

**CHARTER REVIEW COMMITTEE  
RECORD OF MINUTES AND PROCEEDINGS  
November 10, 2009**

The Charter Committee of the Town of Weymouth held a public meeting on Tuesday, November 10, 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  
James Wilson  
Claire Cunningham  
Sean Guilfoyle  
Not Present: Michael Gallagher  
John Reilly  
Recording Secretary: Janet Murray

Chairman Deacon called the meeting to order at 7:05 pm. She noted that Mr. Gallagher and Mr. Reilly would not be present this evening.

**OLD BUSINESS**

Minutes

A MOTION was made by Council President Smart to ACCEPT the 10/13/09 minutes and was seconded by Councilor Mathews

Mr. Guilfoyle noted that Mr. Gallagher was not present at the meeting, he did not second the motion to adjourn. Council President Smart stated that he made the motion.

Ms. Williams noted an errant period to be deleted on page 7 just above Section 3.9.

The MOTION as amended was UNANIMOUSLY VOTED.

Chairperson Deacon stated that there is an updated email list in each package. She asked members to destroy the previous version as there were several mistakes on it. She also stated that there were no phone messages or emails this past week.

Chairperson Deacon stated that she has a copy of the letter written by Mr. Reilly that was sent to Mr. Curran inviting him to the November 24, 2009. She also stated that Mr. Curran has responded that he will attend the meeting at 7:00 pm. She pointed out that there is an updated list of questions for Mr. Curran. She asked the members to review this list and come prepared for the meeting on the 24<sup>th</sup> with any further questions.

**NEW BUSINESS**

Review of Town Charter Article 4: School Department

Chairperson Deacon welcomed Mrs. Berry and Mr. Lockhead from the school committee who were present this evening.

## CHARTER COMMITTEE

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### SECTION 4-1

#### SCHOOL COMMITTEE

Mr. Guilfoyle noted that there is a question as to whether the Charter Committee is able to recommend any changes to the composition of or terms of office for the school committee.

A MOTION was made by Mr. Guilfoyle to REFER Section 4-1 to Mr. Curran and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

### SECTION 4-2

#### SCHOOL COMMITTEE CHAIR

Mr. Lockhead commented that he had a question regarding whether the Mayor is able to hold the position of chairperson of the school committee.

Council President Smart noted that he did not recall reading anything in Section 3 that specifically prohibited the mayor from being the chairperson of the school committee or any other multi-member board or committee with the exception of the town council.

Chairperson Deacon noted that she would put this on the list of questions to watch for as the process goes forward. She pointed out that the Committee will come back to each article to review as they put together the notes together.

A MOTION was made by Mr. Guilfoyle to REFER Section 4-2 (a) to Mr. Curran and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

### SECTION 4-3

#### PROHIBITIONS

Mrs. Cunningham stated that she has an issue with the provision allowing the return of a committee member to a town job that was held before. She noted that this is the same concern she previously expressed during the discussion of Section 3.

Chairperson Deacon noted that this goes back to the issue of the interpretation of whether this means "if the job is open".

A MOTION was made by Ms. Williams to REFER Section 4-3 to Mr. Curran and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

### SECTION 4-4

#### COMPENSATION, EXPENSES

Mr. Guilfoyle noted that this is for expenses related to attending conferences, mileage, and meals.

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A MOTION was made by Mr. Guilfoyle to take NO ACTION on Section 4-4 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

### SECTION 4-5

#### SCHOOL COMMITTEE POWERS AND DUTIES

Councilor Mathews questioned the following portion of Section 4-5.

*The school committee shall provide ordinary maintenance of all school buildings and grounds; provided, however, the town council may, by ordinance, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds.*

Councilor Mathews stated that this has never been acted upon by the town council. He stated that he believes that this section is in conflict with Section 5-1, reorganization. Councilor Mathews stated that he believes that if the town council were to attempt to do this, the town's solicitor would rule it out of order.

Ms. Hilbert, as a former member of the Charter Commission, stated that this was intended to give this power to the town council.

Mr. Wilson stated that he believed that the solicitor's response would be "if the mayor submits a plan of organization for the central maintenance of all town buildings, then the town council has the ability to act, not only with respect to town owned buildings but school owned buildings. This provision because of the delivery service, comes from the mayor as she has authority over all town owned buildings; if she included in her plan school buildings, the town council, by virtue of this section could override the school committee.

