

TOWN COUNCIL MINUTES
RULES COMMITTEE
Town Hall Council Chambers
January 26, 2006

Present: Kevin Whitaker, Chairperson
T.J. Lacey, Vice-Chairperson
Arthur Mathews
Gregory Shanahan
Michael Smart

Also Present: Paul J. Leary, Town Council Vice President
Jane Hackett, Chief of Staff
George Lane, Solicitor
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

Councilor Whitaker called the Rules Committee Meeting to order at 8:15 pm.

06 012 – Mandated Review of Town Council Rules and Regulations
Suggestions for Changes and/or Revisions

Councilor Whitaker stated that the job tonight is to begin the review of the rules as required under Rule 55. This must be done within 60 days of the first meeting in even numbered years.

Councilor Whitaker stated that he had encouraged Councilors to submit comments.

Councilor Mathews suggested that Diane Hachey participate in the discussion.

It was noted that the President and Vice President names and the names and dates for all Councilors need to be changed to reflect the new make up of the Council.

A MOTION was made by Councilor Smart to take this matter with each Councilor addressing his concern and was seconded by Councilor Shanahan and UNANIMOUSLY VOTED.

Councilor Shanahan stated that Rule 10 should be two rules. The first deals with Councilors speaking more than once before other Councilors have spoken, and the second speaking for more than five minutes without the leave of the Council.

Ms. Hachey stated that the front page should have the revision date on it. She stated that some of her concerns are typographical and word changes.

- The Table of Contents should list the page number where the rule is located.
- Under Rule 3, it should “longer than”, instead of longer then.
- Under Rule 8, employees should be capitalized to conform to the way other titles are set up.
- Under Rule 20, the periods should be removed as these are not sentences.
- Under Rule 26, Hearings should be changed to read “Public Hearings”.
- Under Rule 28, bold or highlight the word “regular”.

- Under the Agenda section of Rule 28, this should include citizens and Councilors to get items onto the agenda.
- Under Rule 36, meetings should read “meeting.”
- Under Rule 44, the request should be given with proper notification. This could be the same as the time frame noted in the Agenda section of Rule 28.
- Under Rule 32, change sub-committee to “committee”.

Councilor Leary suggested the following changes:

- Rule 28 – change the title in regards to Clerk of the Council as it is not this position that performs these duties.
- Rule 47 – the same issue as Rule 28.

Councilor Whitaker stated that this issue may be dictated by the Charter. Councilor Leary stated that these rules were adopted by the Council on how the Council should operate. Although these rules are not dictated by the Charter, they can not conflict with the Charter.

Ms. Hachey suggested that a rule be added that addresses how the Town Council Rules fit in with Ordinances versus the Charter. She noted that sometimes people do not understand the difference between the three. The wording could spell out how these relate to each other.

Councilor Whitaker stated that the Rules are treated as an Ordinance as long as it does not conflict with an existing Ordinance and that the Charter takes precedence over all else. Solicitor Lane agreed. Councilor Whitaker stated that something could be written to that effect such as an introduction to the Rules.

Councilor Leary stated that Rules 36 and 38 make reference to the time frame for committees to report back to the Council. He stated that these two items should be reviewed.

Solicitor Lane suggested that Rule 42 be changed to include “except as excused by the Council President”. He noted that if he could not attend a meeting where his presence was necessary he could bring in a deputy, but this would be at a cost to the legal budget.

Councilor Smart stated that when the Chamber is not in use, the request for use of the Chamber is scheduled and managed by Ms. Hachey, and approved by the Council President.

Councilor Lacey stated that Ms. Hachey’s title is Financial Analyst to the Council. Mr. Swanson’s title is Town Auditor. Lisa Van Winkle is working under Licensing as well as the Town Council. Both Mr. Swanson and Ms. Van Winkle are part time.

Councilor Whitaker noted that the Rules seem to be written one way but the Council actually operates another way. He questioned if we want to make it written the way it operates or leave it as is.

Councilor Whitaker suggested that Mr. Fryer assign Ms. Hachey as Assistant Clerk of the Council.

Councilor Mathews stated that the way things are working well right now.

Councilor Whitaker noted that there are two positions listed in the Charter; Town Clerk, and Clerk of the Council. The Town Clerk is a separate definition than the Clerk of the Council.

Councilor Lacey stated that he believed that Mr. Fryer has been appointed to both roles.

Councilor Lacey stated that it should be determined when these two appointed terms expire. Mr. Fryer should be consulted as to his opinion on this subject.

Councilor Whitaker asked if there is a stipend for the Clerk of the Council. It was noted that there is not.

