

SAUGUS CHARTER COMMISSION
APPROVED MEETING MINUTES
OF
SEPTEMBER 18, 2008

The thirty-fifth meeting of the Saugus Charter Commission was held on Thursday, September 18, 2008. The meeting was held in the School Committee Room, at the Roby Building. 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

Six members of the nine member committee were present at roll call: Eugene Decareau, Karla J. de Steuben, Albert W. Diotte, Jr., Joan Fowler, Peter Manoogian, Sr., and Thomas Stewart

Karen Cote and Debra Panetta had informed the Chairman that they would be late. Karen Cote arrived at 8:32, and Debra Panetta arrived at 9:02. Cam Cicolini had informed the Chairman that she would not be present.

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

The Chairman welcomed Mr. Curran back, and noted that Mr. Curran had viewed the CD of the last meeting (September 11, 2008).

READING OF MINUTES OF LAST MEETING (September 11, 2008)

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

ACCEPTANCE OF PREVIOUS MINUTES (August 28, 2008)

Ms. de Steuben noted corrections to the Minutes.

Ms. de Steuben made a motion to accept the Minutes of August 28, 2008, as amended.

The Chairman seconded the motion.

The motion passed **6-0**

PUBLIC COMMENT

None at this time.

CHAIRMAN'S REPORT

Peter Manoogian reported that the previous weekend he had attended a conference having to do with the citizen and the Constitution, funded by Congress called "We the People." One of the guest scholars was the Honorable Susan Leeson, a former Oregon Supreme Court Justice, with a background in law and political philosophy. Mr. Manoogian had the opportunity to speak with her as she was talking about the deliberations at the Constitutional Convention. He told her how the Charter Commission was working, trying to compromise and resolve issues, and the challenge of compromise and resolution to positions. Ms. Leeson reminded him that, in the notes of the Constitutional Convention, many noted authors, including James Madison, would later recall his surprise at how people were able to change their positions. The Chairman told the Commission Members that, if you scan those notes, you see the word

“compromise” mentioned so many times, including the ultimate Connecticut Compromise, which established and settled the Legislative Branch of our Government. Ms. Leeson’s point to the Chairman was to not take for granted people’s willingness and capacity to achieve compromise, because it is part of the way we govern and establish government. The Chairman stated that he wanted to share the experience with the other Commission Members, as Ms. Leeson, with great precision, identified the issue of compromise and how it relates to crafting a government.

TREASURER’S REPORT

None at this time.

The Chairman informed Mr. Curran that the Commission is still waiting for a contract and invoice, to be processed by the Treasurer. Mr. Curran replied that he had sent a copy of the contract to Attorney Vasapoli, and was waiting to hear back.

COMMITTEE REPORT

The Chairman asked Mr. Stewart to check the timeline for the Charter Commission. Mr. Stewart reported that “*STEP 4: SELECT THE BEST POSSIBLE SOLUTION(S)*” continues through the end of October.

CORRESPONDENCE

None at this time.

UNFINISHED BUSINESS

- **Share proposal rankings (strengths and weaknesses)**

The Chairman noted the amount of time that the Commission Members had spent on that process, and stated that he didn’t want it to linger and not acknowledge the effort that went into the process. He noted that at some point it should be resolved, and not become an item that was started and never finished. He left it up to the Commission Members as to how they wanted to resolve it.

NEW BUSINESS (order to be determined by members)

- **Input from Mr. Curran who viewed the Sept. 11 meeting**

Mr. Curran informed the Members that he had watched the Meeting, and was very impressed with it. He felt that it demonstrated the spirit of compromise that seems to be developing, as the Chairman had mentioned earlier, and noted that it seemed to be developing quite strongly at the last meeting. He also stated that it seemed to be the most significant feature of the last meeting.

He went on to say that he hoped the exercise the Commission did perform at the last meeting would be the first step in a series of similar steps. He also went on to state that if the Commission was fixed on having a Charter Proposal made by the end of the month, he wasn’t sure what the Agenda would be for the next eight months. He questioned the need to rush to complete something, noting items that are now on the floor with the proposals that each Member has prepared. He questioned the Commission Members being able to come together and agree on the best proposal by using the proposal rankings. He expressed his opinion that the discussion of the last

meeting, dealing with the size of the Legislative Branch, was a base for a series of similar discussions to talk about the Executive / Administrative Branch, Financial and Fiscal Administration, Administrative organization, the creation of Departments, the role of the Legislative body in the day to day administration of the Town.

