

Winthrop Town Council  
Meeting IV  
December 13, 2005  
Winthrop Town Hall – Harvey Hearing Room

Council members present:

Tom Reilly     Council President  
Joe Ferrino    At-Large Councilor  
Phil Boncore   At-Large Councilor  
Richard Gill   Councilor P-1  
Jim Letterie   Councilor P-2  
Nick DelVento Councilor P-3  
Jeannie Maggio Councilor P-4  
Russ Sanford   Councilor P-5  
Linda Call     Councilor P-6

Call to order 7:10PM

- Voting on minutes of December 6<sup>th</sup> meeting put off until entire motion could be included.
- Public Comment
- Committee Reports
  - Finance – J Ferrino discusses process of transferring monies commencing January 3, 2006
- Rules Committee
  - P. Boncore makes a motion to approve Rules as presented, 2<sup>nd</sup> by J Ferrino. (With amendment made by Ferrino to add the words “non-voting” to rule 10) Complete Motion printed below:

**RULES AND PROCEDURES  
OF  
THE WINTHROP TOWN COUNCIL  
RULE 1 - OFFICERS**

- a) The presiding officer of the Winthrop Town Council shall be the Council President.
- b) The Town Council shall, at its first meeting after being duly sworn in, elect a vice president for a one year term, who shall have the duties and powers granted to him/her in Section 2,2 (c) of the Winthrop Town Charter.
- c) The Town Council shall, at its first meeting after being duly sworn in, elect a council clerk, who shall have the duties and powers granted to him/her in Section 2, 8(e) of the Winthrop Town Charter.

**RULE 2 - SCHEDULE OF MEETINGS**

- a) The Winthrop Town Council meetings shall be held on the first and third Tuesday of each month at 7:00 p.m. and at such other times as a majority of the Town Council deems necessary after giving notice as required by law and the Winthrop Town Charter.
- b) Standing and Special Committees of the Winthrop Town Council, when necessary, shall meet on the third Tuesday of each month at 6:00 p.m.

**RULE 3 - QUORUM**

- a) A majority of the members of the Winthrop Town Council, five members, shall constitute a quorum.

**RULE 4 - ORDER OF BUSINESS**

- a) At every regular meeting of the council, the Order of Business shall be as follows:
  - 1. Call to order

2. Pledge of allegiance
  3. Roll call
  4. Act on minutes of previous meeting
  5. Public comments
  6. Correspondence
  7. Committee reports
  8. Town managers report
  9. Old business
  10. New business
  11. Public comment
  12. Adjournment
- b) The above Order of Business shall not be departed from except by vote of the majority of the members present; and all questions relating thereto shall be decided without debate.

#### **RULE 5 - ROBERTS RULES**

a) Roberts Rules of Order revised shall be the authority on all questions of debate or parliamentary procedure, whenever the same do not conflict with the rules herewith set forth by the Winthrop Town Council and Winthrop Town Charter.

#### **RULE 6 - VOTING**

- a) All questions or motions shall be restated and put to the Council for a vote by the Council President.
- b) Votes will be taken by voice (yea or nay) except those requiring more than a simple majority.
- c) Votes requiring more than a simple majority as governed by State Law, the Winthrop Town Charter or these Council rules shall be taken by roll call vote.
- d) The Council President may call for a roll call vote, if he is unable to determine the result of a voice vote.
- e) Any councilor may request a roll call vote on any question or motion.

#### **RULE 7 - OPEN MEETING LAW - EXECUTIVE SESSION**

a) Executive session may be entered only after the council has first convened in open session for which notice has been appropriately posted. The presiding officer cites the reason for going into executive session and calls for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate an executive session.

##### **b) Purposes Warranting Executive Session:**

1. To discuss the reputation, character, physical condition, or mental health, rather than professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least 48 hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights,

- (a) to be present at such executive session during discussions or considerations which involve that individual .
- (b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.
- (c) to speak on his own behalf.

2. To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

- (a) to be present at such executive session during discussions or considerations which involve that individual.
- (b) to have counsel or a representative of his own choosing

present and attending for purpose of advising said individual and not for the purpose of active participation.

(c) to speak in his own behalf.

