

CHARTER REVIEW COMMISSION WORKSHOP MEETING
APRIL 7, 2010 – 6:30 P.M.

Chairman Joseph Pappalardo called the Charter Review Commission meeting to order at 6:30 p.m. with all members present, with the exception of Maureen Donovan. Dennis DiZoglio and John Cronin arrived at approximately 7:00 p.m. Everyone stood for the Pledge of Allegiance

Acceptance of Minutes - February 17th and March 11th

MOTION BY: Dorothy Kalil, seconded by Robert Vogler to waive the reading and accept the minutes. UPON VOTE: 5 yes, 1 present (Mr. Vogler)

Treasurer's Report

Mr. Pappalardo read the Treasurer's report – available balance is \$4,770.65

MOTION BY: Mr. Vogler, seconded by Ms. Grondine to accept the Treasurer's report. UPON VOTE: UNANIMOUS.

Public Participation

Jack Burke, 49 Canobieola Road, Methuen requested that the Commission review the plan E form of government. There are only two cities in Massachusetts that have them: Cambridge and Lowell, working successfully for 30 plus years. Plan E has a professional administrator and a Mayor who is the head of the City Council.

Mr. Vogler asked that the Chair send a letter to the City Clerk in Lowell asking for a copy of their charter for the commission's next meeting. The Chair agreed to do so.

Michael Beiweiss, 45 Washington Street, urged the commission to consider having our elections use some sort of preferential voting, also known as instant runoff voting, instead of just checking off a candidate. Voters would rank the candidates by first, second, third, and so on choice. In a multi candidate election if no one candidate gets a majority, instead of holding a runoff election you can just jump to the second choices and use those to determine the election. He noted that he gave some literature on this to a few of the city councilors and would forward information to anyone on the commission who is interested. This could potentially save the city a lot of money in runoff elections. For example, this year when we had the three way Mayoral race, if we had instant runoff voting we would not have had to petition the state legislature to do away with the primary.

Mr. Vogler suggested inviting the Mayor, the City Council and School Committee to the next meeting in order to get their input on the Charter and possibly email boards and commissions to provide input. The next meeting is April 21st at 6:30 p.m.

Ms. Grondine referred to **Article 2, Legislative Branch, section 2-3 composition**, page 3, where it says the city council shall by ordinance establish an annual salary and expense allowance for its members, she suggested adding language "no other compensation or anything of value will be allowed".

Members continued reading and review of the Charter (suggestions are listed)
Beginning with Article 4 (page 10) School Committee Section 4-1 Composition;
Eligibility; Election; Term

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Section 4.2 Organization - Suggestion made to strike election of Chair (Mayor is automatically the Chair when he/she is elected) and leave in election of Vice Chair and Secretary (Mayor serves as ex-officio Chairman)

Section 4-3 General Powers and Duties – suggestion made to insert Charter Objection provision similar to the City Council – get language from the City Solicitor. Also suggested, to obtain copy of the current statute as the law changed dramatically as to whom the School Committee members may appoint. It is mostly in the hands of the Superintendent.

Section 4-5 Prohibitions. It was noted there is no salary for the School Committee and to insert the language “no other compensation or anything of value will be allowed”.

Section 4-6 Filling of Vacancies – A suggestion was made to change the last sentence to read No vacancy shall be filled, in the manner hereinbefore provided, if a regular City election is to be held **within four months** following the date the vacancy is declared to exists. (The current charter reads 120 days)

Section 4-7 (a) Budget Hearing – A suggestion was made that, in addition to being published in the media, the budget should be published on line. Mr. Vogler will speak with Glen Fratto about the possibility of including an online concept of the school budget.

Section 5-1 Submission of Budget; Budget message – Discussion on the submittal process, itemized details within a budget book, broken down by each school, format used for submittal to the City Council. It was noted this is a duplication of work that is unnecessary. This is governed by state statute. Revisit language

Section 5-2 Action on the Budget (a) Public Hearing – A question was raised as to whether or not this is being done – suggestion to change the word “**shall**” publish.

(b) Adoption of the Budget – Discussion relative to the 45 day time frame for adoption of the budget, past submittal dates, and whether or not to include a specific date such as the last day in June (end of the fiscal year).

Section 5-3 Capital Improvement Program (c) Public Hearing – A suggestion was made to review the language, firm up the language, and to check with the Mayor to see if this is being followed. If not, remove the language.

(d) **Adoption** – It was noted that no one is notified ahead of time on the C.I.P. Council does not vote on it separately. It is part of the budget process.

Section 5-4 Annual Audit of Department Heads – A suggestion was made to add the word “certified” accountant in both paragraphs.

