

**MINUTES OF THE ORDINANCE COMMITTEE MEETING
TOWN HALL COUNCIL CHAMBERS
DECEMBER 13, 2005**

Present: Paul J. Leary-Chairman, Michael Smart, Kevin Whitaker, Arthur Mathews
Ken DiFazio

ALSO PRESENT: JANE HACKETT-CHIEF OF STAFF, JAMES WILSON-CHIEF FINANCIAL OFFICER,
GEORGE LANE-TOWN SOLICITOR, SUSAN KAY

RECORDING SECRETARY: DIANE T. HACHEY

CHAIRMAN LEARY CALLED THE MEETING TO ORDER AT 7:15 PM.

MEASURE NUMBER 05 095-REVIEW OF CHARTER TIME-LINE FOR BUDGET

REFERENCE WAS MADE TO DOCUMENTATION DATED MAY 9, 2003 WHICH WAS DISTRIBUTED TO MEMBERS BY GEORGE LANE. DISCUSSION SURROUNDING THE POSSIBILITY OF PETITIONING THE STATE AND ESTABLISHMENT OF A PETITION TO GO TO THE VOTERS ENSUED. COUNCILOR MATHEWS QUESTIONED THE TIMEFRAME OF A PETITION AND IF OTHER MUNICIPALITIES HAVE DONE THIS PREVIOUSLY. SOLICITOR LANE REPLIED THAT HE RECOLLECTS THAT SEVERAL YEARS AGO A PETITION WAS SUBMITTED BUT NEVER HEARD BACK FROM THE LEGISLATIVE DELEGATION.

COUNCILOR WHITAKER SUGGESTED OBTAINING THE STATUTE FROM THE LEGISLATURE IN ORDER TO MAKE AMENDMENTS AND/OR REVISIONS TO THE CHARTER. HE QUESTIONED IF THE COUNCIL, AS A BODY, COULD DEVELOP LEGISLATION IN ORDER THAT THE PROCESS IS STREAMLINED. SOLICITOR LANE CAUTIONED THAT WE WOULD POSSIBLY BE DELVING INTO RECONVENING THE CHARTER COMMISSION. COUNCILOR WHITAKER IS LOOKING FOR A MECHANISM WHICH WOULD AID IN AMENDING THE CHARTER. SOLICITOR LANE THOUGHT THAT THIS MAY BE WORTHY OF STUDY- BUT CAUTIONED ALL TO NOT SIMPLIFY THIS PROCESS-AS MUCH HARD WORK WAS DONE BEHIND THE SCENES.

COUNCILOR MATHEWS STATED THAT SINCE THE CHARTER WILL BE REVIEWED IN 2009-IF WE HAD TO WAIT UNTIL THEN TO SUGGEST ANY AMENDMENTS. HE FURTHER QUESTIONED IF THIS IS A SUBSTANTIVE CHANGE. HE IS ALSO CONCERNED WITH THE DATE WHICH THE SCHOOL DEPARTMENT SUBMITS THEIR BUDGET IN RELATION TO RECEIPT OF STATE LOCAL AID FIGURES.

MS. HACKETT STATED THAT THE MAYOR IS NEITHER FOR NOR AGAINST THIS MEASURE, AND WANTED TO CLARIFY THAT IT DID NOT ORIGINATE FROM HIS OFFICE. SHE AGREES THAT THE SUBMITTAL OF THE SCHOOL DEPARTMENT'S BUDGET TIMELINE IS VERY AGGRESSIVE, BUT WE ARE THE EARLIEST BODY TO RECEIVE THE BUDGET IN THE COMMONWEALTH, AND HAVE THE LONGEST REVIEW PERIOD. ADDITIONALLY, VOTING BY THE COUNCIL IN JUNE PLACES A HUGE BURDEN ON THE MUNICIPAL FINANCE DEPARTMENT.

COUNCILOR DIFAZIO COMMENTED THAT IT WAS COUNCILOR MCPHERSON'S INTENT ON BEHALF OF ADMINISTRATION TO SATISFY THEM. HE QUESTIONED THAT IF THEY APPEAR SATISFIED THEN MAYBE THIS IS A MOOT POINT.

COUNCILOR KAY THOUGHT THAT THE SCHOOL DEPARTMENT HAS TO SUBMIT THEIR BUDGET TOO EARLY-AND THAT THE POINT WAS TO ATTEMPT TO ALLOW THEM ADDITIONAL TIME-SHE

FEELS THAT THIS WARRANTS FURTHER REVIEW.