Mr. Curran then offered, if the Commission is willing, to prepare a schedule of events and time-table to meet objectives by having discussions and then move into the drafting of actual proposals that do the things that the Members have reached consensus on.

He noted that the stage the Commission is at right now, as a result of last week's meeting, is good. He noted that the Commission now has a solid range of 25-35 as the size of the Legislative body, with a strong consensus for as small as 25. He feels that the Legislature, in terms of size has been pretty well handled, but noted that many other issues he had highlighted (on the Discussion Questions that Mr. Curran had prepared) had not been talked about.

Mr. Curran noted that there had been no discussion about the current two year term vs. a four year term with staggered elections, stressing how important it is to have competition and alternatives for the voters. He referred to the statistics prepared by the clerk for last meeting, noting the number of uncontested elections. He stated that if a voter has no alternatives, he / she cannot influence the direction the Town takes, because they cannot influence who is serving and representing them. He noted the importance of the Commission having a scheme that will lead to competition. He stated that if people are going to be eager to run for office, the Commission needs to make the office powerful enough to be attractive, so that the candidates know that they can really do something, not just act as a rubber stamp for the Administration.

For the benefit of the listening audience, the Chairman clarified that the report Mr. Curran had referred to, showed 32% of the races were uncontested and another 30% with only six candidates. Mr. Manoogian then stated that the Commission is comfortable with saying that approximately one third of the elections are uncontested.

Mr. Curran noted, that the way he sees it, it is closer to two thirds, because in an election with only six candidates, only one is going to lose, and the remainder are guaranteed to win.

Mr. Manoogian raised the question, as Mr. Diotte had previously, of staggered elections. He asked if, hypothetically, the Commission kept the same model the Town currently has, and went to staggered elections, would there be more competition then? Is competition more of a problem because the voters elect five people every two years, and all five seats are up every two years?

Mr. Curran expressed his opinion that the non-staggered elections, two year term, and the role that the Legislature plays, are all factors. He noted that he was intrigued, at the last meeting, by the discussion regarding the current Town Meeting's claim of not having enough time to act on things.

A discussion with the Commission followed, regarding the Legislature's need to assert itself, and put the burden where it should be. Mr. Curran stated that it is the Executive Branch's duty to inform the Legislature. The only opportunity the public ever has to see anything is when it goes through the Legislative Branch.

Mr. Manoogian cited an instance when Town Meeting, in December of 2007, did, in fact, refuse to act in the absence of complete information.

The Commission's discussion continued with how the voters, regardless of the size of the Legislature, would be able to know which of the Members were actually being assertive, and vote out those who were not. Mr. Curran suggested that one option might be to change the way the Moderator is selected. He stated that if you have a Moderator that is elected town wide specifically for that position, he / she is going to be identifiable as a clear leader of the Legislative Branch.

Mr. Manoogian noted that the Commission has steered clear of using the terms "town meeting" or "moderator," instead referring to "the legislature" and "leader." Mr. Curran agreed that the Commission should not be locked and limited by old names and concepts, but instead, talk about how to make the Legislative Branch more meaningful, more workable, more responsive to the needs and aspirations of the Town. He noted that, at the last meeting, there was mention of a city, stating that nothing was proposed at that meeting that fell into any category other than a Legislative Branch, and it wasn't right to put a label on it at this point..

- **Questions for Mr. Curran from members**

Mr. Curran referred to a question from the last meeting regarding precincts.

He explained that no precinct can be larger than 4,000 inhabitants, and that every ten years the towns / cities re-district based on the Federal Census. The next census will be in 2010, and the re-districting will take place in 2011.

He went on to explain that with the Town's population, eight precincts would probably be enough, and how it becomes a factor in designing the legislative unit. He noted that you can't change any district that affects House and Senate seats, and with Saugus having two sets of representatives, there is a problem with precinct lines. If the Commission did want to change the number of precincts, there would have to be a transitional period.

Mr. Curran went on to explain that all precincts have to be within 5% of each other as to the number of inhabitants, and that all precinct lines have to be contiguous.

Mr. Manoogian referred to a point that Mr. Decareau had previously made, asking if the benefit would be worth the cost in terms of voter confusion, and give voters a reason not to support the Charter.

