

**SAUGUS CHARTER COMMISSION**  
**APPROVED MEETING MINUTES**  
**OF**  
**MARCH 19, 2009**

The fifty-seventh meeting of the Saugus Charter Commission was held on Thursday, March 19, 2009. The meeting was held in the Town Hall Auditorium. The meeting was called to order by the Chairman, Peter Manoogian, at 7:30 P.M.

***STEP 7: COMMUNICATE THE SOLUTION***

**ROLL CALL OF MEMBERS**

Eight members of the nine member committee were present at roll call: Cam Cicolini, Karen Cote, Eugene Decareau, Albert W. Diotte, Jr., Joan Fowler, Peter Manoogian, Sr., Debra Panetta, and Thomas Stewart.

The Chairman noted that there were more than enough for a quorum.

Karla J. de Steuben arrived at 7:34 PM.

**READING OF MINUTES OF LAST MEETING (March 12, 2009)**

Due to a copier malfunction, the Minutes were not in the Members folders. The Clerk will email a copy to each of the Members for their review.

**ACCEPTANCE OF PREVIOUS MINUTES (February 26, 2009)**

Ms. Panetta made a motion to accept the minutes of February 26, 2009.

The Chairman seconded the motion.

The motion passed **8-0**

**CONTINUED -Public Hearing on Preliminary Report and Draft Charter per Ch 43B S 9 (b)**

The Chairman noted that the Commission was in a continued Public Hearing on the draft Charter in accordance with Chapter 43B Section 9 (b). He continued by saying that the General Counsel for the State Ethics Commission, Attorney Deidre Roney, was attending this evening's Meeting. Mr. Manoogian went on to say that the Commission is committed to having their report based on accurate information, and that everybody on the Charter Commission should have a clear understanding of the implications of Chapter 268A. He explained that the draft proposal is excluding town employees from serving, and the Commission has been asked to re-examine that, and determine the implications.

The Chairman referred to correspondence from Ms. Roney that was in the Member's packets. He read the letter which explained that "...members would abstain from discussing, participating in, or voting on the particular line items in which they had an interest. They could, however, vote on the budget as a whole, with all line items included." The letter also explained that "public employees are considered to have a financial interest in who their supervisor is and are therefore not permitted to participate in selecting their supervisor under Section 19 of the conflict law." Ms. Roney did state in her letter, however, that Section 19 does permit participation in consideration of the terms and conditions of the supervisor's employment, but employees could

file a disclosure, or abstain if they do not think they would be impartial. A copy of the “Disclosure of Appearance of Conflict of Interest” was attached to the letter.

The Chairman noted that if any of members of the public wished to speak this evening, there would be plenty of time to be heard.

- **Deidre Roney – General Counsel – Massachusetts State Ethics Commission 7:40 P.M**

Ms. Roney made a brief statement, explaining that she could tell Members how the law applies to municipal employees. She defined what a municipal employee is under 268A, noting that there are two exceptions in the Statute: elected Town Meeting Members, and Charter Commission Members.

Questions and discussion followed, pertaining to restrictions to public employees, violations and ramifications, voting / abstaining, appearance of conflict vs. actual conflict, etc.

Ms. Roney explained that there is a division in her office that does public education and training on what the law requires, in any community that asks them to, and would be able to arrange something for Saugus.

Ms. Roney left a copy of Chapter 268A, Sections 1, 17-20, and 23 with the Clerk, so that she can make copies for the Members. She suggested that Members review Section 20, “Municipal employees; financial interest in contracts; holding one or more elected positions.”

The Chairman thanked Ms. Roney for her time and assistance.

The Chairman asked if anyone from the public would like to speak at this time.

- Everett Millea, 142 Main Street, spoke in favor of keeping the restriction for town employees serving, as is currently in the draft Charter.

- **Correspondence – Saugus School Committee 8:30 P.M.**

All five Members of the current School Committee attended the Meeting. Superintendent Langlois was not able to attend. Members had been invited to attend the Meeting, following a letter received by the Commission titled “Clarifications re: Proposed Charter.”

The Chairman read the introduction to the letter, which pertains to the focus group that met on January 24, 2009.

Members of the Charter Commission addressed each comment / issue in the letter. Discussion included the following things to add to the list of “Issues to Revisit:”

- Section 3-8, Page 16 – Filling of Vacancies – reconsider having the Select Board, rather than the Assembly, be part of the joint convention
- Section 5-4, Page 21 – Planning and Construction of Buildings and Other Facilities – Paragraph (a), last sentence – delete “but need not be” and add “or designee” to read: “and may be a member of the school committee or designee.”
- Section 6-4, Page 22 – School Committee Budget - Paragraph (a), change “published” to “distributed” to read: “...shall cause to be distributed in a local newspaper...”

- Section 6-10, Page 25 – Allotments – Third Paragraph, assure that town manager does not dictate how school department spends their money

Discussion followed pertaining to Section 8-7 (e) – Citizen Speak Time. Members of both the School Committee and Charter Commission expressed their views on the subject.

