



Town of Dartmouth

400 Slocum Road
Dartmouth, MA 02747

Board of Selectmen

Select Board Members Present:

Michael P. Watson-Chairman
Lara H. Stone-Vice-Chairwoman-Absent
William J. Trimble

Joseph Michaud
Shawn McDonald

The Chairman called the public meeting to order at 6:30 p.m. on August 29, 2011 in room 304.

Board members signed the **warrant(s)** for the following bills from various departments in the amounts of:

| | | | | | |
|-------|--------------|-------|--------------|--------|--------------|
| M1207 | \$1,634.35 | PR07 | \$368,623.91 | PD1207 | \$200,192.37 |
| D1208 | \$299,148.81 | T1208 | \$92,230.89 | | |
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Public Hearing on the Town's Charter Review Committee recommendations.

The Chairman opened the public hearing.

Chris Garth, Chairman of the Charter Review Committee, briefed the Board on the proposed Charter Amendments.

Article XX: First Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendment to the Town Charter, which shall take effect on July 1, 2012:

That the words "and a town agent" be deleted from Section 3-1.

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Shawn McDonald and seconded by Selectman William Trimble, it was voted unanimously to recommend.

Article XX: Second Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendment to the Town Charter, which shall take effect on July 1, 2012:

That a new Subsection 2-14(h) be established, which shall be entitled "Electronic Voting" and which shall consist of the following language:

"All votes of the Town Meeting shall be counted and recorded using portable electronic devices, such that the vote of each Town Meeting member is recorded individually and that a record of all such votes shall be retained and made available to the public. In the event of a technical failure with this electronic voting system, votes shall be taken by voice count as determined by the moderator, unless a secret ballot is requested, and provided that this determination may be challenged through a request for a teller vote."

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Shawn McDonald and seconded by Selectman Joseph Michaud, it was voted unanimously to recommend.

Article XX: Third Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendments to the Town Charter, which shall take effect on July 1, 2012:

That Section 4-2 be retitled as "Appointment Procedures"; and

That the current language of Section 4-2 be retained within a new Subsection 4-2(a), which shall be entitled "Merit Principle"; and

That a new Subsection 4-2(b) be established, which shall be entitled "Submission of Qualifications", and which shall consist of the following language:

"The Executive Administrator shall make available to the general public a means for

submitting a statement of interest and qualifications for appointment to any appointed board, committee, commission, task force or other programs/activities for which the town is seeking volunteers. The Executive Administrator shall retain submissions of any person expressing an interest in serving in a town office position for at least 2 years from the time of submission and without regard for the current status of said town offices or positions.”

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Shawn McDonald and seconded by Selectman Joseph Michaud, it was voted unanimously to recommend.

Article XX: Fourth Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendments to the Town Charter, which shall take effect on July 1, 2012:

That the following sentence be added to the end of Subsection 3-3(a):

“The members of the School Committee shall be elected in single-member office elections, in which the candidate who obtains more votes than any other is elected (first-past-the-post/plurality victory).”; and

That the following sentence be added to the end of Subsection 3-7(a):

“The members of the Board of Library Trustees shall be elected in single-member office elections, in which the candidate who obtains more votes than any other is elected (first-past-the-post/plurality victory).”

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Joseph Michaud and seconded by Selectman Shawn McDonald, it was voted unanimously to recommend.

Article XX: Fifth Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendments to the Town Charter, which shall take effect on July 1, 2012:

That Section 3-5 be deleted; and

That Section 3-9 be deleted; and

That the words "a cemetery commission" be deleted from Subsection 3-1(a) and replaced with "a Parks and Recreation Board"; and

That the words "a board of park commissioners" be deleted from Subsection 3-1(a); and

That a new Section 3-5 be established, which shall be entitled "Parks and Recreation Board", and which shall consist of the following language:

"(a) Election, Composition, Term of Office – There shall be a Parks and Recreation Board, which shall consist of five members who shall be elected for terms of three years each. The terms of office shall be so arranged that as nearly an equal number of the terms of office of members as is possible shall expire each year. At the first election only of the members of the Parks and Recreation Board, two members shall be elected for a full three-year term, two members shall be elected for a two-year term, and one member shall be elected to a one-year term. The members of the Parks and Recreation Board shall be elected in single-member office elections, in which the candidate who obtains more votes than any other is elected (first-past- the-post/plurality victory).

