patriot Ledger, and to the Weymouth Educational Channel via Mary Heinrichs as follows:

The Weymouth Charter Review Committee holds regular meetings on the second and fourth Tuesdays of each month. The next meeting will be held at 7 P.M. on October 13, 2009 in the council Chamber at Town Hall. All meetings are open to the public and the

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Committee welcomes suggestions and/or concerns from residents. At the October 13, 2009, the role of the Town Council will be discussed.

Meeting Calendar

Chairperson Deacon stated that the Committee will discuss the 2010 schedule in November.

The dates for the Charter Committee meetings for the rest of 2009 are as follows:

- October 13th
- October 27th
- November 10th
- November 24th
- December 22, 2009 (There is no meeting on December 8th due to election.)

Definition

Section 1-7 subsection (d)

Add the following terminology

The term shall further mean any law enacted by the state legislature as a result of a home rule petition by the town which only applies to Weymouth.

NEW BUSINESS

Review of Town Charter Article 2: Legislative Branch

SECTION 2-1

COMPOSITION, TERM OF OFFICE

Mr. Reilly stated that he had received a call from a constituent to look at staggering terms of Town Councilors.

Chairperson Deacon noted that this is something that is not under the purview of this committee. It would need to come from an elected official. The Committee can only recommend changes.

Councilor Smart stated that he thinks that a new Charter Commission would have to be formed in order to review changes, then those changes would go to a ballot for the residents to decide.

He stated that this current body is a Committee which would make recommendations to the Council and the Mayor. Councilor Smart stated that this is based on conversations with Mr. Curran three months ago regarding what can and cannot be done by this commission

There was discussion regarding what this Committee is able to do. Chairman Deacon suggested that a list be made regarding questions to ask Mr. Curran.

Chairperson Deacon noted that the question regarding changing the terms of Town Councilors would fall under 2-1 (b).

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Section 2-1(c) Eligibility

Councilor Mathews questioned the words remove vs. move from one district to another or from the town. He suggested that this wording be changed.

Chairperson Deacon noted that this would be a question for Mr. Curran.

Mr. Gallagher pointed out that this document is made up of legalese and whether the two words are interchangeable.

Ms. Williams noted that in the section regarding the filling of vacancies there is two month window that is not addressed. There was discussion regarding the meaning and reasoning for the difference and the appearance of an inconsistency.

Ms. Williams stated that she understands that this Committee's role is to make a list of questions and recommendations.

Chairperson Deacon noted that any recommendations will go from the Committee to the Town Council to Mayor.

A MOTION was made by Mr. Reilly to take NO ACTION on Section 2-1 (a) and (c) and HOLD ACTION on (b) and was seconded by Mr. Gallagher and UNANIMOUSLY VOTED.

SECTION 2-2

COUNCIL PRESIDENT

Mrs. Cunningham noted that under 2-2 (b) powers and duties, the budget should not just be approved by the Council President.

Mr. Gallagher noted that the Council weighs in on all budgets. Although they can only reduce a budget, they do review it.

Councilor Smart noted that there are only seven line items in this budget.

Mr. Reilly noted that the Budget/Management Committee reviews this budget during the budget process.

Chairperson Deacon asked Mrs. Cunningham if she would like to recommend any changes.

Mrs. Cunningham stated that as she understands the discussion the budget mentioned is not just approved by the Council President so she does not have any objections.

A MOTION was made by Mr. Reilly to take NO ACTION on Section 2-2 and was seconded by Mr. Gallagher and UNANIMOUSLY VOTED.

SECTION 2-3

PROHIBITIONS

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A MOTION was made by Mr. Reilly to take NO ACTION on Section 2-3 and was seconded by Mr. Gallagher and UNANIMOUSLY VOTED.

SECTION 2-4

COMPENSATION, EXPENSES

A MOTION was made by Mr. Reilly to take NO ACTION on Section 2-4 and was seconded by Mr. Gallagher and UNANIMOUSLY VOTED.

SECTION 2-5

GENERAL POWERS

A MOTION was made by Mr. Reilly to take NO ACTION on Section 2-5 and was seconded by Mr. Gallagher and UNANIMOUSLY VOTED.

SECTION 2-6

EXERCISE OF POWERS; QUORUM; RULES

A MOTION was made by Mr. Reilly to take NO ACTION on Section 2-6 and was seconded by Mr. Gallagher and UNANIMOUSLY VOTED.

SECTION 2-7

ACCESS TO INFORMATION

Mr. Reilly asked about the ability to enforce section 2-7(a).