Councilor Mathews suggested that under Rule 46, there should be a time frame to limit the amount of time a citizen is allowed. Councilor Whitaker noted that there is a 5 minute limit.

Councilor Mathew stated that it seemed unclear as to what is covered. Councilor Whitaker asked if changing the word “Chair” to “presiding Officer” would suffice- Councilor Mathews stated that he believed that a reference should be made specific to citizen concerns.

Councilor Whitaker stated that this evening was to review the Rules and then put any suggestions to a vote.

Councilor Whitaker stated that he believes that if the President or Vice President is not present, it should not be the Clerk who would preside. He suggested that it be the eldest member of the Council. Councilor Lacey stated that he believed it should be the more tenured Councilor who would preside. There was a question as to if this is addressed in the Charter. This will need to be looked into.

Councilor Whitaker suggested the inclusion of the feminine version of Mr. President.

Councilor Whitaker suggested that Rule 13 needs to be revised. He stated that a Councilor should not have to state the reason for abstaining or not voting on an issue. He suggested that it read that a Councilor may vote “yes”, “no”, or abstain”, and that it not be required that a reason be given for the vote. He stated that this is more in keeping with current practice.

Councilor Mathews asked if a Councilor needs to leave the room when abstaining. Councilor Whitaker stated that in abstaining from voting on minutes, it would not be necessary, but in a vote that may present a conflict of interest, it would be. However, this is a legal requirement on the Councilor, not one that necessarily needs to be addressed in the Rules.

Councilor Whitaker spoke to Rule 21. He suggested the addition of “or has submitted same in writing”.

Councilor Whitaker spoke to Rule 23. He suggested that in order to suspend the Rules, a 2/3 vote be required, which would require more than a majority. Solicitor Lane questioned if it would be 2/3 of those present or of the full membership.

Councilor Whitaker spoke to Rule 28. He suggested changing the deadline for submission of items for the agenda in order to allow for more time to review the documents in preparation for the meeting.

Councilor Whitaker suggested that anything submitted could be referred to Committee by the Council President or the Clerk.

Councilor Mathews expressed concern regarding the need for public awareness. In the past there has been concern that the Council was not keeping the public informed.

Solicitor Lane stated that the referral functions as an announcement or first reading.

Councilor Whitaker noted that the President could give a report of items referred to committees.

Councilor Shanahan stated that in terms of referral, there have been cases where there has been debate as to which committee the item should be sent to. He stated that the current practice is working.

Councilor Smart stated that he did not see the Presidency as an Executive Board.

Councilor Whitaker suggested that Rule 55 be changed to either lengthen the time frames for the rules to be reviewed and adopted within the year, and how often the rules are reviewed. It was suggested that the 60 days after the first council Meeting be changed to 90 days; and the every other year time frame remain the same.

Councilor Lacey made a MOTION to request of the full Council that Rule 55 be SUSPENDED and was seconded by Councilor Smart.

It was agreed that the review would be completed by the end of March, which would be a 30 day extension.

The MOTION was UNANIMOUSLY VOTED.

Councilor Whitaker stated that he did a review of the number of committee meetings held in 2005. He noted that he had taken this information from the Town's website. Budget/Management met 20 times; Ordinance met 7 times, Rules met 2 times, Education did not meet, Economic Development met once, Environmental did not meet Public Works did not meet, Public Safety met once, Park and Rec. met once, and Seniors did not meet. He suggested that these ten (10) committees be decreased to three (3). Budget/Management would remain, Ordinance and Rules would be combined, and the other eight (8) would be combined into Community Services.

In order to allow for participation of Councilors, an increase in the number of members for each committee would be increased from five (5) to seven (7). A quorum would be four (4). Sub-committees could be formed to look into specific issues.

Councilor Whitaker stated that Councilors should come to the next meeting with a written copy of the rule changes they propose. He stated that this way, we could vote on these in the form of measures, put them in the rules, and submit them back to the Council. If there are issues outstanding, we could take those out, and spend more time on them. In this way, the other issues can be taken care of and completed. He suggested that the proposed rules changes be submitted within two weeks. Then a meeting will be scheduled to review them.

Councilor Whitaker stated that each rule change should be on a separate document.

Councilor Smart stated that the Committees may meet more frequently with the air base proposal.

Ms. Hachey addressed the issue of the delivery of the Councilors' packets. She stated that it should be discussed with Administration or the Police Chief regarding the timing of the packet deliveries. She noted that she has the packets completed by 1pm.

At 9:45 pm, there being no further business, A MOTION was made by Councilor Shanahan to ADJOURN and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Approved by: _____
Kevin Whitaker, Chairperson