Article 6, Section 6-1 Reorganization Plans by City Council; Section 6-2 Reorganization Plans by Mayor Brief discussion – it was noted that the Council has to vote on any reorganization plan

Section 6-3 Publication of Reorganization Plan – A suggestion was made that this also be posted on the website of somewhere visible to the public

Article 7 Nominations and Elections Section 7-1 City Elections; General and preliminary – A suggestion was made to hold elections in the spring. It was noted they tried holding elections in the spring, at one time a Saturday election, and voter turnout was not good. Citizens are in the habit of voting in November or September.

Section 7-2 Preliminary Election – (a) Signature Requirements – A suggestion was to change the language from “not less than one hundred and fifty not less than fifty

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from each of the three districts” to **100 signatures required at large** (town-wide) to be more flexible to get on ballot.

(b) Ballot Position - A suggestion was made to have “Veteran” designation included on the ballot next to those candidates that are Veterans

(c) Determination of Candidates for Election – suggestion made to simplify language in the first and third paragraphs.

Section 7- 3 Regular Election (b) Ballot Position – suggestion mad to add “Veteran” designation to candidates-‘s name

Section 7-4 Precincts and District – A suggestion was made to change the word precinct to “ward” (review Marilyn Freeman’s notes and suggestions relative to resolution or ordinance footnotes) this section refers to Resolution #1473

Section 8-2 Citizen Initiative Measures (c) Initiative Petition; Requirements for Passage and Submission to Electorate – A suggestion was made to perhaps lower the percentage of the total number of voters from ten percent to five or seven percent requirement. It was noted that ten percent is very hard to do. The committee discussed procedure (as it pertains to submittal of the petition and gathering signatures) and perhaps changing it so that the Solicitor reviews the initiative petition first, prior to signatures, to avoid time expended gathering signatures and then finding out it cannot be done. It was suggested that a Councilor or Councilors request the language from the City Solicitor at the request of a citizen. It was noted that this could cause a problem/conflict if the Solicitor drafts the petition and has to defend its contents or the city’s position on said petition in the future. It was also noted that people shouldn’t be able to come and request that he draft legal documents. Petitioners should have the opportunity to draft the petition themselves to be reviewed by the City Solicitor.

A suggestion was made to eliminate the fact that the form has to come from the City Clerk’s office (as stated in paragraph 3 of this section). Also eliminate the word final passage as it pertains to gathering signatures. Signatures cannot be gathered until 20 days after a final vote on an item, which is very difficult to do. Suggested going back to the former wording. A suggestion was made to list prohibitions to referendum petitions.

Section 8-4 Submission of Proposed Measure to Voters – Discussion on items that may be petitioned for referendum and cannot be put on referendum. A suggestion was made to list prohibitions to referendum petitions rather than listing it at the back of the Charter.

(Page 19) wording should be made easier for voters and people in the community

Section 8-6 Recall Petitions (b) Recall Petition – Discussion on number of signatures required to recall an elected official (50% of the highest votes) – a suggestion was made to only have to obtain 50% of the person being recalled. For example highest votes 4,000 – individual recalled 1,000 votes. (Huge difference in the required number of signatures)

(At the next meeting, members will continue review beginning page 25, Section 9-12 Definitions)

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OTHER BUSINESS FROM COMMITTEE

The members discussed funding and cost estimates received, publication requirements, and the possibility of filing a Home Rule Charter to forgo the expense of printing and distribution. Mr. Cronin updated the members of a discussion he had with the Mayor regarding funding. Mr. Pappalardo updated the members of a conversation he had with Senator Baddour and the Mayor relative to the Home Rule Petition. It was noted that with the upcoming budget deficit, the problem they are faced with is appropriation of adequate funding. It is an important issue and voters should be able to read something before voting. Alternate suggestions of distribution of the charter changes were made, such as the library, website, city hall, online with the Eagle Tribune, an insert in the newspaper, the senior center or a notice with the tax bills stating where the amended charter is available for review.

Chairman Pappalardo read into the record the letter he received from the City Solicitor dated April 7, 2010 regarding preparation of a Home Rule Charter. Further discussion on the Home Rule Charter, future meetings, televising meetings (using volunteers) and getting the information out to the citizens and every household. It was the consensus of the committee to invite the Mayor to the next meeting and also try to obtain costs for printing and distribution from local printing companies (such as Munro Graphics, Vogel Printing, Ben Franklin printing).

The next commission meeting will be held on April 21, 2010 at 6:30 p.m. in the Great Hall, Searles Building.

Meeting adjourned at 8:45 p.m.

Submitted by
Linda Gagnon, Public Recorder