

SAUGUS CHARTER COMMISSION
APPROVED MEETING MINUTES
OF
AUGUST 28, 2008

The thirty-third meeting of the Saugus Charter Commission was held on Thursday, August 28, 2008. The meeting was held in the auditorium, at the Saugus Town Hall. The meeting was called to order by the Chairman, Peter Manoogian, at 7:30 P.M.

Completion of STEP 4: SELECT THE BEST POSSIBLE SOLUTION(S)

ROLL CALL OF MEMBERS

Seven members of the nine member committee were present at roll call: Cam Cicolini, Karen Cote, Eugene Decareau, Karla J. de Steuben, Albert W. Diotte, Jr., Joan Fowler, and Peter Manoogian, Sr.

Debra Panetta and Thomas Stewart had informed the Chairman that they would be late. Thomas Stewart arrived at 8:35 P.M.
Debra Panetta arrived at 9:00 P.M.

The Chairman announced that the Commission would wait for the Reading of minutes of last meeting (August 21, 2008) and Acceptance of previous minutes (August 14, 2008) until all of the members had arrived.

Chairman Manoogian introduced Attorney Michael Curran, the Consultant for the Charter Commission, explaining that he had the lowest bid and the highest rating amongst the Commission Members. He stated that Mr. Curran would be working with the Charter Commission through December of 2009.

While waiting for the remaining Members to arrive, Chairman Manoogian asked Mr. Curran to comment on the current Charter and the work that the Commission has done so far, noting that Mr. Curran had provided some handouts to the Members.

Mr. Curran said that he had no extensive remarks about the current Charter. It is typical of the Special Laws enacted at that time. The Manager's powers are the same as those enacted at the same time. They are exceedingly strong, for example, the power to reorganize, because it involves so much policy direction. He also commented that the small role the Board of Selectmen plays in the budget is unique and perhaps troublesome. "The budget of a Municipality is the real policy making instrument as to the kinds of services the citizens are going to receive. It tells you what kind of Recreation Program you are going to have, what kind of Police force, Fire force, and public Works Department. Where the Community puts its money is how the policy is expressed."

He stated that in his opinion the Selectmen should be involved in the policy aspect of the budget. The purpose for which the money is spent is important, and the Executive branch should be making the decision, not the Legislative branch. He went on to explain that the Finance Committee, which has the heaviest roll, is not an instrument of the

Executive branch. It's a Committee that reports to Town Meeting, a Legislative branch, and in his opinion, that is not the appropriate place for policy to be determined.

He noted that the biggest single weakness of the current Charter is a lack of a policy center that can be influenced by the voters. They do that by voting for Candidates that have the same views as they do.

The Chairman thanked Mr. Curran. He noted that the Charter Commission has narrowed it down to twelve proposals. Three propose a medium size Council, two with a Town Manager and one with a Mayor. Six of the others are large legislative models, with three specifically requesting a representative Town Meeting. He explained that the proposals have not been rated yet, but will be done by the September 11th Meeting.

The Chairman then asked Mr. Curran what his view was on having two Charters being presented to the voters.

Mr. Curran replied that he didn't think it was legal in Massachusetts. He doesn't believe that you can poll the voters, and then write a Charter to match, stating that it might not be what is best for Saugus.

The Chairman asked the other Commission Members if they had any questions for Mr. Curran.

- Mr. Diotte asked about Charters that need updating, not necessarily re-writing.
Mr. Curran expressed his opinion that it isn't good to have too much detail. His suggestion is to get rid of the details in the Charter, and let the By-Laws address them. It is basically the same process as re-writing, but can be passed by 2/3 vote of Town Meeting.
- Ms. de Steuben said that some of the people she has talked to are concerned about going from a town to a city with a mayor, as the Attorney General's definition of a city seems to encompass everything except a Town Meeting form of government. She asked what would happen if a Charter change triggered the Attorney General's definition of a "city." What is the effect of that? Are there additional statutes or requirements that the government has, apart from the Attorney General not approving the By-Laws?
Mr. Curran explained that Bob Ritchie adopted a definition that basically says a City would come into existence if the Legislative body had control of its own destiny and is in continuous session, with an open Agenda, and if it controls its own Agenda. Town Meeting, however, is characterized by the Board of Selectmen putting Articles into a Warrant. Town Meeting can deal with the Warrant, but not anything else. They can only deal with the items on the Agenda.
Mr. Curran went on to explain what it would mean if the Attorney General did determine that you had a City form of government: The Attorney General doesn't approve Ordinances / By-Laws adopted by Cities. The borrowing capacity inside the debt limit in Towns is twice the amount of Cities. Another difference is Civil Service. In Cities, all positions in labor service are automatically included. In Towns, only those positions specifically voted in are covered by Civil Service. In

Cities members of the Housing Authority are appointed by the Mayor, and in Towns they are elected.

