



**TOWN COUNCIL
Charter Review Committee
Selectmen's Conference Room**

**Thursday January 7, 2015
MEETING MINUTES**

Vice President Ann Canedy
Councillor Jennifer Cullum **Chair**
Councillor Will Crocker Jr.
Councillor Frederick Chirigotis **Vice Chair**
Councillor Paul Hebert

I. BUSINESS

A. Roll Call:

Members present: Chair of Committee Councilor Jennifer Cullum;
Councilor Paul Hebert; Councilor Will Crocker; **Also present:** Ruth Weil, Town Attorney; Cynthia Lovell, Administrator to the Town Council; Jessica Rapp Grasseti, Town Council President.

Councilor Hebert for point of clarification asked about the Town Council President's status on Committees, Councilor Hebert asked if the Town Council President sat on all the Committees. President Jessica Rapp Grasseti answered Ex Officio capacity.

Chair of the Committee opened the meeting at 5:30pm for Public comment, seeing none;
Committee Response to Public Comment: none; Public comment was closed at 5:35.

Motion made by Councilor Will Crocker to accept the meeting minutes of December 3, 2015
Seconded by Councilor Paul Hebert. All members present voted in favor of accepting the meeting minutes of December 3, 2015 as written. Chair of Committee moved onto to the next Item which was to discuss again the Charter Objection language.

Attorney Ruth Weil talked about the language she had tried to develop regarding the Charter Objection. (See insert in bold)

Chapter C. Charter of the Town of Barnstable

PART II. Legislative Branch

Section 2-8. Measures; Emergency Measures; Charter Objection.

(a)

In General. No measure shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property. Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of thirty days after adoption or at any later date specified therein. Measures not subject to referendum shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum procedures.

(b)

Emergency Measures. An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-

thirds of the town council. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by the laws of the Commonwealth, no such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. An emergency measure shall become effective upon adoption or at such later time as it may specify.

(c)

Charter Objection. On the first occasion that the question on adoption of a measure is put to the town council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the town council whether regular or special. If two members shall object, such postponement shall be until the next regular meeting; but for an emergency measure at least four members, in all, must object. This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendment to the original matter.

(Below is the old language)

Before taking a vote on any measure the town council president or councilor acting as the presiding officer shall ask if there is a charter objection to the measure. A charter objection shall have privilege over all motions but must be at the call for a vote by the presiding officer and all debate shall cease. Where the presiding officer rules that a postponement as a result of a charter objection would defeat the measure, the charter objection shall be deemed out of order. [Changed by legislative action dated August 3, 1995]

Councilor Will Crocker made a suggestion to the language: If the Charter Objection would interfere w/timely execution of the measure, then it would be deemed out of order

(d)

Publication of Measures. Notice of every proposed ordinance, appropriation order, or loan authorization, except emergency ordinances provided in section 2-8(b), shall be published once in a local newspaper, and in any additional manner as may be provided by ordinance at least ten days before its final passage. Upon final passage, notice of every ordinance, appropriation order, or loan authorization shall be published in a newspaper of general circulation within the town and posted on the town bulletin board. Any such publication notice required shall state the summary of the proposed or finally enacted ordinance or ordinances and the times and places at which copies of such ordinance or ordinances may be obtained or reviewed by the public.

Attorney Ruth Weil discussed that she researched other towns and municipalities regarding to the Charter Objection language, Winthrop and East Hampton had some language that may address some of the Committees concerns. If we are going to try and clean up the language some, but to try and determine the situations that a Charter Objection might be used was very hard for me to list all the scenarios and what ifs. Attorney Ruth Weil discussed the process of Charter Objection language from Winthrop. They also have the Charter Objection, but only allow 1 person 1 time and then its continued to the next meeting, it gives you the opportunity to delay the issue, but if the President decides to schedule a special meeting to handle the Charter Objection, so if it's a measure that is going to kill by the Charter Objection, then there is still time to save it. That would be one approach; it does not have that provision where it is moved to the next regular meeting, which is depriving the legislative body of the ability to hold a special meeting and this is where the item is typically defeated because the next Town Council

meeting is in 2 weeks and time constraints do not allow the two week delay, so putting this provision in would take care of time sensitive issues.