Councilor Mathews stated that his interpretation is that this plan could originate from the town council office.

Mr. Wilson stated that he would bet it could not.

Chairperson Deacon stated that she would agree with Councilor Mathews interpretation based on Ms. Hilbert's comment.

Councilor Mathews stated that he believes that if he attempted to bring this forward from the town council, the solicitor would rule him out of order. He stated that this is his biggest dilemma with the Charter.

A MOTION was made by Mr. Guilfoyle to take NO ACTION on Section 4-5 (1) and (2) and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

A MOTION was made by Mr. Guilfoyle to REFER Section 4-5 subsection 3 to Mr. Curran and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

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### SECTION 4-6

#### FILLING OF VACANCIES

Mr. Wilson asked if this section has ever been used.

Mr. Guilfoyle stated that this section was used when a school committee member, Mr. Connolly, resigned. He noted that Diana Flemer took Mr. Connolly's place following the procedure spelled out in Section 4-6.

Mr. Guilfoyle noted that the language is identical to the language for the town council.

A MOTION was made by Mr. Wilson to take NO ACTION on Section 4-6 and was seconded by Councilor Mathews and 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. Jim Lockhead spoke regarding the earlier discussion regarding the Mayor becoming chairperson. He noted that this is referenced in Section 4-2. In this section, although the mayor is not referenced specifically, he/she would be prohibited because he/she is not elected to a position on the school committee, but is a member by virtue of office.

“ . . . the school committee shall organize by electing one of the persons elected to the office of school committee member to serve as school committee chair and one of the persons **elected** to the office of school committee member to serve as school committee vice chair until the next town election.”

Ms. Hilbert stated that during discussion on the original Charter Commission, the mayor had the power to vote.

Council President Smart stated that in the next section the Mayor is given all powers and duties as all other school committee members. He stated that his personal opinion is that the Mayor should not be chairperson of the school committee.

Ms. Williams asked if the Charter Committee wanted to add a section that specifically prohibits the mayor from being chairperson on any committee.

Mr. Guilfoyle stated that if the mayor were allowed to be chairperson this it would affect the composition of sub-committees as the mayor is not currently given sub-committee assignments.

Ms. Berry stated that she agrees with Councilor Smart, however, she does not see a benefit to having the mayor as chairperson; however she noted that moving forward there could be a time when no one wanted to be chairperson other than the mayor. She would not want to tie the hands of a future committee.

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Councilor Mathews suggested that this topic which is in Section 4-2 (a) be re-visited at the end of the process.

Mr. Wilson suggested that the Mayor be informed of the questions surrounding this topic. When she is present at a future Charter Committee she would then have the ability to add her opinion on this matter.

Mr. Wilson stated that he would not want the mayor to be chair of any committee. He noted that the Charter gives the mayor the right to voice his/her opinion and the right to vote on the school committee.

Chairperson Deacon stated that this matter will be added to the list of questions.

Mr. Wilson stated that in terms of timing, the town is still focusing on FY 2010. He stated that the superintendent began her budget deliberations for FY 2011 this past week. He stated that he begins his budget deliberations the day after Thanksgiving.

Mr. Wilson stated that the town has barely gotten through this year and there are concerns about the instability of the state, yet the timing requirements dictate that budget projections begin for FY 2011. He noted that the school committee's budget is due to the Mayor on March 10. He pointed out that because of the timing, the committee is required to prepare and consider a budget in January.

Mr. Wilson pointed out that the school committee is trying to work on a budget even though the governor has not published the House 1 numbers; this is due by the last day of January. The House Ways and Means is required by law to have their version done by the end of February but is generally not done until the middle of April; the Senate Appropriations then has 30 days after the House submittal, which pushes the publication of any realistic numbers to the middle of May.

Mr. Guilfoyle noted that in the past there have been three or four budgets presented before a realistic one is crafted. He commented that this seems to have become a year round process.

Mr. Lockhead stated that a budget is put forth that is ultimately a copy of the previous year's budget. He noted that a public hearing is required during this time frame but the information is not based on real data. He pointed out that this is the only opportunity for the public to voice their opinion.

Ms. Williams asked when Mr. Lockhead would propose having the public hearing.

