

Attachment to 11 April 2011 minutes  
11 April 2011 - Barbara Deacon's presentation on CRC  
Slide 1 - History of the Committee

Good evening Mr. President and members of the Town Council.  
Tonight we take the next step in the process of reviewing the Town's Charter.

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### Slide 2

The Charter Review Committee was established and held its first meeting on August 17, 2009 pursuant to Section 8-5 of the Town Charter. At that meeting the committee organized itself by selecting a chairperson and vice-chair. We received our charge, which was to complete an in depth review of the Town Charter and bring forward recommendations detailing possible changes to the Charter in the form of a report to Town Council.. The Town Council is now charged with soliciting additional input from the community through a public hearing, at which stage we find ourselves this evening.

Under the provisions of Section 8-5 of the Charter, a nine member Charter Review Committee was appointed. Four members were appointed by the Town Council President. Two of those appointments were required, by Charter, to be town council members. Five members were appointed by the Mayor. The Committee was comprised of a group of citizens selected from a pool of candidates who expressed interest in participating in the process. The two appointing authorities, the Mayor and Town Council, selected the following individuals to serve on the committee:

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### Slide 3

Barbara Deacon – Chair  
Sandra Williams – Vice-Chair  
John Reilly – Secretary  
Claire Cunningham  
Michael Gallagher  
Sean Guilfoyle  
Arthur Mathews  
Michael Smart  
James Wilson

I ask that these committee members be allowed to share their views and expertise as we proceed through in this public hearing.

## Slide 4

The Charter Review Committee next met on September 22, 2009. We selected a secretary, set a budget for expenses associated with recording our meetings and publishing information for the public, and determined the process we would follow to complete our charge. To help us meet this goal, the committee determined that public input and information flow would be most important as the process moved forward. To meet this end, we decided that a dedicated web page should be established where agendas and minutes could be posted. Additionally, the committee requested that a dedicated telephone number and a dedicated email address be established where citizens could leave comments and suggestions. All of these communication tools would be advertised and would be accessible by the chair. The administration of the Town saw to it that all these requests were fulfilled, and as chairperson of this committee, I want to publicly acknowledge the assistance we received from the Mayor's office and Town staff throughout our deliberations.

The committee met regularly throughout the remainder of 2009, 2010 and our last meeting was held on January 11, 2011. At each meeting the committee reviewed sections of the Town Charter in detail and voted to either leave the existing language intact or recommend changes. Each meeting evoked lively debate and discussion as the members of the committee were engaged in the process and took their responsibilities seriously. I want to take this opportunity to publicly thank my committee for the time each member took in his/her own way to contribute to the process. The dedication to the Town and effort put forth by this group of citizens makes me proud to be a resident of the Town of Weymouth.

At every meeting, while the committee was reviewing the Charter, I would bring forward input sent to the committee via emails and phone messages. We also took time under a public input section of our agenda to listen to anyone in the audience who wanted to speak to the committee. All told, the Charter Review Committee convened for 18 meetings over the course of 18 months. At all but the final four meetings public input was accepted; however, once the committee began its final deliberations, the public input section was removed from our agenda. I felt it was very important to

allow the committee members time to review all the information that had been gathered and to debate each of the recommendations we would potentially bring forward amongst ourselves.

In addition to public comment and recommendations, the committee solicited input from elected and appointed officials representing multiple departments across the Town. I would like to recognize *Mayor & Mary Jo & several depts who had input.*

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and thank them for attending tonight. A number of recommendations from both the public and the various Town officials with whom we met are incorporated into the Charter Committee's final report. My sincere thanks go out to every individual with whom we met and the citizens who came to our meetings and/or sent us ideas and suggestions via phone and emails.

The committee also solicited guidance throughout the review process from Town Solicitor George Lane and Attorney Michael Curran, who authored the original Town Charter. Both individuals met with the committee multiple times and were always available to answer questions as we navigated through the process. I would like to thank both Town Solicitor Lane and Attorney Curran for the time they spent assisting the Charter Review Committee and sharing their infinite knowledge of the laws of the Commonwealth and their sage advice.

## Slide 5 – Lessons Learned

The Charter Review Committee is not recommending a need for an elected Charter Commission at this time. We believe this report, as submitted, addresses the issues that need to be reviewed at this time. We believe, that with guidance from Attorney Curran and Solicitor Lane, the recommendations found in this final report fall within the purview of the charter review process established in Section 8-5 of the charter.