Chair of the Committee Councilor Jennifer Cullum asked if this provision was in place in our Charter back when the Golf Course was a time sensitive issue with deadlines, would this provision helped the town at all from the financial fallout that happened, Attorney Ruth Weil said yes, because it would have allowed the Town Council President at the time to call a special meeting to handle the issue before the expiration of the agreement. Is part of it a timely issues with us at the Council level, are things not moving quick enough, or are the items not being given to us in time, what causes the delay in these item that ultimately cost the town money. Attorney Ruth Weil stated no it has nothing to do with the Council, with any real estate deals there are deadlines and variables come up with items and that is how she believes it happens. Some purchase and sales agreements have flexibility others do not. Attorney Weil said Newton just amended their Charter through the legislative process, and when they did this they kept the language of Charter Objection in their Charter. There are a lot of communities that have this in their Charter, and other Communities have eliminated it or never had the language in their Charter. The Charter Objection is basically a parliamentary tool.

Attorney Weil spoke about East Hampton and their Charter, has one person move the item to the next meeting, but if there are 4 members that object, then the item is postponed for an additional 5 days. Councilor Crocker asked if we knew the size of their Council. Attorney Weil stated that Newton has she believes 24 members.

President Rapp Grassetti asked what the change was in 1995. Attorney Ruth Weil stated that for the second objection you had three Councilors, and then it was reduced to two Councilors, which made it easier to have this process of the Charter Objection used.

Councilor Hebert asked when the Charter Objection is used to delay a vote and costs the town more money, that is an issue, is there a possibility of a Charter Objection that causes that type of difficulty for the town, it would be the privilege of the Town Council President to let the body know that an objection to that particular item could increase the cost to the Town, could the President make that statement at that meeting when the Charter Objection was called? Chair of the Committee Jennifer Cullum answered you would have to have the Charter Objection called, and then somehow obtain the information for the President to make that sort of statement. Councilor Hebert said when he used the Charter Objection it did not cost the Town any money, all that I did was generate conversation, but if there is an instance that we know this is going to cost the town money why can't the Town Council President say that, we have the information in front of us as far as the Item description, anyone on the Council could say this, it does not have to be the Town Council President. Councilor Will Crocker asked when is the Charter Objection made, at what point in the discussion. Chair of the Committee answered after the Council President calls the question.

Attorney Ruth Weil handed out the language regarding Charter Objection. Chair of the Committee liked the Winthrop model; Attorney Ruth Weil commented that it's subjective. All of recommendations up to this point are just that recommendations, this is the best we have been able to come up with, but certainly will entertain and suggestions from the other members of the Council members regarding this before it finalized.

A motion was made by Councilor Will Crocker to move forward to the full Town Council for further discussion the Winthrop language regarding the Charter Objection. Councilor Paul Hebert seconded that motion, all members present voted in favor or accepting the language in the Winthrop Charter pertaining to Charter Objection.

The Chair of the Committee moved onto the membership of at large members to be put on this Committee. The Chair of the Committee asked those present to go back to their Civic Association

members and ask for a couple of names of resident with experience maybe in this area, or that is just interested in participating on this Committee.

Councilor Hebert asked if there was still an interest in a workshop environment. The Chair said as soon as the Committee gets some of the at large members on as well as some of the other Councilor opinions on the language, then once all that is accomplished there will be an opportunity for a working workshop. Chair of the Committee asked for 4 at large members to be considered.

The Committee Chair asked about the term limit language, Attorney Ruth Weil said she remembered the discussion on the 12 year language, Councilor Hebert mentioned he is coming up against this very issue himself because he 4 year term 4 year term and I have done 2 already, so that is a 10 year serve but the next time would be 4 year but that would put me over, so

Councilor Hebert would like to have some discussion on our Town Manager and our role in dealing with the position and all that we have suffered in the recent hiring and extensions and contract. He said he does not understand or have a clear role on how to select and keep that process open. Chair of the Committee asked Councilor Hebert to consult with legal on how to craft that Item on the Agenda for next time.

Attorney Ruth Weil asked that when this Committee does its final presentation to the full Council you may want to ask the other members if the Council at that time if there was any other provisions in the Charter they had concerns with that maybe going forward you may be able to solve.

I know Councilor James Crocker had a problem with Article 8, the free petition section, it is awkward because of the merits of the petition, and now that she has identified some of the other towns and cities have language with regards to this and would be happy to research this for the Committee members.

Motion made to Adjourn by Councilor Hebert, seconded by Councilor Will Crocker all members voted in favor of adjournment 6:55pm

NEXT MEETING: February 11, 2016 5:30pm

ADJOURNED: 6:55pm