Mr. Curran replied that you could argue that there would be a savings in money with eight precincts instead of ten, because of the cost of the warden and election officers for each precinct. He also stated that a large number of people would be affected by the change, but the benefit would be the ability to restructure the Legislative Branch and the representation.

Mr. Decareau stated that the Commission doesn't want to make change just for the sake of making change. They don't want to confuse the voters, and they do want the voters to accept what they will have been working on for two years to present. Mr. Decareau stated his belief that they should not reduce the number of precincts at this time, but could reduce the number of people representing each precinct. He thinks that if the Commission adds too much confusion by changing both precincts and numbers, too many people will get upset.

Mr. Curran replied that he was not suggesting in anyway that the Members change the number of precincts, and that he was just being responsive to the question that had been raised. He went on to remind the Commission Members that his job as consultant is not to steer them in any direction, but to raise ideas and concerns for them to keep in mind as they move forward. He hopes to bring information and data to the Commission that will help them make their decision, but that the decisions that the Members make are their own.

Ms. de Steuben wanted to go back to the precinct discussion. She wanted to make sure that she understood what Mr. Curran had said. Ms. de Steuben asked, if they did decide to decrease the number of precincts, if they would still have to have a three year transitional period until after the next census, so it wouldn't happen anyway until the census?

Mr. Curran responded that it's a practical matter, and isn't really that long a period of time. It would be on the ballot in 2009, and wouldn't be implemented until 2010 in the normal course of events. You kick it over another year, so that it would be 2011 to implement those parts of the charter that would relate to the Legislative Branch. All of the other parts of the Charter could go into effect.

Mr. Manoogian raised one of the issues that Ms. Panetta had in one of her proposals, to have some portion of the Legislature elected at large, making it attractive for someone to run for those at large seats, with the possibility of dividing the ten precincts into two groups of five. The proposal that Mr. Manoogian put forth last week was to have three at large people run in the first five precincts, and three in the next five. He asked how you could prevent the three at large people all running from the same precinct, ending up with one precinct having approximately 20% of the Legislature.

Mr. Curran explained that there is now, in terms of electing County Commissioners, that only one person can be from any one municipality. So, you can have an occasion where a person is elected as County Commissioner, but if somebody from the same municipality is already on the Commission, they are disqualified and the runner-up fills the seat. Working on that model, the Charter Members could probably draft something that each precinct could only have one person that resides in that precinct.

Mr. Manoogian stated that you could potentially end up with a model that is anti-democratic, in the sense that someone with less votes gets the seat of someone with more votes.

Mr. Curran noted that is what happens now in existing county races, but that's how you solve the problem of having more than one person from each precinct.

Mr. Manoogian asked if Newton had solved this issue by having ward nominations, to which Mr. Curran replied that Newton elects city-wide, with specific candidates for each ward. The National Civic League Model Charter has a similar provision; nominations by district, elections at large.

Ms. de Steuben asked if it was a problem to have, for example the model with three at large, to have four members from a precinct. Does that cause problems?

Mr. Curran replied that there is always the danger that it would, but they are being elected district wide, and if that's who the people vote for, then that is what they want. In Newton, if the Alderman from ward one voted only in the interest of his own ward, the voters from the other six wards gang up on him, and make sure there is a candidate from ward one that is going to be more responsive to city wide issues. You either reward or punish, putting it in simple terms.

Ms. de Steuben noted that in that case it's easier to punish with more precincts, the voters from nine vs. the voters from one.

Mr. Manoogian asked Mr. Curran if he had heard the discussion regarding one of the proposals where the members of the Legislature elected at large, whether 4 or 6, would be appointed as chairs of standing committees. He asked if Mr. Curran had any experience proposing or seeing, within legislative bodies, standing committees.

Mr. Curran stated that they put that in many Charters, and said that there was a lot of merit to the Chairman's suggestion. The only danger is if you have five people and five committees, they are all appointed to something. Usually you have twice as many people as committees to fill, giving the Chairman the opportunity to make sure the person has the necessary experience.

The Chairman came up with a rough list of those standing committees.

1. Finance, Audit, and Budget
2. Rules, By-Laws, Ethics
3. Public Safety, Public Health
4. Zoning, Land Use, and Housing
5. Capital Planning and Capital Building
6. Human Services (would include Youth & Recreation, Senior Services, etc.)

Mr. Manoogian explained that he came up with a list of six, because if he dropped down to four, he wasn't sure which two he would eliminate, because he feels they are all equally important to the role of the Legislature. He wanted to put the idea out there for, citizens to serve on these sub-committees chaired by at-large legislative representatives, appointed by a centrally elected moderator.

