

TOWN OF BRIDGEWATER



OFFICE OF THE TOWN COUNCIL

APPROVED R+P Meeting Minutes
Meeting Date: 5/22/17
Vote approved 6/26/17 (3-0)

Rules & Procedures Committee Meeting Minutes Meeting Date: 5/22/17

Committee Members Present:

- ☒ Aisha Losche, Chair, District 1 Councilor
- ☒ Tim Fitzgibbons Member, District 2 Councilor
- ☒ Bill Wood, Member, District 6, Councilor

Committee Chair Losche called the meeting to order at 7:35 pm.

Citizens also in attendance:

- Sam Baumgarten
- Marilee Hunt
- Carlton Hunt
- Dennis Gallagher
- Frank Sousa

Motion: A motion was made by Councilor Fitzgibbons to approve minutes. The motion was seconded by Councilor Wood.

A voice vote was taken and the motion passed 3-0.

Charter Review:

Public Input Session:

Committee Chair Losche, explained her interest in hearing from citizens with additional comments this evening. Councilor Fitzgibbons explained; this is a Rules and Procedures committee meeting and there are two additional councilors in the audience. Mr. Fitzgibbons will not engage in any debate or deliberation with the Councilors in the audience to avoid any potential open meeting law violation. Councilor Wood noted the Open Meeting Law has been passed out and his understanding is that questions and facts are okay and stating opinions is okay, but the committee will not engage in opinions.

Dr. Carton Hunt took the podium and offered an explanation relative to the Open Meeting Law.

Mrs. Losche explained she has a presentation that will help keep them on track.

Ms. Marilee Hunt asked if the changes included removing the 14-day requirement from the budget posting. Mr. Wood responded; that had not been changed and noted it should read, "within 14 days".

Motion: A motion was made by Councilor Wood to change it to read "within 14 days". The motion was seconded by Councilor Fitzgibbons.

A voice vote was taken and the motion passed unanimously.

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Dr. Hunt referenced a list of edits he would like to see made. Councilor Fitzgibbons requested the list so the committee can take it under consideration.

Dr. Hunt pointed out the change relative to the Town Manager and Finance Director to move small amounts of money within budgets is now captured as allowed by MGL. However, it's not clear what the allowable amount. Mr. Fitzgibbons explained MGL may change from time to time, so rather than having to change the charter every time the MGL changes that's why it references the law. Dr. Hunt disagreed with the change. Ms. Hunt suggested perhaps a footnote could be added to change with the law? Mr. Fitzgibbons suggested they may ask the Town Attorney.

Councilor Fitzgibbons suggested perhaps a table summarizing the changes would be helpful including: what it was, what the change is and why.

Dr. Hunt continued to point out concerns: page 7 line 26: Prohibitions – elected charter commission membership. It's not used or defined. Mr. Wood responded the elected charter commission is defined at the state. Dr. Hunt feels it should still be defined in the charter. Page 24, lines 14 – 16: the past practice has been to give budget 2/1. Mr. Fitzgibbons explained we don't even know what the school is going to ask for until March. He asked Dr. Hunt if his preference would be to see the Town Manager present a "needs based" budget to the town realizing it will be out of balance? Dr. Hunt responded "absolutely". Mr. Wood pointed out page 27 line 20 hasn't changed. At a certain date, the Town Manager has to hand the Council Clerk the budget. As soon as that happens, the Council has 45 days to act or change. If the budget is submitted too early, it creates uncertainty in the March time period. Dr. Hunt noted he feels the Finance Committee role is not well defined. Finally, Dr. Hunt noted page 13, compensation/expenses, he would like the committee to consider the library trustees get a stipend.

Remove Term Limits for Councilors:

Councilor Losche explained the rationale is that we have a lot of great volunteers in town and they should be able to volunteer as long as they wish.

Ms. Hunt is opposed to term limits. If the person is in the seat and not doing a good job, the voters can vote them out.

Stipends for Councilors:

Councilor Losche explained the recommendation is \$3,000. It wouldn't take effect until 3 years from the date of acceptance.

Mr. Gallagher stated the Charter Review Changes will be voted on by the voters, not the Council, therefore he doesn't think there needs to be a 3 year wait.

Ms. Hunt is in favor of a stipend. Councilor Fitzgibbons asked Ms. Hunt if she felt \$3,000 is a good number. Ms. Hunt responded she is just taking a general position, but could do a calculation based on the cost of a babysitter. A brief discussion continued, while the committee considered coming up with a calculation for the stipend. Dr. Hunt noted he voted against it in the Charter Review Committee and is still against it, however, may change his mind if he understood why. He noted the committee should seriously consider separating this (question) out. Mr. Gallagher noted in most towns Selectmen and Councilmen get paid. He thinks \$3,000 is probably low, but it's something to start with. He asked how the number would get changed in the future. He also asked for clarification on other Town benefits. Does this qualify as a Home Rule Petition? Councilor Wood agreed the committee should check on the three year wait if that was a legal issue.

