

**TOWN COUNCIL MINUTES  
RULES COMMITTEE  
Town Hall Council Chambers  
March 6, 2006**

Present: Kevin Whitaker, Chairperson  
Thomas J. Lacey  
Arthur Mathews  
Gregory Shanahan  
Michael Smart

Others Present: George Lane  
Diane Hachey

Recording Secretary: Janet Murray

Chairman Whitaker called the Rules Committee Meeting to order at 9:15pm.

**06 012-Continuation of Review of Town Council Rules and Proposals for Changes**

Roll Call Vote

Councilor Lacey noted that for the roll call vote, the rule states that members are to explain their vote. This is not practiced and he suggested that this be eliminated. Councilor Whitaker noted that this was accepted at the previous meeting.

Councilor Lacey suggested the following new rules. In regards to taking a recess; he stated that he is proposing to formally add a rule regarding recess. The reason for such a recess is clearly stated beforehand, and by a majority vote of the Council. No Council business shall be conducted while the Council is in recess. This proposal was accepted.

Motions/Resolutions

In regards to action by the Council, Councilor Lacey suggested that any proposal or proposition shall be presented in the form of a resolution and reduced to writing. The term motion shall be used to refer to the parliamentary motion and shall not be used as a substitute to a resolution. These motions do not need to be seconded to be voted on by the Council. It was suggested that the last two sentences be eliminated. Councilor Lacey agreed to the removal. This rule was accepted.

Public Hearings

In regards to Public Hearings, Councilor Lacey suggested that Councilors shall refrain from making public commentary except as needed as sponsor or for resident. Councilor Lacey stated that it is important to take public comments before making a final decision on the issue.

Councilor Mathews expressed concern regarding this rule. He questioned if a Councilor would be allowed to speak on behalf of the constituents.

Councilor Smart stated that he does not support any rule prohibiting a Councilor from making comments or asking questions.

Solicitor Lane stated that he considered this rule unduly restrictive.

Councilor Mathews suggested that Councilors speak last after all constituents have spoken.

Councilor Lacey stated that the intent is to ensure that the public is heard and that the Councilors don't indicate a position on anything that the Public Hearing is being heard on.

Councilor Shanahan questioned if Councilor Mathews suggestion would be appropriate.

Councilor Lacey agreed that this rule may need some more work. He stated that he would like to ensure that the Public Hearing process is part of the decision making process before a Councilor votes.

Councilor Whitaker stated that he did not agree with not questioning the witness at the Hearing. He stated that in trying to legislate good manners, this could create other problems.

Councilor Lacey withdrew the proposed rule from consideration at this time and review will occur at a later date.

Councilor Lacey also stated that he had withdrawn a proposed rule regarding appointments by the Mayor.

### Citizen's Concerns

Councilor Lacey questioned the deadline for Citizen's Concerns and Communications from the Mayor. It was decided to leave this as is. It was noted that this is more of an issue of enforcement. It was also noted that when something is submitted past the deadline, it is left to the discretion of the President as to whether to allow the item on the agenda.

### Committee Reports

Councilor Lacey stated that the next four rules look to put some framework around specific reports, updates, accounts, and work that the Mayor's Office has completed in regards to Public Works, Public Safety, Ordinances, and Economic Development. The rule suggested is to add some specific matters to have a report back on a formal basis to the Town Council on that Committees work, with correlation of this work to the Committee that the work falls under. It is intended to have the Committees work be proactive in search of this information, rather than wait

on Administration's report. This rule would spell out issues specifically related to each Committee.

Councilor Lacey suggested that the Committees need to work above and beyond referrals; specifically issues affecting the Town.

Councilor Lacey stated that the Committee would report back on work related to issues under the Committee's purview – when information is available from Administration and not necessarily just referrals. He noted that this is for guideline purposes and is not meant to be a limitation. It would layout the objectives and responsibilities of the Committee.

Councilor Whitaker suggested that referrals be made as to specific issues to be reviewed by a specific Committee.

Councilor Smart suggested that these rules be incorporated into Rule 31.

Solicitor Lane stated that the wording could be “these suggested parameters for consideration by each of the following Committees, as guidelines, are as follows.”

Councilor Whitaker stated that he would incorporate this into Rule 31 and call a Rules Committee Meeting prior to the next Town Council Meeting to ensure that all Councilors are in agreement.

### Ordinances

Councilor Lacey stated that this rule was to formalize what Solicitor Lane is currently doing.

Solicitor Lane stated that this would be an organizational change. An ordinance dictates a Town Solicitor's job. He took exception to the last line as to the use of the word “carefully”.

Councilor Lacey disagreed that this was an organizational change. He apologized if the use of the word carefully implied that Solicitor Lane had not been careful in his work. He stated that this rule is not meant to be directed at Solicitor Lane. He noted that the intent was to formally add the steps a Solicitor would take under any proposed ordinance and advise the Council.

Solicitor Lane questioned the need for the rule as items are referred to the Solicitor anyway.

Councilor Whitaker proposed that language might read “before final passage a copy of each proposed ordinance shall be submitted to the Town Solicitor for review. The Town Solicitor shall examine all proposed ordinance and advise the Council.”

Councilor Lacey withdrew this proposed rule.

### Quorum

Ms. Hachey questioned a change to Rule #35. She suggested deletion of the second sentence beginning with majority and split this into two rules. The new rule would determine what defines a quorum. Councilor Whitaker stated that the Charter requires that a quorum is defined as a majority. Ms. Hachey withdrew this suggestion.

### Rule 46

Ms. Hachey suggested splitting this into two rules; first addressing individuals coming before Council and separating out Citizen Concerns. Councilor Whitaker stated that this provision was made for this under the Agenda portion of the Rules.

Councilor Mathews stated that an issue to be addressed needs to be submitted in writing in the same timeline as the Councilors and Administration.

Councilor Whitaker stated that the work of a citizen's concern be referred to a Committee and addressed in that forum. The Committee would then report back to the Council. He suggested that a timeframe be instituted for submittal of written materials by 10am on the Thursday before the meeting.

### Rule 55

Solicitor Lane stated that he suggests omitting this rule. In attempting to determine what applies and does not is complicated and open to interpretation.

Councilor Whitaker stated that if a question arises as to legal precedence it would be referred to the Legal Department.

Franklin Fryer stated that under the Agenda portion of the Rules, all items to be submitted should be submitted to the Town Clerk's Office. He also stated that the date should be included.

Councilor Whitaker stated that there is a concern that this will create another layer of documentation. He noted that Mr. Fryer is both the Town Clerk and Clerk of the Council. He suggested that Ms. Hachey be made the Town Clerk's designee.

It was noted that the document would need to have a stamp from both the Clerk's Office and the Town Council Office.

Councilor Shanahan suggested that Ms. Hachey work out the details in conjunction with the Town Clerk's Office.

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Councilor Smart suggested that the page numbers be listed in the index.

Councilor Whitaker stated that the Committee would meet one half hour prior to the next Council Meeting to finalize any details.

At 10:45pm, there being no further business, A MOTION was made by Councilor Lacey to ADJOURN and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

Approved by: \_\_\_\_\_  
Kevin Whitaker, Chairperson