- The Chairman asked if Saugus became a City, under Bob Ritchie's definition, if that meant that we not be able to elect the Housing Authority.

Mr. Curran explained that the Attorney General's Office does not have a problem with the Charter Commission changing the way in which, or continuing the way, in which officials are elected under a city form of government. You can specify in the Charter the local offices that are going to be on the ballot, and in addition, other officers of regional authorities or districts that can also be elected, referring specifically to the Housing Authority.

The Chairman noted that the perception, by the public, is that they don't want to become a City.

Mr. Curran responded that you can call it anything you want, but if it has a city form of government, it will be treated like a City. Sometimes legislature is passed reading, for example, The City known as The Town of Methuen.

There were no other questions at this time. Eugene Decareau suggested returning to the Agenda, and taking care of the items that did not require the other Commission Members' presence while waiting for them to arrive.

READING OF MINUTES OF LAST MEETING (August 21, 2008)

Minutes were distributed to all of the Commission Members for review before the next meeting.

PUBLIC COMMENT

None at this time.

CHAIRMAN'S REPORT

The Chairman explained that the last two meetings were not televised because of a scheduling conflict with the School Committee. Also, the Commission was able to interview the Consultant Applicants, in a public meeting, although not televised, to avoid any problem of one Applicant getting the tape and showing it to another Applicant before Commission had made their decision. He stated that the meetings would be aired at a later date, and the current meeting was airing live.

After reflecting on the last two meetings, Mr. Manoogian feels that all of the Commission Members want to reach the same goal, and would take Mr. Curran's advice to pause and start having deliberations about how to fix some of the problems that he has noted. He also stated that whether the answers are in some of the Proposals or not, everyone is still open to discussion, and no final decisions have been made.

TREASURER'S REPORT

Mr. Decareau reported that, all invoices having been paid, as of August 28, 2008 the current balance is \$28,868.37.

The Chairman asked how the Treasurer will proceed with the \$19,250.00 encumbrance for Mr. Curran's contract.

Mr. Decareau stated that he will leave it up to the Commission to vote on how it should be done. He suggested monthly or quarterly payments.

The Chairman explained that it would be dealt with by the Town Manager who signs the contract. He also noted that the Commission is paying their Clerk on a monthly basis, and it has already been set up in the Payroll Office.

The Treasurer, Mr. Decareau, made a motion to accept the Balance of \$28,868.37.

The Chairman seconded the motion.

The motion passed **7-0**

CORRESPONDENCE

None at this time.

MEMBERS ANNOUNCEMENTS / MOTIONS

Mr. Decareau made a motion that contact with Mr. Curran, outside of the Meetings, would be through the Chairman and Vice Chairman, and that all remaining Commission Members can submit questions through the Chairman. The response to those questions can be distributed to Commission Members.

The Chairman seconded the motion.

The motion passed **7-0**

NEXT MEETING DATE – September 11, 7:00 PM

The next meeting date, as agreed upon at the August 21, 2008 meeting, has been posted for September 11, 2008, at 7:00 PM in the Town Hall Auditorium.

A five minute recess was called.

UNFINISHED BUSINESS

- **Rank Proposals (4 remaining – approx. 36 minutes)**
 - Ms. Cote withdrew her second proposal, explaining that her second Proposal is very similar to her first, and as she has stated before, she doesn't like to get hung up on the terminology; Board of Selectmen, Council, Representative Town Meeting.
 - Mr. Diotte read his original Proposal.
 - 5 Member Board of Selectmen
 - 50 Town Meeting Members
 - 9 Member School Committee
 - Board of Selectmen and School Committee – 3 year staggered terms
 - 9 Member Finance Committee appointed by Board of Selectmen with 4 year staggered appointments
 - A Comptroller would be hired to oversee all Financial Budgets
 - Budget and Zoning articles should be complete / ready before Town Meeting is called.