Ms. Fowler had no questions at this time.

Mr. Stewart had no questions at this time.

Mr. Decareau asked if, in the budget, it was feasible to make every item a line item, with no revolving accounts or enterprise accounts.

Mr. Curran answered that, yes, you could, but went on to say that he wasn't sure it was a good idea. The State Law strongly suggests that you have line items, but it is very limiting in terms of good administration, and being able to respond to changes throughout the year. There can be limitations, such as having to advise the Legislative Branch. The department heads would not be able to act on their own.

Mr. Diotte stated that he understood where Mr. Decareau was coming from. He wants, for example, the manager's budget of "X" amount of dollars, a breakdown of

where those dollars are. Mr. Diotte also noted that, in the past, having a line item budget with segregated line items so that the money could not be spent for anything but that item.

Mr. Curran agreed that even if you have a manager's budget, you certainly should have details for it; manager's salary, administrative assistant, etc. so that the total of all the salaries agree with the amount appropriated.

Mr. Manoogian stated that one of the issues is that, often times, Town Meeting would be asked to support, and the Finance Committee to recommend a large sum of money for, say, building maintenance. To try to get that specificity as to what is going to be maintained, what's the plan, what's the program, is why Mr. Manoogian suggested a standing committee for Capital Building / Capital Planning, where that type of proposal would have more definitive clarification, prior to presenting to the legislative body. He stated that it's one thing to put it before a finance committee, that makes a quantitative analysis, but it gets fuzzy for the finance committee when they start getting involved in policy. Mr. Manoogian thinks that the legislature, whatever the Commission chooses, should have the ability to make those types of judgments and require that type of specificity from the administration.

Mr. Curran explained Canton's Building Committee, and how they work with the department heads to keep all buildings maintained.

The Chairman noted that everyone had the opportunity to ask Mr. Curran their questions based on the last meeting.

- **Discussion – Decision??? Size of Legislature**

Mr. Manoogian stated that the Commission still had an ongoing discussion about the size of the legislature before them. It seemed to the Chairman that it had been a sort of fence post in terms of where they would go, but once that issue was somewhat resolved, they could move onto other things.

Mr. Curran agreed that they were at a point to move forward, unless they wanted to go back and fill in some of the details of the legislative body, such as term of office, overlapping terms. Mr. Manoogian noted that all of the Commission Members seemed to be predisposed to having a staggered term for the legislature, and asked Mr. Curran, from the perspective of the voter, what the preferred medium length of term for the legislature was.

Mr. Curran stated that having spring elections enables the town to have annual elections and three year terms, which seem to be the most popular. It requires, however, that your legislative body has to be a number that is divisible by 3.

A discussion followed, using Winthrop as an example, where the presiding officer has a shorter term than the rest of the legislature, meaning that the majority of the body changes at every election. Mr. Curran noted that with our present Town Meeting system, each voter only gets to choose five members (or 10%) of the legislature.

Peter Manoogian asked if could also be argued that, by having the moderator selected from that body of 50, that the particular precinct that is providing that moderator is short changed in their representation if the moderator is neutral and doesn't vote.

Mr. Curran stated that, with all due respect, having been a moderator, that the moderator's district is going to suffer.

The Chairman asked to go back to the idea of having a centrally elected Legislative leader, asking what the roll-outs are in terms of policy, and also asking if Mr. Curran could cite an example of where a representative legislative body has a leader that is elected by the people.

Mr. Curran responded that in most representative town meetings, the town moderator is separately elected by the people. Saugus has a very unusual situation, having the moderator selected by the other elected members.

Mr. Manoogian asked what the downside to having the moderator elected by the other members was.

Mr. Curran replied that, clearly, the voters don't have any say at all, and also added (since the moderator also appoints the finance committee), that the voters want some influence over the town moderator and the appointments that he / she makes, his / her ability to interface with the other arms of the government, and to represent the community in other dealings with the government.

Ms. de Steuben asked if all other representative town meetings are by precinct, to which Mr. Curran replied, yes, and went on to say that he doesn't know of any that have an "at large" component.

Mr. Curran went on to explain that in 1920, Article 70 in the Amendments of the State Constitution was adopted. It authorizes the Legislature "to establish in any corporate town with 6,000 or more inhabitants, a form of town government consisting of a representative town meeting, limited to those inhabitants who are elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town."

