

## **Charter Commission Minutes of October 5, 2005 Meeting**

The meeting was called to order by Chairman Marie Eldridge at 7:05 p.m. in the second-floor conference room at the Hopkinton Fire station. Also present were Mary Pratt, Tom Irvin, Doris Carver, Beth Herlihy, Nancy Clark, Bill McRobert and Bruce Karlin.

### Review of Handouts:

Marie read aloud the letter received from Bob Ritchie. The charter is not in violation of any laws. We need to change the number of signatures on a town warrant from 200 to 100. He also mentioned the typo in regard to the size of the board of health and asked for some clarification regarding the timing of the recall process.

### Reactions to Public Hearing:

Nancy stated that she had some concerns regarding having so many positions reporting to independently elected boards and not the town manager. She is concerned that we may be tying his hands and thwarting his ability to implement the structure that we are proposing.

Bill stated that he spoke to a former town manager that was in a similar situation. This person suggested that the elected boards could pick a few candidates that the town manager could choose from. Another possibility is to make the town manager the personnel director and therefore be in charge of raises, hirings, firings etc.

Nancy stated that it would be a good idea bring the experts back in to get more input on the budget process, the role of the finance director and the responsibilities of the town manager. We need to ask them if we have accomplished our goals.

Bruce made a motion to send the budget and finance director sections of the Charter to the executive secretary, the chairman of appropriations, town accountant, treasurer, assessor, Dave Stoldt, Dr. Phelan and the chairman of capital improvements.

Motion was seconded by Nancy and passed unanimously.

We requested that the responses be received no later than Monday, October 17<sup>th</sup>.

7:35 Gary Daugherty enters the meeting.

Nancy made a motion to send the town manager section to Ted Kozak and the BOS for input. Motion was seconded by Bruce and passed unanimously.

Marie sent some questions to the Finance director of Bellingham and Nancy agreed to follow-up with this on Marie's behalf.

Discussion of Proposed Change of elected board sizes from three to five:

Bruce stated that he would have liked to have heard some more meaty reasons presented by the BOA as to why they oppose the change.

Bill stated the proposal only affects the size of two boards and they both have stated their opposition to the change.

Beth stated that based on the fact that the overwhelming majority of BOA's in the state are three members and that the DOR was also advising us against this change, that we consider moving the boards back to three members.

Nancy stated that in principle she is in favor of five member boards but would be OK with changing the BOA back to three.

Marie agreed with following the recommendation of the DOR and supports the change back to three members. She also read the open meeting law to the group.

Motion by Beth to revert the Board of Assessors and the Board of Health back to three member boards. Bruce seconded the motion. Beth, Tom, Bill, Bruce, Marie, Mary and Doris voted for the motion. Nancy and Gary voted against the motion. Motion passes.

Discussion of change of Cemetery Commission from an elected to an appointed board.

Mary stated that the Cemetery Commission oversees the perpetual care fund and therefore should be elected.

Tom pointed out that the town could always make this change later.

Bruce made a motion to return the Cemetery Commission to an elected board. Motion was seconded by Mary and passed unanimously.

Discussion of Recall Provision:

Mary stated that she is in favor of keeping the recall provision in the charter. She feels that it is a safety net to protect the public. She does however feel we should consider increasing the number of signatures on the affidavit.

Beth stated that she also supports keeping the recall provision in the charter. She discussed the statements made during the hearing that there are currently enough laws in place to remove someone from office. She mentioned that no specific laws were mentioned and that she guesses that in fact it would be tremendously difficult and quite costly to the town to go thru the courts. She pointed to the situation described by Maureen Dwinnell. Had a recall provision been available at the time the initiative probably would have never gotten off the ground and the town would have been spared having to defend Mrs. Dwinnell. She thinks that the recall we are proposing is tough enough to discourage abuse.

Bruce stated that he did some research and tried to find out whether or not the recall has been abused in the state. He stated that he feels this can not be accurately known. He discussed the town of Hadley where a selectman had been recalled. He also mentioned

that in the town of Clinton, the BOS did not support the charter and it failed. He does not support including the recall in the charter and said that it is something that the town can add later if it so chooses. He feels that it will submarine the entire charter.

Bill stated that at the hearing it was pretty much split down the middle for and against. He also does not think that keeping it in the charter will cause the charter to fail.

Tom stated that he is on the fence. He stated that in principle he supports it and that it makes sense to him, however if it is too controversial perhaps we should take it out. He also pointed out that it can be added at a later date.

Marie stated that she is supportive of the concept of a recall. She doesn't see what the big deal is and has a gut feeling that it has not been abused. She believes in the intelligence and goodwill of the people not to abuse it. She doesn't feel that we have heard from enough people to gauge how the general public feels about it. She also feels that too much controversy has been stirred up and that it is detracting from more important issues.

Doris stated that she agrees with the comments made by Bill and doesn't think it will kill the charter. Everyone she has spoken to wants to see the recall included.

Nancy stated that she is strongly against including the recall. She doesn't think the charter will pass if we keep it in. She believes that Hopkinton is a very partisan town and that the recall could be misused. She also pointed out that some of our town official's are against it. She also noted that many people who agree with the recall still say that it could be misused or could kill the charter.

Bruce questioned the value of having a lightning rod, such as the recall, in the charter. He thinks it diminishes our chances of getting more important things accomplished.

Bruce made a motion to remove the section on the recall from the charter. Marie seconded the motion. Bruce, Nancy and Marie voted in favor of the motion. Tom, Gary, Bill, Doris, Beth and Mary voted against the motion. The motion failed.

Approval of Minutes:

Bruce motioned to approve the minutes from the September 14<sup>th</sup> meeting. Motion was seconded by Mary and passed unanimously.

Tom motioned to approve the minutes from the September 21<sup>st</sup> hearing. Motion was seconded by Bill and passed unanimously.

Bruce motioned to approve the minutes from the September 28<sup>th</sup> hearing. Motion was seconded by Mary and passed unanimously.

Next weeks agenda:

Review charter for amendments and suggestions from Larry Faiman, Marilyn Contreas and the DOR. Marie requested that we change the meeting on October 26<sup>th</sup> to the 27<sup>th</sup>. Nancy will find a different location and will post the meeting.

Discussion regarding the way we have structured the position of Principal Assessor. Should we reconsider having the Town Manager appoint this position?

Questions from the public:

Chris Dietz said that it would be a shame if we took the recall out. It is there to protect the public.

Lynn Fornier said that as an elected official in the town, she supports the recall provision.

Tom made a motion to change the wording in the recall for the affidavit section that not less than 100 signatures be collected from each precinct. Also change the percentage of signatures required from registered voters on the petition from 15% to 25%. Discussion ensued and Bill asked to amend the motion to 20% (not 25%.) Bruce seconds the amended motion. Motion passes unanimously.

Meeting adjourned at 9:40 p.m.