

Charter Commission Minutes of November 14, 2005 Meeting

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

Motion by Mary to approve the minutes from the October 5 meeting. Motion was seconded by Bruce and passed unanimously.

Motion by Mary to approve the minutes from the October 12 meeting. Motion was seconded by Tom and passed unanimously.

Motion by Bill to approve the minutes from the October 27 meeting. Motion was seconded by Nancy and passed unanimously.

Motion by Tom to approve the minutes from the November 2 meeting. Motion was seconded by Bill and passed unanimously.

Motion by Bill to approve the minutes from the November 9 meeting. Motion was seconded by Doris and passed unanimously.

Review of Introduction to the Charter:

Statement of Major Difference

Mary suggested that we include the change in the terms of the Moderator and Clerk from one to three years.

Nancy had a question regarding #3 and if we have correctly worded this. The two chiefs will not have the exact same powers. Group decided to add wording "more in line."

Review of Charter:

Change Title from "Preliminary" to "Proposed."

7:15 Gary Daugherty enters the meeting.

Section 1-9 add a definition of the word "he." Use the wording from section 7-4.

Review of the charter was stopped at this point so that Ron Clark could make a proposal to the Commission.

Ron Clark stated that he would like the BOS to be able to support the Charter and would like to offer a compromise. His proposal is that the commission should eliminate step #1 (the affidavit stage) altogether. Step 2 (the petition stage) should be changed from 20 to 25% with at least 10% of the signatures from each precinct.

Bruce stated that removing step one adds simplicity to the process and he would like to see the BOS support the Charter.

Beth asked Ron for clarification of step one. The process needs a beginning therefore his proposal reduces the number of required signatures for the affidavit from 400 to one. He responded that our 400 signature requirement gives the recall action more credibility with the public and the press, whereas if one person writes the letter it will not be as damaging to the person being recalled.

Chris Dietz asked Ron if he was speaking as a private citizen or was he speaking on behalf of the BOS. Ron stated that he is speaking as a private citizen but that he knows Len Holden and Eric Sonnett well enough to know their thinking on this subject and he believes that they will support his proposal.

Bruce stated that he has done some more research on the recall and has changed his opinion. He is now in favor of including a recall provision in the Charter and cited that an official from the state had told him that incompetency was the most important reason to have a recall. He mentioned an example of a town with an incompetent treasurer that had their bond rating reduced as a result. Bruce supports Ron Clarks's proposal.

Questions from the public:

Chris Deitz stated that the proposed 25% signature requirement makes the recall process unusable. She stated that usually not even 25% of the voters turn out at elections. She also would like us to keep the percentage requirements from each precinct in step one.

Bill McRobert discussed a different proposal where we increase the affidavit requirement from 400 to 10% of the registered voters, but keep the 20% as is.

Bob Falcione, from Hop News, stated that the press is going to grab the story no matter how many people file the initial affidavit and stated that Bill's proposal is a better way to raise the bar.

Nancy Peters stated that as Ron Clark is speaking as a private citizen, it is unusual that the Charter Commission would allow one person's opinion to so heavily influence our decision.

Carol Deveuve stated that to allow one person to file an affidavit discredits the entire recall process and that it is important that the entire process has credibility.

Beth stated that our original step makes more sense as 400 signatures will keep the process tough to initiate and will give it credibility. She also stated that one month ago when we had our final discussion of the recall provision we had held two public hearings

and were well aware of the position of each member of the BOS. At that point we compromised and strengthened both step one and step two. When we increased step two to 20% we kept the 45 days the same. By going to 25% in 45 days we are making the process virtually impossible.

Bill stated that we should stick with the recall process currently in the Charter.

Nancy stated that we should seriously reconsider our position on the recall. She suggested that we accept the compromise that Ron has proposed. She also stated that if we do not accept the compromise she will consider writing a minority report.

Marie stated that the majority of the board has voted twice to keep the recall provision in the Charter and therefore it should remain in the Charter. Removing step one would remove a necessary buffer that helps discourage frivolous actions and that we have already amended the recall process in response to input from the BOS and the public. She also stated that we should not concern ourselves with the actions of the press.

Tom made a motion to reconsider the recall provision. Gary seconded the motion. All voted in favor of the motion with the exception of Bill and Beth.

Discussion then continued regarding the recall provision.

Bruce made a motion to change the recall process to state that a recall petition may be initiated by any person, that 25% of the signatures be collected within 60 days, with at least 10% of the signatures coming from each precinct. Nancy seconded the motion. Beth asked Ron if he felt that the majority of the BOS will support this revised proposal and he said he felt that they would. Bruce, Nancy and Doris voted to support the proposal and Marie, Tom, Gary, Mary, Bill and Beth voted against the proposal. The motion fails.

Bill made a motion to a change the recall process to a 10% requirement for step one, with at least 200 signatures from each precinct. The remaining steps will stay the same. Tom seconded the motion. Bruce asked if Ron would support this new proposal and he stated that he would have to think about it. Bill, Mary, Gary, Doris, Beth, Tom and Marie voted in favor of the proposal. Nancy and Bruce voted against the proposal. The motion passes.

A final review was then made of typos and minor changes to the Charter.

Tom made a motion to accept the Charter as amended. Bill seconded the motion. Everyone voted in favor of the motion with the exception of Nancy, who abstained.

Meeting adjourned at 10 pm.