(b) Powers and Duties – The Parks and Recreation Board shall have all of the powers, duties and responsibilities that are now, and from time to time, vested by general law, special law, regulation or by-law in the following types of public bodies: Board of Cemetery Commissioners, Board of Park Commissioners, and Recreation Commission. The Parks and Recreation Board shall be, in all respects, the lawful successor of these public bodies, which shall cease to exist within the Town upon the swearing in of the first elected members of Parks and Recreation Board.

The powers and duties of the Parks and Recreation Board with respect to public cemeteries shall include, without limitation, the sole care, superintendence and management of such public cemeteries within the Town, the laying out of any existing public cemeteries within the Town and any land that is acquired by the Town for that purpose, the maintenance and upkeep of these public cemeteries, and the conveyance by deed of lots for burial purposes within these public cemeteries.

The powers and duties of the Parks and Recreation Board with respect to parks and park land shall include, without limitation, the acquisition, whether by gift, purchase or eminent domain, and subject to any necessary appropriation, of land within the Town limits for the creation of a public park, the laying out and improving of public parks, the promulgation of rules for the use and governance of such parks, and the maintenance and upkeep of such parks."; and

That the phrase "a Director of Parks and Recreation," be inserted prior to the phrase "a town counsel" in Subsection 3-2(d); and

That, in the event that the voters approve the revisions to the Charter that are found in warrant article XX, the entries in the new Section 4-6 chart for the Superintendent of Parks and for the Director of Recreation be deleted, and the following entry be added to the chart:

| Position | Minimum Screening Committee Composition | Respond to Direction Of: | Policy Guidelines Set By: |
|----------------------------------|---|--------------------------|----------------------------|
| Director of Parks and Recreation | one member from Select Board; Executive Administrator; one member from Parks and Recreation Board | Executive Administrator | Parks and Recreation Board |

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Shawn McDonald and seconded by Selectman William Trimble, it was voted unanimously to recommend.

Article XX: Sixth Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendments to the Town Charter, which shall take effect on July 1, 2012:

That the text of Subsection 4-4(b)(4) be deleted in its entirety and replaced with the following phrase: “the hiring, supervision and termination of department heads as provided for in this Charter.”; and

That the phrase “department head” in the final paragraph of Section 4-4 be deleted and replaced with the phrase “permanent full time employee”; and

That the phrase “under the executive administrator” be deleted from the penultimate paragraph of Section 4-4; and

That the first sentence of Subsection 4-5(c) be deleted in its entirety; and

That a new Section 4-6 be established, which shall be entitled “Hiring and Supervision of Town Officers”, and which shall consist of the following language:

“The Town Officer positions that are listed below shall be filled by a majority vote of the Select Board from a list of candidates that have been recommended to it by the relevant screening committee. The below prescribed membership of each such screening committee may be supplemented by the Select Board in its discretion. These recommendations shall be in a form that has been deemed to be appropriate by the Select Board. Additionally, these appointed Town Officers shall respond to the direction of the

relevant individual that is noted below regarding the regular operations of their departments, notwithstanding their obligation to follow any policy guidelines that have been established by the applicable public bodies, where appropriate, as noted below.