COUNCILOR MATHEWS QUESTIONED IF THE COMMITTEE VOTED NO ACTION, THE CHARTER COMMISSION WOULD CONDUCT A REVIEW IN 2009. HE FURTHER COMMENTED THAT WE CAN'T CHANGE ONE SECTION OF THE CHARTER WITHOUT CHANGING THE OTHER.

COUNCILOR SMART QUESTIONED IF WE DID MAKE A CHANGE, IF THE TOWN COUNCIL VOTE ON THE BUDGET, TYPICALLY OCCURRING IN JUNE, WOULD CHANGE, HE CAUTIONED THAT THIS WOULD DECREASE OUR REVIEW PROCESS TIME.

COUNCILOR DIFAZIO POINTED OUT THAT THIS TIMELINE HAS WORKED PRETTY WELL IN THE PAST AND THIS DOES NOT REQUIRE IMMEDIATE REVIEW.

COUNCILOR SMART STATED THAT ADMINISTRATION HAS BEEN ABLE TO BALANCE THE BUDGET, AND SINCE THEY HAVE NO OPINION FOR OR AGAINST-THIS MAY NOT REQUIRE IMMEDIATE REVIEW.

COUNCILOR MATHEWS WANTED IT KNOWN THAT IF A PROBLEM ARISES IN THE FUTURE CONCERNING BUDGET SUBMISSIONS, HE WILL PERSONALLY SUBMIT A HOME RULE PETITION REQUESTING THAT THIS ISSUE BE REVISITED. COUNCILOR DIFAZIO MOTIONED THAT THE COMMITTEE TAKE NO ACTION ON MEASURE NUMBER 05 095, SECONDED BY COUNCILOR SMART, AND VOTED UNANIMOUSLY.

CHAIRMAN LEARY STATED THAT THIS ISSUE CAN BE REVISITED AND COUNCILOR WHITAKER CAN RESEARCH THE SITUATION FURTHER IF HE DESIRES.

MEASURE NUMBER 05 139- REVIEW OF SECTION 3-102-APPOINTMENTS

CHAIRMAN LEARY NOTED THAT THE COMMITTEE HAD MET ON OCTOBER 17, AND NOVEMBER 19- AND THE ISSUE WAS CONTINUED AT BOTH MEETINGS. THIS MEASURE WAS INITIATED BY COUNCILOR DIFAZIO, AND CHAIRMAN LEARY READ THE REQUEST INTO THE RECORD. COUNCILOR DIFAZIO NOTED THAT SOLICITOR LANE TOOK ISSUE WITH THE LAST LINE OF HIS PROPOSAL WHICH READS "MEMBERS SHALL BE PROVIDED 60 DAYS WRITTEN NOTICE OF EITHER EXPIRATION OR REAPPOINTMENT ".SOLICITOR LANE RULED THAT WE SHOULD NOT INCLUDE THIS STATEMENT, AND SUGGESTED THE PROPOSAL IS FINE, WITH THE EXCEPTION OF SAID LINE.

COUNCILOR DIFAZIO MADE A SUBSTITUTE MOTION TO INCLUDE ALL BUT THE LAST LINE OF HIS REVISION, AND MAKE AN AMENDMENT THAT ON THE 30TH OF JUNE AN INDIVIDUAL WOULD BE REAPPOINTED.

MS. HACKETT STATED THAT THE MAYOR'S CONCERN IS THAT YOU DO NEED BOARDS TO CONTINUE THEIR SERVICE, BUT SOME INDIVIDUALS DO NOT ADVISE IF THEY ARE NO LONGER INTERESTED IN SERVING. BOARDS HAVE TIMETABLES TO ADHERE TO AND ARE REQUIRED TO MAKE DECISIONS, AND THEREFORE MUST CONTINUE TO FUNCTION.

COUNCILOR WHITAKER CITED SECTION 3.3 OF THE ORDINANCES AND QUESTIONED IF THIS CHANGE IS CONSISTENT WITH THE TOWN CHARTER-AS IT MENTIONS AN INDEFINITE PERIOD OF TIME.

MS. HACKETT REVIEWED THE HISTORY OF THE GOVERNMENT AND ITS' ROLE IN COMMITTEE FORMATION.

COUNCILOR DIFAZIO QUESTIONED HOW WE CAN CLAIM AN INDEFINITE PERIOD OF TIME WHEN THE MEASURE STATES A SPECIFIC TERM EXPIRATION DATE.

SOLICITOR LANE CAUTIONED ALL COMMITTEE MEMBERS NOT TO READ INTO THE DOCUMENT- THIS DOESN'T MEAN THAT INDIVIDUALS CAN SIT INDEFINITELY ON COMMITTEES.