I am pleased to report that, throughout our deliberations, it was consistently apparent that changing to our current form of government was the right thing to do for the Town of Weymouth. We repeatedly heard that the town is being run much more effectively and efficiently. Citizens' concerns are being addressed more timely and Town departments are able to run more smoothly and in concert with one another due to the centralized direction and accountability afforded by a strong mayoral form of government.

The committee would also like to highlight that Section 8-5 does allow the Charter to be reviewed as often as needed. We believe that if the Charter was reviewed more often, the number of recommendation changes may be more manageable. We also believe that important issues would be addressed and needed action could be taken on a timelier basis.

## Slide 6 – Recommendations

With that background, tonight I am pleased to present the Charter Review Committee's final report. We have divided the recommended changes into two categories. Section one of our report addresses substantive changes and Section 2 addresses housekeeping or scribner changes.

With your indulgence I would like to walk you and our audience through the recommendations submitted by the Charter Review Committee. There are extra copies of our final report available for audience members to follow. For those citizens watching from home, our final report can be found on the Charter Review Committee webpage which appears on the Town of Weymouth website – [www.weymouth.ma.us](http://www.weymouth.ma.us). Our final report shows all the detail of the language of the Original Charter, as well as the detail of our recommended change. During this presentation tonight, I hope to outline and present a summary of our work.

I have broken this presentation down by Articles, much the same way that the committee reviewed the original charter. Each recommendation would become its own ballot question should the Town Council and Mayor elect to put forward all the recommendations. The housekeeping items could be bundled together into a single question.

✓ Slide 7 – Article 1 Incorporation: Short Title Definitions

Substantive Change Recommendations

**SECTION 1-7: DEFINITIONS**

Section 1-7 (a) defines Charter

*The committee is recommending adding this language to this definition.*

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

Section 1-7 (b) defines **Computation of Time**

*The committee is recommending adding this definition to section 1-7 so that it can be found more readily. The same language appears in Section 8-9 of the original charter.*

Section 1-7 (r) defines Town Officer

*The committee is recommending adding the words “**or Town Official**” for clarity based on the language written in the original charter - (department heads).*

Section 1-7 (s) defines Voters

*The committee is recommending adding the word “**voter**” for clarity.*

Slide 8.  
Article 2 Legislative Branch

SECTION 2-8: OFFICERS ELECTED BY TOWN  
COUNCIL

- *Section 2-8 shows an example of a term we have referred to as “bundling”. Bundling would allow the recommended changes to be grouped together as one ballot question.. The committee is recommending bundling Section 2-8 a,b, &c. In Section 2-8 a, b, and c, the committee is recommending adding the exact same language to those three descriptions for clarity.*

- (a) Town Auditor
- (b) Town Clerk
- (c) Clerk of the Council

The new language would read - the town council “**Shall elect by a majority vote of town council**” a Town Auditor, Town Clerk or Clerk of the Council

SECTION 2-11: FILLING VACANCIES

*Section 2-11 (a) addresses Councilor-at-Large*

*The committee is recommending that this language be changed to reflect consistency within the Town Charter*

The new language would read - if a vacancy shall occur in the office of councilor-at-large during the first “**sixteen**” months of the term for which councilors are elected ...

Slide 9 Article 3 Executive Branch

SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION

*Section 3-1(a) addresses Prohibitions*

*The committee is recommending adding the words "Town of Weymouth" for clarity.*

The new language would read - No former mayor shall hold any compensated appointed town office or town employment for the **Town of Weymouth** until one year following the date on which such former mayor's town service has been terminated ...

Section 3-1(d) also relates to the provision in the original charter whereby a town officer or town employee would be granted a leave of absence if they were elected to the Office of Mayor. The committee is recommending that this language be deleted. **With the council's indulgence**, I would ask that we revisit Section 3-1(d) later in the presentation

SECTION 3-5: TEMPORARY APPOINTMENTS TO TOWN OFFICES

*The committee is recommending that the words "in an office appointed by the mayor" be added for clarity.*

The new language would read - Whenever a vacancy occurs **in an office appointed by the mayor**, either temporary or permanent, and the needs of the town require such office be filled, the mayor may designate another town agency or town officer or town employee, or some other person to perform the duties of the office on a temporary basis ...



SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS

*Section 3-6 (a) addresses Communications to the Town Council. The committee is recommending that this language be changed to “No later than October 15<sup>th</sup>” to add clarity and consistency to all financial reports of the town.*

The new language would read - **“No later than October 15,”** following the start of each fiscal year, the mayor shall submit to the town council, and make available for public distribution, a complete report on the financial and administrative activities of the town for the preceding fiscal year.

SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR

*Section 3-8 (a) addresses Acting Mayor*

*The committee is recommending that the words “who is a voter of the Town” be added to insure that the designee appointed as “Acting Mayor” would be a Weymouth Resident.*

The new language would read “The mayor shall, by a letter filed with the town council and a copy filed with the town clerk, designate a qualified town officer or town employee **who is a voter of the town** to serve as acting mayor during the temporary absences of the mayor ...

*In Section 3-8 (a) the committee is also recommending that the following language be changed to reflect consistency within the charter.*

The new language would read - ...during the temporary absence of the mayor for **period of more than ten successive working days** or less and to serve only when the needs of the town require and only to the extent necessary under the then circumstances.

## Slide 10 - Article 4 School Department

*The committee is recommending that Article 4 be renamed to "School Committee". It is currently named "School Department" in the original Charter.*

### SECTION 4-1: School Committee

#### Section 4-1 (a) addresses Composition, Term of Office

*The committee is recommending the following language be added for clarity.*

**The mayor may not hold the office of school committee chairperson**

### SECTION 4-2: School Committee Chair

#### Section 4-2 (a) addresses Election and Term

*This section relates to the organization of the school committee following a town election. The committee is recommending the existing language be changed clarity*

The new language would read - **At the first scheduled meeting in January**, after the school committee members-elect have been qualified following each biennial town election, as provided in section 8-10, the school committee shall organize by electing ...

### SECTION 4-3: PROHIBITIONS

*Section 4-3 relates to the provision in the original charter whereby a town officer or town employee would be granted a leave of absence if they were elected to the School Committee. The committee is recommending that this language be deleted. **With the council's indulgence**, I would ask that we come back to Section 4-3 later in the presentation.*

SECTION 4-4: Compensation, Expenses

*Section 4-4 (a) addresses Salary*

*The committee is recommending the words “with the exception of the mayor” be added for clarity*

The new language would read - The members of the school committee, **with the exception of the mayor**, shall receive such salary for their services as may from time to time be set by ordinance....

Slide 11 –  
Article 5  
Administrative Organization

*Most of the recommended changes in Article 5 represent language that the committee believes should be added to each of the descriptions detailed in the charter. We are suggesting that these recommendations be bundled together as one ballot question.*

*The committee is recommending the words “federal laws” be added. :*

The new language would read - The director of each said department shall be responsible for the supervision and coordination of all activities of that said department in accordance with state statues, federal laws, town ordinances and rules and regulations.

SECTION 5-3: DEPARTMENT OF PUBLIC WORKS

*(2) Director of Public Works*

SECTION 5-4: DEPARTMENT OF MUNICIPAL

FINANCE

*(2) Director of Municipal Finance*

SECTION 5-5: DEPARTMENT OF PLANNING AND

COMMUNITY DEVELOPMENT

*(2) Director of Planning and Community Development*

SECTION 5-6: DEPARTMENT OF HUMAN

RESOURCES

*(2) Director of Human Resources*

SECTION 5-7: DEPARTMENT OF MUNICIPAL

LICENSES AND INSPECTIONS

*(2) Director of Municipal Licenses and Inspections*

Section 5-7 (1) addresses Establishment, Scope

*The committee is recommending that the words “weights and measures” be added because of new job responsibilities that now fall under this department.*

The new language would read - “Code of Massachusetts Regulations relating to buildings, electrical wiring, plumbing, gas fitting, sanitation, wetlands, fire protection and fire safety, hazardous materials, local regulations adopted by the board of health, conservation commission, historical commission, planning board, weights and measures, or any other town agency...”

**Slide 12 -**  
**ARTICLE 6**  
**Finance and Fiscal Procedures**

**SECTION 6-2: School Committee Budget**

Section 6-2 addresses the submission of the School Committee's budget. Section 6-2 (a) recommends changing the timing of the Public Hearing. Section 6-2 (b) recommends changing the timing of submitting the budget to the Mayor. Section 6-3 recommends changing the time line that the Mayor follows to submit the budget to the Town Council.

The budget timeline stimulated the most discussion our committee had concerning our recommendations. The Mayor, the Superintendent of Schools, the Assistant Superintendent and many school committee members appeared before us as we discussed this important topic. This Charter Review Committee appreciated the cooperative efforts, dialog and compromise that occurred between the Mayor's office, the School Committee and the Town Council. All involved agreed that the budget time line that is presently mandated by the charter is ineffective.