| Position | Minimum Screening Committee Composition | Respond to Direction Of: | Policy Guidelines Set By: |
|-----------------------------------|--|---------------------------------|----------------------------------|
| Director of Budget and Finance | one member from Select Board; Executive Administrator; one member from Finance Committee; one member from School Committee | Executive Administrator | |
| Chief of Police | one member from Select Board; Executive Administrator; one member of the law enforcement community chosen by Select Board | Select Board | |
| Public Works Director | one member from Select Board; Executive Administrator; one member from Board of Public Works | Executive Administrator | Board of Public Works |
| Planning Director | one member from Select Board; Executive Administrator; one member from Planning Board | Executive Administrator | Planning Board |
| Library Director | one member from Select Board; Executive Administrator; one member from Library Board of Trustees | Executive Administrator | Library Board of Trustees |
| COA Director | one member from Select Board; Executive Administrator; one member from Council on Aging | Executive Administrator | Council on Aging |
| Health Director | one member from Select Board; Executive Administrator; one member from Health Board | Executive Administrator | Health Board |
| Harbormaster | one member from Select Board; Executive Administrator; one member from Waterways Commission | Executive Administrator | Waterways Management Commission |
| Environmental Affairs Coordinator | one member from Select Board; Executive Administrator; one member from Conservation Commission | Executive Administrator | Conservation Commission |
| Director of Inspectional Services | one member from Select Board; Executive Administrator; one member from Zoning Board of | Executive Administrator | |

| | | | |
|----------------------------|---|-------------------------|------------------------------|
| | Appeals or Planning Board | | |
| Administrator of Assessing | one member from Select Board; Executive Administrator; Director of Budget & Finance; one member from Board of Assessors | Executive Administrator | Board of Assessors |
| Veteran's Agent | one member from Select Board; Executive Administrator; one member from Veterans Advisory Commission | Executive Administrator | Veterans Advisory Commission |
| Superintendent of Parks | one member from Select Board; Executive Administrator; one member from Board of Park Commissioners | Executive Administrator | Board of Park Commissioners |
| Director of Recreation | one member from Select Board; Executive Administrator; one member from Recreation Commission | Executive Administrator | Recreation Commission |

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Shawn McDonald and seconded by Selectman William Trimble, it was voted unanimously to recommend.

Article XX: Seventh Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendments to the Town Charter, which shall take effect on July 1, 2012:

That Subsection 2-11(c) be deleted; and

That the text of Subsection 2-11(b), exclusive of its title, be deleted and replaced in its entirety with the following:

“The select board shall include on the warrant for a town meeting the subject matter of all petitions that are submitted by (1) any individual elected town officer, (2) any multiple member body acting by a majority of its members, (3) any ten voters for the annual town meeting and any one hundred voters or thirty-six town meeting members for a special town meeting, provided such petitions have been received by it within the time period it has established for the warrant to be open, and further provided that any such petition that has been filed by voters must demonstrate the residency of the petitioners and such residency must be verified, all as provided in the general laws. Articles on the warrant shall list the petitioner(s). Whenever a town meeting is to be called the select board shall

give notice by publication in a local newspaper of such intention and shall include in the warrant for such town meeting the subject matter of all petitions which are received at its office on or before four o'clock in the afternoon of the fourth business day following such publication."

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Joseph Michaud and seconded by Selectman William Trimble, it was voted unanimously to recommend.

Article XX: Eighth Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendments to the Town Charter, which shall take effect on July 1, 2012:

That the words "alphabetically according to their surnames" be deleted from Subsection 3-1(e) and replaced with "according to random lottery"; and

That the words "incumbents first" be deleted from Subsection 3-1(e).

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Shawn McDonald and seconded by Joseph Michaud, it was voted (3) three in favor and (1) one opposed (Selectman William Trimble) NOT to recommend.

Article XX: Ninth Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendments to the Town Charter, which shall take effect on July 1, 2012:

That the following language be inserted before the last sentence of the first paragraph of Section 2-8:

"At the first town meeting session at which the moderator presides following his or her election, the moderator shall appoint a deputy moderator to serve as acting moderator in the event of his or her temporary absence or disability, or in situations involving a conflict of interest. The appointment of a deputy moderator shall be subject to confirmation by the town meeting.

The deputy moderator shall perform such other duties as may from time to time be

assigned to the office of moderator by bylaw or other vote of the town meeting.”; and

That the words “a moderator is” in the last sentence of the first paragraph of Section 2-8 be replaced with “both the moderator and deputy moderator are”; and

That the words “and deputy moderator” be inserted immediately after the words “and in the absence of the town moderator” in Subsection 3-11(b).