COUNCILOR MATHEWS STATED THAT THE COUNCIL USED TO RECEIVE QUARTERLY LISTINGS OF ALL BOARDS AND APPOINTMENTS WITH THE INCLUDED EXPIRATION DATES. HE FEELS THAT IF THEY RECEIVED THIS AGAIN -THIS ISSUE COULD POTENTIALLY RESOLVE ITSELF. CHAIRMAN LEARY STATED THAT THIS INFORMATION CAN BE FOUND IN THE ANNUAL REPORT.

COUNCILOR DIFAZIO FEELS THAT SOLICITOR LANE SHOULD BE GIVEN ADDITIONAL TIME TO REVIEW THIS SITUATION.

MS HACKETT NOTED THAT THE MAYOR HAS ALWAYS BEEN COGNIZANT OF THE 30 DAY TIME FRAME, AND ATTEMPTS TO SUBMIT REAPPOINTMENTS DURING QUIET TIMES FOR THE COUNCIL.

COUNCILOR SMART STATED THAT IT IS A COMMON OCCURRENCE THAT MEMBERS DO NOT CONTINUE WITH THEIR APPOINTMENTS, FOLLOWING HOT ISSUES. HE CITED RAB AND CAC AS TWO SUCH COMMITTEES.

SOLICITOR LANE REITERATED THAT HE DOES NOT NEED MORE TIME TO REVIEW THIS, AS HE FEELS THAT ALL IS IN ORDER.

CHAIRMAN LEARY RECOMMENDED CONTINUATION OF THIS ITEM.

COUNCILOR SMART MOTIONED TO CONTINUE MEASURE NUMBER 05 139- COUNCILOR MATHEWS SECONDED, AND IT WAS VOTED UNANIMOUSLY.

MEASURE NUMBER 05 163-PROPOSED NAS DEVELOPMENT REVIEW COMMITTEE

COUNCILOR DIFAZIO EXPLAINED THAT HIS PROPOSAL DATED NOVEMBER 21, 2005, RECOMMENDS APPOINTING AN INDIVIDUAL TO UPDATE THE COUNCIL AND CITED A LACK OF INFORMATION AS THE PRIMARY PROBLEM. HE FEELS THAT THIS INDIVIDUAL SHOULD BE A MEMBER OF THE COUNCIL.

CHAIRMAN LEARY READ COUNCILOR DIFAZIO'S PROPOSAL INTO THE RECORD.

SOLICITOR LANE INFORMED ALL PRESENT THAT UNDER THE BY-LAWS THE COUNCIL HAS THE AUTHORITY TO ESTABLISH STANDING COMMITTEES.

COUNCILOR MATHEWS FEELS THAT WE DO NOT UTILIZE THE 10 COMMITTEES WE CURRENTLY HAVE, AS BUDGET/MANAGEMENT AND ORDINANCE ARE THE ONLY COMMITTEES WHICH MEET ON A REGULAR BASIS. HE SUGGESTS REFERRING ISSUES ON THE BASE TO THE ALREADY ESTABLISHED COMMITTEES FOR STUDY AND REPORTING BACK. HE IS LOOKING FOR MORE DETAIL IN TERMS OF HOW MANY PEOPLE ARE THEY ENVISIONING ON THIS COMMITTEE, WHO IS RESPONSIBLE FOR APPOINTING MEMBERS, AND WHAT WILL BE THE COMMUNICATION MECHANISM.

CHAIRMAN LEARY STATED THAT THE PURPOSE OF THIS MEASURE IS TO STREAMLINE THE PROCESS, NOT SIMPLY TO REFER ITEMS TO COMMITTEES. HE FURTHER CAUTIONED THAT SIMPLY BECAUSE WE MAY NOT BE UTILIZING THE COMMITTEES WE ALREADY HAVE ESTABLISHED-SHOULDN'T MEAN THAT WE SHOULD NOT CONSIDER THIS PROPOSAL.

COUNCILOR DIFAZIO FEELS THAT THE CHAIR AND VICE CHAIR OF THIS COMMITTEE SHOULD BE CHALLENGED WITH THE RESPONSIBILITY OF UPDATING THE COUNCIL ON A REGULAR BASIS. HE URGES THAT WE ACT AS SOON AS POSSIBLE SINCE WE ARE UNDER SERIOUS TIME CONSTRAINTS, AND HOPES THAT AT LEAST THE COMMITTEE WILL FAVORABLY VOTE TO

APPOINT A CHAIR AND VICE CHAIR THIS EVENING. COUNCILOR MATHEWS VOICED HIS CONCERN THAT HE WOULD NOT BE ABLE TO PARTICIPATE IN MEETINGS AS A RESULT OF THIS COMMITTEE FORMATION.