Mr. Baumgarten asked if the Selectmen get stipends. Mrs. Losche responded, "yes".

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Finance Committee:

Mrs. Losche explained the rationale; Finance Committee has a very difficult time making a quorum.

Now we are suggesting we set the membership by ordinance.

Dr. Hunt thinks the ordinance should be drafted.

Ms. Hunt is in favor of the ordinance but would like to see some type of equity kept with the appointment process. Perhaps make it three people, each appointed by each entity. She has appointed two people to the since being on the job. Councilor Wood understands why people might have wanted the equal representation, however, he is more concerned with being able to fill the seats. The committee has considered a couple of different versions which look at "quorum" differently or having alternates.

Town Clerk – Appointed vs. Elected:

Mrs. Losche explained the change making the Town Clerk appointed was recommended by the Town Government Study Committee (TGSC), Charter Review Committee (CRC) and Rules and Procedures.

Councilor Dennis Gallagher spoke stating he understands why the initial TGSC recommended appointed. He also recommended appointed on CRC. However, once he was elected councilor, he now has a different perspective. Keeping the position elected ensures people from the community are in the position. It's good to see a familiar face in Town Hall. Mr. Gallagher acknowledged the position is technical and the person filling the role needs to understand the law. But he has confidence that someone will step up that may not have the experience, but may be able to learn. That position is the eyes of the town. Mr. Gallagher also believes it should be a separate question on the ballot. He would hate to see all the changes not pass because of one controversial question. Finally Mr. Gallagher asked; If it's appointed; what's the appointing mechanism?

Mr. Baumgarten's feelings haven't changed. He feels a little more removed every time we take a position away from a direct vote. He would like to see the position remain elected.

Councilor Losche showed slide for appointment reminding the audience that the CRC recommended an appointed Town Clerk to be appointed by Town Council with protections that assure independence. Councilor Wood showed a job description from Welfleet.

Dr. Carlton Hunt spoke, noting he voted for an appointed Town Clerk when he was on the CRC. He also voted for it at Town Meeting, but didn't have a full appreciation for the position. Dr. Hunt stated he is opposed to an appointed Town Clerk at this time. He feels the position should be independent. Dr. Hunt expressed concern over certain things in Town that don't go through proper process.

Councilor Wood pointed out; all town employees have access to legal representation.

Councilor Fitzgibbons wondered if the position became appointed, would the Clerk become part of the steelworkers union and have those protections?

Ms. Hunt spoke noting she did not make the assumption that it would be a unionized position stating it is a horrifying thought. Ms. Hunt has known employees who have received no support from union. He thought it would be outside the union. Ms. Hunt spoke about a scenario where she sought procedural

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guidance from the Town Manager, then, called Attorney General (because she was unsure the direction was correct) and found out what was really supposed to be done. It made her understand how this position should be independent. Ms. Hunt thinks reporting to the Town Council would be very difficult. Having nine bosses would be very difficult. Spoke about the Town Clerk's Association as a great resource.

Councilor Sousa agrees with Ms. Hunt. The position should be elected. He also asked what performance evaluations are in place?

The discussion turned to other positions which people felt shouldn't be appointed. Those positions mentioned were:

- Treasurer/Collector
- Planning Board
- Board of Assessors

Ms. Hunt pointed out that there are some positions that have MGL mandates.

Dr. Hunt thinks it is incumbent on this committee and Town Council to examine those positions in the charter that specifically say should not have a supervisor over that position; specifically the Building Commissioner. Councilor Fitzgibbons asked if the suggestion was that the Building Official shouldn't have a supervisor other than the Town Manager? Ms. Hunt responded she believes MGL says its part of Public Safety.

Councilor Wood noted for the record, every time he asks about charter changes. Response is "this form of government <expletive>". Mr. Wood then walked through bullet points on "Menu Options". Councilor Gallagher stated he also hears the same comments as Mr. Wood.

Discussion then turned to menu options. Mr. Wood is not in favor of menu options, though he many want the elected Town Clerk. He is willing to lose the charter changes because people want to keep the elected town clerk. Once you put menu items up there you may as well put 10 or 12 items up there.

Councilor Fitzgibbons stated he needs to process all that's been discussed.

Councilor Losche understands Mr. Wood's all or nothing opinion, but would hate to disregard the other pages for one question. She is not opposed to menu items.

Discussion continued briefly around the menu options, and process going forward. Councilor Wood clarified what we've edited so far can't go before the voters as is. We still need to have a ballot question drafted.

Reviewing Ordinance for Vacant & Abandoned Building:

The committee took no action on this item.

Motion: A motion to adjourn was made by Councilor Losche. The motion was seconded by Councilor Fitzgibbons.

A voice vote was taken and the motion passed unanimously.

The meeting adjourned at 9:55 p.m.