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Joseph Michaud and seconded by Selectman Shawn McDonald, it was voted (3) three in favor and (1) one opposed (Selectman Shawn McDonald) to recommend.

Article XX: Tenth Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendments to the Town Charter, which shall take effect on July 1, 2012:

That Section 7-1 be relocated to Article 1 as Section 1-8; and

That Subsections 7-5(a) and (b) be deleted; and

That Sections 7-2 through 7-4 be recodified as Section 7-1 through 7-3, respectively; and

That Section 7-5, with Subsections (c) and (d) be recodified as Section 7-4, with Subsections (a) and (b).

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Joseph Michaud and seconded by Selectman William Trimble, it was voted unanimously to recommend.

Article XX: Eleventh Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendment to the Town Charter, which shall take effect on July 1, 2012:

That every instance of the phrase “Executive Administrator” be changed to “Town Administrator”.

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Joseph Michaud and seconded by Selectman Shawn McDonald, it was voted unanimously to recommend.

Article XX: Twelfth Proposed Charter Amendment

To see if the Town will vote to submit to the voters of the Town for approval the following amendments to the Town Charter, which shall take effect on July 1, 2012:

That a new Subsection 3-1(i) be established, which shall be entitled "Recall of Elected Town Officers" and which shall consist of the following language:

That an affidavit signed by at least 200 registered voters, including 15 from each precinct, be filed with the Town Clerk containing the name and title of the Elected Town Officer whose removal is sought.

If the affidavit is determined to be valid, the Town Clerk shall thereupon deliver to the first 10 names on the affidavit a blank petition form to be used for the collection of petition signatures. The petitions forms must be returned to the Town Clerk within 20 days of their issuance and must contain the signatures of at least 20% of the number of persons registered to vote as of the date of the most recent town election.

If the petition is determined to be valid, provision shall be made for a special recall election to be held within 90 days but no sooner than 65 days thereafter, except in the event that a regular town election or other special election shall be held within 110 days, in which case the recall election shall be held concurrently.

Ballots used in a recall election shall ask if the Elected Town Officer named shall be recalled, and shall provide the names of candidates seeking the office of the Officer recalled. An Officer whose recall is sought shall not be a candidate to succeed to the office in the event the recall vote is in the affirmative. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of this Charter and general laws regulating elections.

If the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected and shall serve the balance of the unexpired term, provided that at least 35% of those persons registered to vote at the time of the election shall have voted with respect to the question of the recall. If the Officer is recalled, he shall be deemed removed from office upon certification of the election results.

No recall petitions shall be filed against Officers during the first six months of their term

or during the final six months of their term, or in the case of an Officer subject to a recall election and not recalled thereby, until at least 6 months after the recall election.

Or take any other action relative thereto.

Sponsor: Charter Review Committee.

After a motion was made by Selectman Shawn McDonald and seconded by Selectman Joseph Michaud, it was voted unanimously NOT to recommend in current format.

The Chairman closed the public hearing.

Application of Charlton College of Business-UMass Dartmouth for a Special One Day License to sell All Alcoholic Beverages for September 6, 2011 and September 14, 2011.

After a motion was made by Selectman Shawn McDonald and seconded by Selectman Joseph Michaud, it was voted unanimously to approve the Application of Charlton College of Business-UMass Dartmouth for a Special One Day License to sell All Alcoholic Beverages for September 6, 2011 and September 14, 2011.

New Business:

Vacancy on Council on Aging Board.

The Chairman announced a vacancy on the Council on Aging Board.

Parking Regulations.

Tabled until next meeting.

Announcements:

The Executive Administrator thanked the Police Department & Staff, DPW Director & Staff, all Three Fire Districts & Staff, Harbormaster & Staff, Park Superintendent & Staff, Edward Pimental and all his volunteers for all their hard work in dealing with tropical storm "Irene".

Attest:



David G. Cressman, Executive Administrator

Transcribed by: Linda Torres