COUNCILOR SMART STATED THAT NO ONE WOULD BE RESTRICTED TO ATTEND ANY MEETINGS CONCERNING REDEVELOPMENT OF THE AIR BASE. HE IS QUESTIONING IF WE ARE INITIATING A RECOMMENDATION TO THE PRESIDENT OF THE COUNCIL OR ARE REQUESTING AN ORDINANCE CHANGE.

COUNCILOR DIFAZIO NOTED THAT AN ORDINANCE CHANGE IS NOT NECESSARY , HE IS ASKING TO APPOINT A CHAIR AND VICE CHAIR AND IS RECOMMENDING A 5 PERSON COMMITTEE-HE OFFERED TO REWORK HIS PROPOSAL TO MAKE IT IN THE FORM OF AN APPOINTMENT.

COUNCILOR SMART AGREES WITH THIS IN THEORY AND ENVISIONS THAT INITIALLY RESIDENTS SHOULD BE INCLUDED-HE ALSO FEELS THAT 2-3 COUNCILORS WOULD SUFFICE.

COUNCILOR MATHEWS VOICED HIS DISAGREEMENT WITH COUNCILOR SMART'S SUGGESTION. HE FEELS THAT THE CAC MEETINGS DO NOT ENCOURAGE PUBLIC COMMENT. COUNCILOR LEARY STATED THAT CAC MEETINGS DO NOT REQUIRE PUBLIC COMMENT-IT IS DONE AS A COURTESY. HE HAS CONCERNS THAT THIS PROPOSAL IS DONE TO THE BENEFIT OF THE COUNCIL AND CONSTITUENTS.

COUNCILOR KAY REQUESTED THAT THE COMMITTEE, IF AND WHEN FORMED, REPORT AT EACH COUNCIL MEETING.

COUNCILOR WHITAKER HIGHLIGHTED HIS COLOR FLOW CHART WHICH HAD BEEN PREVIOUSLY DISTRIBUTED. HE WANTS TO MAKE THE BEST USE OF COMMITTEES, AND FEELS THAT THEY SHOULD INTERACT CLOSELY WITH THIS COMMITTEE. OUR CURRENT COMMITTEES DO NOT MEET UNLESS ISSUES ARE REFERRED TO THEM, HE FEELS THAT WE SHOULD REFER STANDING MEASURES TO ALL COMMITTTES IN ORDER THAT THEY BE KEPT ACTIVE.

CHAIRMAN LEARY VOICED HIS CONCERN WITH MEPA NOT ALLOWING COMMENTS AS A COUNCIL, BUT ONLY AS INDIVIDUAL CITIZENS.

COUNCILOR DIFAZIO CONCURRED WITH COUNCILOR WHITAKER 'S THOUGHTS. HE FEELS IT IMPERATIVE TO APPOINT A CHAIR AND VICE CHAIR THEN REFER STANDING MEASURES TO THEM AND THEY IN TURN WILL HAVE ACCESS TO ALL OTHER COUNCIL COMMITTEES.

COUNCILOR DIFAZIO MOTIONED TO RECOMMEND THAT THE PRESIDENT OF THE COUNCIL APPOINT A CHAIR AND VICE CHAIR WITH THE GOALS PREVIOUSLY CITED-AND CHARGED WITH COMING BACK TO THE COUNCIL WITH A RECOMMENDATION AS TO HOW TO ACHIEVE THIS-- WITHIN A 30 DAY TIMEFRAME. COUNCILOR MATHEWS SECONDED. COUNCILOR WHITAKER MADE A SUBSTITUTE MOTION THAT THE TIME FRAME BE THE FIRST MEETING OF THE NEW YEAR. COUNCILOR MATHEWS SECONDED AND IT WAS VOTED UNANIMOUSLY.

COUNCILOR DIFAZIO WISHED TO REITERATE FOR CLARITY PURPOSES: BEFORE THE END OF THE YEAR THE PRESIDENT OF THE COUNCIL WILL APPOINT A CHAIR AND VICE CHAIR AND WITHIN 2 WEEKS THEY WILL REPORT BACK TO THE COUNCIL AS TO HOW TO ACHIEVE GOALS.

ALL AGREED ON COUNCILOR DIFAZIO'S SUMMATION.

WITH NO FURTHER BUSINESS TO CONDUCT, COUNCILOR SMART MOTIONED TO ADJOURN AT 9:10 PM. COUNCILOR MATHEWS SECONDED, VOTED UNANIMOUSLY.

RESPECTFULLY SUBMITTED,

DIANE T. HACHEY
RECORDING SECRETARY

APPROVED BY:

CHAIRMAN PAUL J. LEARY