Council President Smart noted that this has yet to happen but he believes that the Council President would consult with the Town Solicitor to seek a court order.

Council President Smart noted that generally a person is requested to appear before the Council.

A MOTION was made by Mr. Reilly to take NO ACTION on Section 2-7 and was seconded by Mr. Gallagher and UNANIMOUSLY VOTED.

SECTION 2-8

OFFICERS ELECTED BY TOWN COUNCIL

Ms. Williams questioned the use of the words “choose” vs. “elect”. Council President Smart stated that all of the officers noted are appointed by the Town Council.

Councilor Mathews suggested that the wording be ****Shall “appoint”** by a majority vote of the town council in (a), (b), or (c).

Councilor Mathews suggested that the duties of Clerk of the Council be incorporated within the job of the Town Clerk. After some discussion it was decided to leave as is.

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A MOTION was made by Mr. Reilly to CHANGE the use of the word “shall” to “appoint by a majority vote of the council in sections 2-8(a), (b), and (c) and was seconded by Mr. Gallagher and UNANIMOUSLY VOTED.

SECTION 2-9

ORDINANCES AND OTHER MEASURES

A MOTION was made by Mr. Reilly to take NO ACTION on Section 2-9 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

SECTION 2-10

COUNCIL REVIEW OF CERTAIN APPOINTMENTS

Council President Smart questioned the appointment of directors to the South Shore Tri-Town Development Corporation (SSTTDC) Board. He noted that with the present administration the appointment has sent the appointments to the Council for introduction and questions but not for approval.

Council President Smart asked for a re-clarification of the SSTTDC appointment from Solicitor Lane.

Chairperson Deacon questioned if there was anything within the SSTTDC documents regarding this issue.

Councilor Mathews stated that Solicitor Lane had rule that the SSTTDC appointment was the result of special legislation set up under Massachusetts General Laws and was as such not subject to Council approval.

Mr. Gallagher noted that if a body is not a standing committee of town or in the code of ordinances it is not subject to approval by the Council. He stated that the WETC has a Board of Directors to which the Mayor appoints a member. These specific committees are external to the town.

Councilor Mathews noted that on the rejection of a committee appointment requires a 2/3 vote of the council with eight members so voting. He stated that he believes that this should be by majority vote.

Mr. Reilly stated that it is his opinion that the intent of charter was and is for a strong Mayor form of government.

Councilor Mathews made a MOTION that the rejection of a committee appointment shall require only a majority vote and was seconded by Councilor Smart.

Mr. Gallagher stated that he does not agree with this motion as it would reduce the powers and authorities invested in the Mayor by the Charter as voted.

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Mr. Reilly stated that he was originally opposed to the Charter because he believed that it created a strong Mayor form of government; however, he noted that this was the will of the voters.

Mr. Gallagher stated that he believes that this change would also apply to department heads and it is his opinion that the power to appoint heads of departments should remain with the Mayor.

The MOTION FAILED on a 5-2 voted. A roll call vote was taken. Councilor Mathews and Council President Smart in **favor**; Chairperson Deacon, Mr. Gallagher, Mrs. Cunningham, Mr. Reilly, Ms. Williams **opposed**.

A MOTION was made by Mr. Reilly to take NO ACTION on Section 2-10 and was seconded by Mr. Gallagher and PASSED on a 6-1 voted with Councilor Mathews opposed.

SECTION 2-11

FILLING OF VACANCIES

Ms. Williams pointed out the need for clarification due to the inconsistency with Section 2-1(a) and (b).

Mr. Riley made a MOTION to take NO ACTION on Section 2(c) and was seconded by Mr. Gallagher and UNANIMOUSLY VOTED.

MEETING SCHEDULE

Chairperson Deacon stated that the next meeting will be held on 10/27/09. Discussion will be on Article 3 (Mayor). She asked members to please review this section as homework. She also noted that an invitation will sent to the Mayor.

Chairperson Deacon further stated that discussion at the 11/10/09 meeting will be on Article 4 (Schools). She noted that an invitation will be sent to the Chairperson of School Committee. She also noted that the Committee will also review a list of any questions for Mr. Curran.

Finally, Chairperson stated that Mr. Reilly will send a letter to Mr. Curran to invite him to the 11/24/09 meeting.

PUBLIC COMMENT

Chairperson Deacon asked if there was anyone in the public who would like to speak; there was no response.

ADJOURNMENT

At 8:40 pm, there being no further business, a MOTION was made by Councilor Mathews to adjourn and was seconded by Mr. Gallagher, and UNANIMOUSLY VOTED.

Barbara Deacon, Chairperson

Date