



TOWN COUNCIL
Charter Review Committee
Selectmen's Conference Room

Thursday June 4, 2015
MEETING MINUTES

Vice President Ann Canedy
Councillor Jennifer Cullum **Chair**
Councillor Will Crocker Jr.
Councillor Frederick Chirigotis **Vice Chair**
Councillor Paul Hebert

I. BUSINESS

A. Roll Call:

Members present: Chair of Committee Councillor Jennifer Cullum; Vice President Ann Canedy, Councillor Frederick Chirigotis, Councillor Will Crocker Jr., Councillor Paul Hebert,
Also present: Ruth Weil, Town Attorney; Jessica Rapp Grasseti, Town Council President, Cynthia Lovell, Acting Administrator

Chair of the Committee opened the meeting at 5:30pm for Public comment, seeing none; Public comment was closed at 5:35.

The Committee opened up the discussion regarding term limits, Councillor Chirigotis stated the rule has been interpreted so many different ways, and the Charter is not clear on the definition either. Former Councillor Rugo is a perfect example of this confusion when he was running for his last term, he was unable to because the term was for 4 years, but he termed out in two, so he would have vacated the seat for that precinct only 2 years into it.

Attorney Ruth Weil mentioned the special legislation changing in 1993 which indicated that the odd precinct numbers would have a shorter term, this resulted in current councillors who were already serving in the odd precincts had already served the 10 years, so it became very complicated and shortened the service. Councillor Chirigotis said that if the precinct changes in size due to the census either dropping or increasing, this would also either eliminate a precinct or increase to add others, this is how we gained 13 precincts now, was the census changed.

Vice President Canedy remembers a time when the discussion was revolved on how to reconfigure the precincts, President Jessica Rapp Grasseti that the terms alternate now between the odd and even numbers. Attorney Ruth Weil said she would look into the language and bring the information to the next meeting for the committee to look at.

The Committee discussed the Prohibition language that currently is in the Charter, Councillor Hebert wanted some clarification on this language, as he understood it to read was that if you currently are an employee of the town i.e. DPW worker, who at some point in his career decides he wants to run as a Councillor for that year, this person is allowed to take a leave of absence from his job and run for Councillor, and if that person is successful that job is held in abeyance until that person decides they no longer want to be a Councillor or decide not to run again, that person can return to their job they held previously, but if a Councillor who is currently a sitting Councillor decides they want to apply for a town job, they have to wait a year? This does not seem quite right in the scheme of things. Councillor Chirigotis said we are all town employees, we are elected officials; however we are employees of the town. Attorney Ruth Weil looked into other municipalities with similar issues, and they all have the same basic language, so Barnstable is not out of the ordinary with this language. Attorney Weil also mentioned that if you work for the school system you can't run for a council seat for 1 year after you

leave the employment of the school. Councilor Hebert had concerns about not allowing our citizens, especially teachers the opportunity to run for an elected office if they have not vacated their prior position for 1 year. He believes this severely limits the pool of people. Volunteers vs. paid employees need to be acknowledged as well. Attorney Weil also would have to wait a year before she also could run for an office or take another job within the town.

The Committee discussed the language regarding should an employee be allowed to run for Council and return to their former job after their term expires or were unsuccessful in getting elected. An example of this happening was when Martin Hoxie was a police officer in the town, then became a Selectmen, then back to a police officer. Attorney Ruth Weil will continue to look at the prohibition language and come to the next meeting with some proposed suggestions, by looking at the original change in 1993 and incorporate that into the new language.

The next item on the agenda was recall language. Vice President Canedy clarified that a recall starts with a constituent in your precinct. Councilor Fred Chirigotis said that the prohibition language on its own is a basis for recall, but believes there should be a solid basis for a recall procedure, and not just an angry constituent who does not like the view point on a certain matter you may have taken. Councilor Hebert echoed Councilor Chirigotis words by adding that if someone say for instance does not like the way a councilor may vote on the Shooting Range issue, which is a very hot button topic, if your constituent I your precinct does not like the way you handled this vote, they could according to the way the recall provision is set up recall you as a councilor, or at least start the procedure. There should be a better description that defines how a recall procedure is triggered. Councilor Hebert would like clarification from legal on the safety net for councilors, is there some protection for councilors against recall, there is an elected body of 12 other members that would hopefully let him know if he was making bad choices to possibly head off the recall procedure.

Councilor Chirigotis believes the recall language needs to be more defined and more difficult to obtain, also the amount of signatures required should be increased. According to the current language in the Charter under Section F states that recalls can be done in a general election when there are a number of voters out voting, this is typically when a recall is done because there are more voters out there, rather than a time when there are not a lot of voters out there due to a smaller election. The committee agreed to develop language regarding the process of recalling an elected official. Councilor Hebert believes the language or process should not be as easy as described tonight, the process should be based on the gravitas of the situation according to Councilor Will Crocker. Councilor Chirigotis stated that the reason for recall should be one that is legitimate and then there would be a lot of people willing to sign the recall papers, but if the reason is a very weak one, then people hopefully would not sign the recall paper unless they were fully aware of the issue and why they are signing such a document.

Attorney Weil stated that if this committee was looking at changing language pertaining to the recall process, then it had to be submitted to the full Council by June and then to special legislation by July, then approved by the Attorney General's office in August.

The committee felt that the current signatures of only 50 required is a very low amount; members believe that number should be at least 100 or 125. Attorney Weil offered to flush out the language that repeats itself in the areas of the Prohibition section.

Primary elections vs. General elections are primaries really needed, or should everyone jump into the arena at once. This committee would like to ask the town clerk about the cost before looking at this as an elimination possibility.

Next meeting topics:

1. Recall for cause
2. Number of signatures required for recall
3. Number of signatures for preliminary elections
4. Term limits

The committee would also like election number turn outs to get an accurate picture of how many signatures should be required to obtain a recall.

NEXT MEETING: June 22, 2015 5:30pm

Councilor Chirigotis made motion to adjourn: Councilor Will Crocker seconded

Meeting Adjourned 7:00pm