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

4. To discuss the deployment of security personnel or devices.

5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

6. To consider the purpose, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

7. To comply with the provisions of any general or special law or federal grant-in-aid requirements.

8. To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

9. To meet or confer with a mediator, as defined in, MGLA, section twenty three C of chapter two hundred and thirty three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that 9 (a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice may be required in this section. (Adopted by TC item 96-061, 1/4/96) (The above rules are extracted from MGL chapter 39 Section 23B)

#### **RULE 8 - COUNCIL COMMITTEES**

After organization of the Town Council, the President, subject to approval of the Council, may appoint members to standing and special committees. The first named member of each committee shall be the committee's Chairman.

Standing committees shall be:

- a) Finance - 3 members
- b) Rules and ordinance - 3 members
- c) Public Health and Safety - 3 members
- d) Public works - 3 members
- e) Economic Development - 3 members
- f) Capital assets - 3 members

#### **RULE 9 - SPECIAL COMMITTEES**

The President of the Town Council, subject to approval of the Council, may designate such special committees comprised of Town Councilors, and or registered voters in the Town of Winthrop, as are deemed necessary.

A. Special Committees shall be:

- a) Citizens Advisory Finance Committee - 7 members

In accordance with Winthrop Town Charter, Section. 7-3

- b) Board of License Commissions - 5 members

In accordance with Winthrop Town Charter, Section 6-3

- c) Any and all other committee deemed necessary or which are listed in the Winthrop Town Charter in Section 10-5(p).

#### **RULE 10 - COMMITTEE RIGHTS AND OBLIGATIONS**

- a) The Council President shall be an ex-officio, non voting, member of all Committees, but may not serve as chairperson of any.

- b) All Committees are advisory to the Council and shall take no actions at bind the Council with the exception of the License Board, which has authority authorized by the Winthrop Town Charter,

Section 6-3.

c) Meetings of committees may be called by the chairperson or upon the written request of two members of the committee. All committees of the Town Council shall keep records of proceedings, and a copy of said records shall be filed with the Town Clerk and Council Clerk, within 30 days following each meeting.

#### **RULE 11 - DECORUM**

##### **A. General**

1. Discourse at Council meetings shall be marked by courtesy and respect, even in the face of disagreement.
2. Discussion shall be centered on issues, at hand, not on individuals.
3. Cell phones, pagers and other such devices shall be silenced during Council meetings.

##### **B. Decorum of Council Members**

1. Members of the Town Council shall conduct themselves in orderly manner to assure that the business of the Town is attended to as expeditiously as the deliberative process allows.
2. Members will address the Council President as "Mr. or Ms. President" and other colleagues as "Councilor".
3. Councilors shall address requests to speak through the Council President and shall not speak until recognized.
4. Discussion shall be limited to the topic before the Council and extraneous issues shall have no place in the debate.
5. Council members shall not interrupt a colleague except to raise a point of order, to express a point of personal privilege, to question parliamentary procedure or to doubt the presence of a quorum.

##### **C. Decorum of the Public**

1. Citizens of the Town will be invited to speak to the Council during the two times within the meeting designated as "Public Comment".
2. No person may address the Town Council before first having been recognized by the Council President.
3. All citizens addressing the Council will identify themselves by name and address or precinct.
4. By a majority vote of the Council a person not residing in Winthrop may address the Council during "Public Comment".
5. Comments from the public shall not involve personalities but shall be limited to the business of governmental issues dealing with the Town of Winthrop.
6. The Council President will determine the length of "Public Comment".
7. Generally, the public shall not be allowed to participate in the deliberations of the Council. Exceptions to this rule shall be at the discretion of the Council President.
8. People addressing the Council shall do so in an orderly manner, shall not make repetitious, slanderous or irrelevant comments, nor shall they engage in disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meetings.
9. Any person who disrupts, disturbs or other wise impedes the orderly conduct of a Council meeting shall be subject to ejection from that meeting in accordance with MGLA. (Chapter 39, Sec. 23c)

Motion passes unanimously

- **Facilities Committee:**

R Sanford reports that Committee has continued to meet, but as yet no recommendations to report

- Swearing In – P Boncore makes motion to allow Reilly to select site for Ceremony and first meeting. 2<sup>nd</sup> by Sanford, passed unanimously.
- Comments on Council Clerk made by Reilly. Reilly states that he would like the Finance Committee to make recommendations as to where money would come from for Clerk.
- Public Comment
- Next meeting – January 3, 2006
- Adjournment

Minutes submitted by

Jim Letterie  
Councilor – Precinct 2