- Ms. Barbara Malone, former member of the School Committee spoke in opposition to Citizen Speak Time for the School Committee.

The Chairman thanked School Committee Members for their participation in this evening’s Meeting.

Ms. Fowler made a motion to close the Public Hearing.

The Chairman seconded the motion.

The motion passed **9-0**

### **CHAIRMAN’S REPORT**

- **Large Print Charters**

The Chairman informed the public that several “large print” versions of the charter have been placed in the Library, Senior Center and Town Clerk’s Office, in response to Selectman Rossetti’s concern.

- **Election Date**

The Chairman advised Members, after speaking with the Town Clerk, that there is an issue with having the election the Tuesday after a holiday. The State Elections Office advised that the Town Clerk’s Office has to be open the day before the election.

Therefore, the Wednesday after the holiday would be better.

### **TREASURER’S REPORT**

Mr. Decareau made a motion to approve a bill for \$39.24 for an ad in the Community Newspaper. Also, to approve payment of \$204 to the Clerk for the month of March.

The Chairman seconded the motion.

The motion passed **9-0**

Mr. Decareau made a motion to accept the balance of \$3,810.15.

The Chairman seconded the motion.

The motion passed **9-0**

### **COMMITTEE REPORT**

None at this time.

### **CORRESPONDENCE**

- **Letter submitted by Janice Jarosz**

The Chairman read a letter from Janice Jarosz expressing her opinion that the liquor licensing authority should remain under the jurisdiction of the selectmen.

The Chairman spoke to the Police Chief and the Clerk of the Weymouth Licensing Board. (Their Board consists of the Fire Chief, Police Chief, Building Department, Board of Health, and Town Clerk.) The Chairman suggested that perhaps they should revisit the idea of creating a hybrid licensing board.

- **Correspondence from Laura Groark**

The Chairman read a letter from Ms. Groark extending her thanks and compliments to the Commission for their work.

- **Correspondence from Dennis Gould**

The Chairman read a letter from Mr. Gould, who expressed his general observations and concerns, thanks to the Commission for their work, and support of the proposed charter.

**NEW BUSINESS**

- **Next meetings**

Next Meeting is scheduled for Thursday, March 26, at 7:30 PM.

**PUBLIC FORUM**

None at this time.

**MEMBERS ANNOUNCEMENTS / MOTIONS**

Ms. de Steuben noted that she attended a ceremony at the State House where 117 communities were awarded E-Government Awards by Common Cause, and that Saugus received one of those awards for posting at least six key public records on line.

**ADJOURNMENT**

Mr. Decareau made a motion to adjourn at 10:44 PM.

The Chairman seconded the motion.

The motion passed **9-0**

**APPROVED ON** \_\_\_\_\_

**SUBMITTED BY** \_\_\_\_\_

## **Issues to Revisit**

- 1. Filling a vacancy on the School Committee and the Select Board, and the possibility of a “runner-up” provision**
- 2. Add language to 2-2(b) stating assembly president to step down when speaking on issue**
- 3. In 2-4, omit “compensation” (also for School Committee and Select Board)**
- 4. Move the polling date to the first Tuesday following the third Monday in April.**
- 5. Page 15, section (b), first line – delete “and clerk” and in the last line, delete “and another one of its members to serve as clerk of the select board”**
- 6. (Bottom of page 17), need to add “from a list of three names submitted by the conservation commission”**
- 7. Section 1-8(b), definition of “emergency” - add language that a copy of the written statement would be filed at the Town Clerk’s Office within 7 days.**
- 8. Section 6-3(a), second line – change “consent” to “consist” to read: “which shall consist of nine members.” In the last line, include language that the ordinance shall specify a term not to exceed three years.**
- 9. Section 6-4(a), last line – add word “present” to read: “until all persons present who desire to be heard...”**
- 10. Pages 27-28, Sections 7-5(c) and 7-6, change “within 5 days” to “within 10 days”**
- 11. Page 28, Section 7-5(d), clarify language beginning with “If the assembly fails to act...”**
- 12. Consider the Constable provision**
- 13. Section 3-8, Page 16 – Filling of Vacancies – reconsider having the Select Board, rather than the Assembly, be part of the joint convention**
- 14. Section 5-4, Page 21 – Planning and Construction of Buildings and Other Facilities – Paragraph (a), last sentence – delete “but need not be” and add “or designee” to read: “and may be a member of the school committee or designee.”**
- 15. Section 6-4, Page 22 – School Committee Budget - Paragraph (a), change “published” to “distributed” to read: “...shall cause to be distributed in a local newspaper...”**
- 16. Section 6-10, Page 25 – Allotments – Third Paragraph, assure that town manager does not dictate how school department spends their money**
- 17. Have Mr. Curran go over the pros and cons of a licensing board similar to Weymouth, and how much discretion there is.**