Mr. Lockhead stated that he did not see the need for the mayor to have 21 days to review the school committee budget when she is a member of the committee and is involved in the process.

Mr. Wilson stated that the State's constitution requires that the governor submit the House 1 budget on the last Friday in January. He stated that he believes that the school committee's work should not be required to begin until after the governor's budget is announced.

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Chairperson Deacon stated that she has sat through many public hearings and believed that the information was meaningless. She noted that many people have a perception that money is “always found”.

Mr. Guilfoyle stated that he agrees with what has been said and that this time frame does not work.

Ms. Berry noted that the timeline for the budget process is troubling. She noted frustration because the committee asks for public input but it does not amount to anything because the initial budget is not truly a working document; it is ultimately the previous year’s budget as a starting point.

Council President Smart asked about how a change like this would affect the overall schedule for the budget process.

Mr. Wilson stated that he agreed that the 21 days allowed for the mayor to review the proposed could be shortened. He stated that if you use January 31 as the starting date, based on the governor issuing House 1, then the school committee would have 7-14 days; this would move their public hearing from mid January to mid February.

Mr. Wilson then stated that with the mayor’s time frame shortened by a week or so, this would move the submission of a budget from April 1 to April 8 or April 10.. He pointed out that the town council does not act on budget until the end of June, however the Budget/Management Committee ends its deliberations by the end of May.

Mr. Guilfoyle stated that when Budget/Management goes through the budgets, the school committee budget is the last to be reviewed. He stated that any changes would have more of an effect on the mayor’s time frame than the council’s.

Council President Smart stated that town council does not receive its binder until the beginning of May. He agreed that the chairperson of Budget/Management, Councilor DiFazio, schedules the review of the school committee to the end. He suggested that Councilor DiFazio be asked to come before the Charter Committee to discuss this timeline.

Chairperson Deacon stated that it would appear that there is agreement that this time frame needs to be reviewed and changes made.

Mr. Guilfoyle stated that he wanted to assure the committee members that the intent to change the timeline is in no way a means to try to rush anything through. The intent is to be able to give the public real numbers.

Council President Smart asked the school committee members about the staggering of the terms and how it affects their work.

Mr. Guilfoyle stated that he thinks this process works well for the school committee because it provides for stability.

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Ms. Berry stated that she thinks this process works well, too. She stated that having a four year term allows for time to get involved in the process. She believes that the town councilors are practically preparing to campaign for the next election just after being elected.

Mr. Lockhead agreed that the process works well as it allows for new members to get up to speed when they are first elected.

Council President Smart asked Ms. Hilbert what were the discussion regarding the school committee being staggered but not the town council. Ms. Hilbert stated that there were lots of things about the former Board of Selectmen that commission members did not like and this played into the decision not to stagger the terms.

Councilor Mathews stated that it is easier for the school committee to be staggered because they have four year terms. He noted that if there was staggering on the town council, which has two year terms, this would require review and reorganization every year. He noted that this committee cannot change the composition or the term of the town council.

Mr. Wilson stated that he recalled that there was discussion relative to the council being the legislative body and the town meeting was the legislative body. with three year terms and was elected every year, staggered by precincts

Council President Smart reviewed the earlier discussion regarding the mayor being elected to chairperson of the school committee. He read from the Charter that the mayor has the exact same powers as elected members of the body. He stated that the point is that it can be interpreted either way

Council President Smart asked if it was ever discussed that the mayor could assign a designee to sit in for the mayor. Ms. Cunningham stated that she did not recall this being discussed.

## **MEETING SCHEDULE**

November 24, 2009 Mr. Curran and Article 5-1 reorganization,  
December 22, 2009 Article 5-2 through Article 5-7 with department heads present

### 2010 meeting schedule

January 12, 2010 Revisit Article 3 (Mayor)  
January 26, 2010 Municipal Finance and Article 6  
February 9, 2010 Article 7 & 8  
February 23, 2010 Article 9, review  
March 9, 2010 Review  
March 23, 2010 Mr. Curran  
April 13, 2010 OPEN  
April 27, 2010 OPEN  
May 1, 2010 Report submitted to town council

## **ADJOURNMENT**

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At 8:20 pm, there being no further business, a MOTION was made by Councilor Mathews to adjourn and was seconded by Council President Smart, and UNANIMOUSLY VOTED.

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Barbara Deacon, Chairperson

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Date