Mr. Curran continued, stating that all of the Special Acts prior to 1920 included members at large; school committee, board of selectmen, other department heads and representatives, if residents of the town. Special Acts passed after 1920 continued to follow that same pattern, and in Mr. Curran's opinion, unlawfully, in the face of the Constitutional language, "limited to those inhabitants who are elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town." It has never been challenged, but Mr. Curran considers it a grave Constitutional question.

He explained that in other charters, where the community wanted to include, for example, the board of selectmen, they put language on the ballot stating the candidate is running for both board of selectmen and representative town meeting.

Ms. de Steuben verified that there were other communities that do include the board of selectmen as voting ex-officio members. Mr. Curran replied that yes, they do, but in his opinion, unlawfully.

Mr. Manoogian stated, based on the last meeting, what the Commission would potentially be proposing for a legislative branch is something unique, and posed the question to Mr. Curran if, hypothetically, the Commission went a model between 25-35, had he ever been asked to draft something with that type of a number.

Mr. Curran replied no, that Saugus is the smallest at 50 members, but doesn't see it as anything right now. Without a label, it's a useful device that the Commission is considering for how the representative meeting would be constituted, and should be left at that. As it begins to take shape, and as you see other elements of the overall

structure and how they fit, and you make changes to this, then it may take some form, but at this time, it doesn't have any characteristics.

The Chairman then asked Mr. Curran if he thought the Commission should discuss the powers of the legislative body. Mr. Curran felt that would be a subject worth of consideration, or suggested leaving this for now to deal with the Executive / Administrative side of the government, perhaps having a discussion next week where the Members express themselves on the models that the Members all have in for Executive, and see if there is some common ground. He suggested that the first question might be whether there is a consensus to stay with the office of town manager as the chief administrative officer of the town, or if there should be some other model substituted for it.

The Chairman asked the Members how they would like to progress. Mr. Diotte questioned whether they had really come to a decision on the size of the legislature, and Mr. Curran stated that he felt they had come to an acceptable range.

The Chairman then suggested moving on to the powers of the legislative branch, but Ms. de Steuben suggested, instead, discussing the topic of the town manager.

Mr. Curran made the distinction between the executive branch, who set policy, and the administrator who implements the policy adopted by the executive branch.

Mr. Manoogian asked Mr. Curran his opinion on the role of the legislature, if any, to establish policy, and asked if it would depend on what's on the other side.

Mr. Curran replied that, no, there are certain policies that are determined by the legislature and come into play through the appropriation process and the organization process, how much the legislative branch is empowered to establish, control and manage municipal agencies.

A discussion followed, pertaining to the Town Administrator, and how that person would get his / her job.

Mr. Curran stated that part of the policy of the Executive Branch is who they appoint as their administrator. The simple issue is determining whether the Commission is content with staying with the town manager as chief administrative officer of the town, and asked if that was in all of the Members' proposals, or if there were some that felt the need for a change.

Mr. Manoogian noted, that of the ten proposals, each of them seem to have some type of professional administrator. The consensus seems to be that professional management is necessary.

The discussion continued as to the powers of the administrator, executive branch, and how they relate to each other. It was agreed that the Charter would contain some type of town administrator, with the details of the position to be ironed out later.

A five minute recess was called at 9:06 P.M.

The discussion of a central administrator, the person who would implement policy, continued, with the appointment process being the first topic. The Members discussed the possibility of a screening committee, and the pros and cons of such a committee,

the necessity of a good job description, and more citizen participation in the process. Other topics included provisions for interim administrators, simple majority to hire / fire vs. 4/5 vote, and what differentiates a strong town manager from a weak town manager. The Commission reached a consensus on a screening committee, but agreed not to nail anything down at this point.

A brief discussion followed about the policy making executive process, whether it would be an individual or group of individuals, and if multiple, what the size of that group should be. The discussion also included proposed powers of the executive branch.

NEXT MEETING DATE

Members agreed that the next meeting will take place on Thursday, September 25, 2008, at 7:30 P.M., in the Town Hall Auditorium.

MEMBERS ANNOUNCEMENTS / MOTIONS

None at this time.

PUBLIC FORUM

None at this time.

ADJOURNMENT

Gene Decareau moved to adjourn at 10:08 P.M.

The Chairman seconded the motion.

The motion passed **8-0**

APPROVED ON _____

SUBMITTED BY _____