- Mr. Manoogian submitted a revised proposal – Modified Current Structure
 - 50 Member Representative Town Meeting
 - 7 Selectmen who will be designated as broad policy leaders, water and sewer policy makers.
 - Separately elected Selectman Chairman with term limit
 - 7 Member School Committee with Selectman Chairman sitting as one member
 - 3 year staggered terms for all elected officials
 - Finance Committee becomes Finance / Audit Committee
 - Internal Auditor to assist Finance / Audit Committee and Town Meeting
 - Town Manager administers policy and daily operation of Town
 - Residency of Town Manager encouraged through incentives
 - Ethics and accountability requirements for Town Meeting Members

Ms. Panetta called to say that she would be arriving shortly. At this time, the Chairman asked if any of the Commission Members had questions for Mr. Curran.

- Ms. de Steuben asked Mr. Curran whether the member of the governing body who is to serve on the School Committee, as proposed by some of the Charter Commission Members, can be appointed or must he or she be elected by the voters.

Mr. Curran indicated the member must be elected by the people to serve in that dual role. Then, there was a discussion regarding the issue.

- Ms. de Steuben noted that currently our Water and Sewer are divided between the Board of Selectmen and Town Meeting, and asked what the trend is to deal with that.

Mr. Curran responded that by and large it is incorporated into a Department of Public Works, having a Water / Sewer division. Generally they are together. If you have a Water / Sewer division, they are the ones setting policy, or they can work in an advisory capacity. It's good to have a Water / Sewer Advisory Board looking only at water and sewer issues, and not being concerned with streets, roads, cemeteries and other things associated with the Public Works Department. It will be the choice of the Charter Commission to determine how strong that central authority is.

UNFINISHED BUSINESS

- **Rank Proposals**

- Ms. Panetta submitted her modified Proposal – Town Manager Form of Government
 - Town Manager elected by 7 Selectmen
 - Chairman / Vice Chairman of the Board of Selectmen would also serve as 7th member of School Committee
 - Selectmen cannot be Town employees
 - Town Manager can be hired / fired by simple majority
 - Interim Town Manager cannot serve for more than 10 months

- A Chief Financial Officer would be hired to oversee all of the town's finance, including the School Budget
- Town Meeting would consist of 50 members, 5 from each of the 10 precincts
- Town Employees could run for Town Meeting, but could not vote on their budget, or other budgets where a conflict could be perceived
- To act on urgent matters regarding the budget, a separate body, one from each precinct, would be formed, and could be called into session at any time
- The School Committee would consist of 7 members, 6 elected at large, and the 7th would be the Chair / Vice Chair of the B.O.S.
- The School Committee would be involved from the budget process from the onset
- There would be Staggered Elections for the Board of Selectmen, School Committee and Town Meeting
- The Finance Committee would consist of 9 members, 5 appointed by the Town Moderator, 3 appointed by the Board of Selectmen, and 1 elected by the School Committee
- A Capital Budget Committee, Traffic Commission, Interview Committee, Human Services Advisory Committee, By-Law Review, Land Use, and a Beautification Committee would be established by the Board of Selectmen

The Chairman announced that the presentation of all eleven proposals was completed, and at the September 11, 2008 meeting there will be a round table discussion on what the Commission Members like about each proposal. He then asked if there were any more questions for Mr. Curran.

- Ms. de Steuben questioned Town Meeting being exempt from the Open Meeting Law, to which Mr. Curran replied that it does apply, but with 50 members, the possibility of a quorum is highly unlikely. He went on to explain that Robert Ritchie and the Attorney General's Office are in the process of re-writing the Open Meeting Law.
- Other issues discussed were lobbying vs. bad behavior, where transparency ends and violation begins. The Chairman asked if Mr. Curran could draft language to address these issues, and Mr. Curran responded that you certainly can.
- Mr. Manoogian asked Mr. Curran for his thoughts on what would be fruitful for the next meeting.

Mr. Curran suggested having a discussion about the issues, dealing with each item individually, keeping an open mind as long as possible, and coming up with reasons for individual opinions.

Ms. Panetta made a motion that on the September 11, 2008 Agenda, the topic of discussion will be the size of the Legislature, and the reasons for each individual's preferences.

The Chairman seconded the motion.

The motion passed **9-0**

MEMBERS ANNOUNCEMENTS / MOTIONS

None at this time.

PUBLIC FORUM

None at this time.

ACCEPTANCE OF PREVIOUS MINUTES (August 14, 2008)

Ms. Cicolini moved to accept the August 14, 2008 minutes.

The Chairman seconded the motion.

The motion passed **9-0**

Adjournment

Ms. Fowler moved to adjourn at 10:29P.M.

The Chairman seconded the motion.

The motion passed **9-0**

APPROVED ON _____

SUBMITTED BY _____