**With the council's indulgence**, I would like to return to Section 6-2 and 6-3 later in the presentation.

SECTION 6-4: BUDGET MESSAGE

*The committee is recommending the words “summarize the town’s debt position” be deleted because this information is already provided in other required reports...*

Slide 13 – Article 8 General Provisions

SECTION 8-5: PERIODIC REVIEW OF CHARTER AND  
ORDINANCES

*The committee is recommending the following language be added for clarification.*

**If necessary the town charter may be reviewed at any time before the required specified ten year interval.**

SECTION 8-10: OATH OF OFFICE OF MAYOR,  
COUNCILORS, AND SCHOOL  
COMMITTEE MEMBERS

*The committee is recommending that the following language be deleted*

**Town Council: The president and vice-president shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to take oaths or affirmations.**

**School Committee: The chair and the vice-chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to take oaths or affirmations**

SECTION 8-14: ANNUAL REPORT OF THE TOWN

*The committee is recommending this language be changed to add consistency within the charter.*

The new language would read - An annual report which contains a general summary of the activities of all town agencies shall be published **no later than October 15<sup>th</sup>** following the close of each fiscal year.



*The committee is recommending the following language be changed to reflect the correct title of the municipal finance department.*

The new language would read - The annual report shall contain reports by the mayor, the town council, **the director of municipal finance**, the treasurer; the school committee and other such agencies as may be required by ordinance to provide such reports. ...

*The committee is recommending the following language be added for clarity of the required reporting process.*

**As part of the annual report, the mayor shall provide for a complete report on the financial and administrative activities of the town for the preceding fiscal year.**

## Slide 14

### Housekeeping/Scribner Change Recommendations

As our slide reflects, there are Housekeeping/Scribner recommendations in Articles 1, 3, 4 and 8. Some of these recommended changes reflect grammatical errors found in the original charter. Others reflect Scribner changes that will need to be changed based on whether or not prior recommended changes are accepted by the Mayor and Town Council. With the Council's indulgence, I would recommend that we not go through these specific changes individually this evening. These changes could be reviewed at a later date, once all changes have been accepted or rejected. The Charter Review Committee is recommending that housekeeping changes be bundled together into one ballot question.

## Slide 15

The Charter Review Committee is not advocating that all these changes be addressed in the form of ballot questions at the next Town election. We acknowledge that a ballot consisting of 37 questions would be unwieldy and not in the best interests of the Town. There are however, a few important issues that the committee felt must be addressed at this time. I would like to revisit the recommended changes that I spoke to earlier. The following recommendations, in the opinion of the committee, are the three most important proposals before you.

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They are as follows:

Page 4: Article 3 Section 3-1: Mayor: Qualifications; Term of Office; Compensation

Page 6: Article 4 Section 4-3: School Committee; Prohibitions

The Charter Committee believes the language concerning “a town officer or other town employees who has taken a leave of absence in order to serve as mayor or school committee from returning to the same office” should be deleted.

*Through our deliberations, the committee came to a consensus that if a person from the private sector were to be elected Mayor or a Member of the School Committee, that person would not be granted a leave of absence by his/her employer; therefore, a town employee should not receive a benefit that would place him/her in an unfair advantage over any other citizen of the Town. We believe this language levels the playing field for all potential candidates.*

Page 10: Section 6-2 School Committee Budget

Page 11: Submission of Budget and Budget Message

*The area of the charter that stimulated the most discussion was the budget process. Among our recommendations, you will see several regarding changing the time line that the budgets are to follow. We believe that if these changes are accepted, the entire budget process for the town will become more realistic. I would again like to recognize the team work displayed by the Mayor's office, the School Committee and the Town Council during this part of our deliberations. We believe that the new time line will help deal with the uncertainty of state and local funding in these ever changing fiscal times.*

Page 15: Periodic Review of Charter and Ordinances

*The Charter Review Committee believes the suggested language should be added to clarify that the Charter may be reviewed at any time before the required specified ten year interval.*

*The Charter Review Committee also recommends that any changes that are approved as voted by the citizens of Weymouth take effect immediately.*

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## Slide 16

In conclusion, The Charter Review Committee has fulfilled its charge and completed an in depth review of the Town Charter and submitted its recommendations. Having solicited and taken input from all facets of the community including citizens who have presented their views in multiple forums, members of the Town staff who operate in the current governmental structure, elected officials who came before the committee or were participants in the process and legal counsel in the form of our Town Solicitor and Charter author, we feel the items before you are all in the best interest of the Town. We consistently tried to keep the original intent of the Charter in the fore front of all of our deliberations. While not all the recommendations were unanimous some provided lively debate among the members and led to a deeper understanding of the intent behind our core governing document. Based on the recommended changes found in our final report, we believe that intent is still intact.

Thank you for providing this forum to enlighten the public as to the work of the Charter Review Committee. I appreciate your indulgence this evening.

My committee and I looks forward to answering any questions you may have.