



TOWN COUNCIL
Charter Review Committee
Selectmen's Conference Room

Thursday June 22, 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., **Also present:** Ruth Weil, Town Attorney; Jessica Rapp Grasseti, Town Council President, Cynthia Lovell, Acting Administrator
Absent: Councillor Paul Hebert

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 the discussion on recall for a cause. Vice President Canedy clarified that a recall starts with a constituent in your precinct. Councillor 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. There should be a better description that defines how a recall procedure is triggered.

Councillor 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. The process should be based on the gravitas of the situation according to Councillor Will Crocker. Councillor 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. Councillor Chirigotis stated it takes 100 signatures for the petition to bring to the Town Clerk, and then another 10% more votes needed to bring it to the ballot, then 20% of the vote is needed on Election Day.

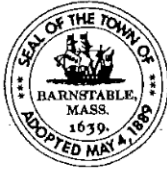
Attorney Weil stated that if this committee was looking at changing language pertaining to the recall process, then it had to be submitted to the full Council by June and then to special legislation by July, then approved by the Attorney General's office in August.

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.

Attorney Ruth Weil handed out a memo from the prior town clerk Linda Hutchenrider:

(1)



Town of Barnstable
Office of Town Clerk

367 Main Street, Hyannis MA 02601

Office: 508-862-4044
Fax: 508-790-6326

Linda E. Hutchenrider, CMC/AAE/CMMC
Town Clerk

October 30, 2001

TO: TOWN COUNCILORS
FROM: LINDA HUTCHENRIDER
RE: POSSIBLE CHARTER CHANGE

First of all – best wishes to all of you next Tuesday – I realize there are only two of you who have ballot opposition, but I do wish you the best.

I am giving you a heads up on a possible proposal for a charter change (not until after the elections). I think most of us believe that the current charter will remain intact at the end of the election. But even if it does not, the case for what I am looking to do is good.

I propose to eliminate the local preliminary elections. We do not need them. We are not a partisan community; and if you recall in our “former” town government we did not have preliminary elections. That type of election is appropriate in a partisan community where you are trying to get one Republican, one Democrat, etc. on the ballot.

The town of Easthampton does not have them (they are a city) and one of the other cities just recently removed preliminary elections and I am going to get in touch with them. Haverhill wants to do it – it cost them over \$50,000 recently to get rid of one person, as it cost us \$20,000 to do the same.

The reasons I am looking at this are because: 1) It is not necessary since we are not a partisan community. 2) It may bring more people forward to run if they know they only have to spend money on one election. 3) It will save the town over \$22,000 in our local election years. 4) The outcome of the election is not necessarily going to change. 5) With more people possibly running, the actual voter turnout may increase.

I will not bring this forward if it is the sense of the council that they would not like to see this take place. But, I honestly believe that it will benefit the election process. I will be speaking with you.

TOWN CLERK Election Budget	FY12		FY12		FY13		FY14
	Town Elections 2011		1 Federal Election 2012		1 Federal 1 State 2012		2013 Local Town Elections
GENERAL EXPENSES:							
Custodial Svcs/rentals	\$855.00		\$855.00		\$1,710.00		\$855.00
Printing (LHS)(Accuvote)	\$9,900.00		\$3,515.00		\$8,830.00		\$20,800.00
Supplies	\$400.00		\$400.00		\$800.00		\$800.00
Postage	\$663.00		\$1,452.00		\$2,904.00		\$1,500.00
Automark-ES&S	\$1,366.00		\$0.00		\$0.00		\$2,000.00
Travel/posting Voter list	\$35.20		\$36.00		\$72.00		\$72.00
Travel to Precincts	\$0.00		\$50.00		\$100.00		\$100.00
Payroll Wardens/clerks	\$11,900.00		\$12,500.00		\$27,000.00		\$25,000.00
SUB TOTAL	\$25,119.20		\$18,808.00		\$41,416.00		\$51,127.00

Actual

**All 13 Councilors will be up

for Election, these figures are my best guess based on the possibility of two elections-programming costs can increase due to possible addition of questions and printing ballots

Figures include our software contracts as well.

Payroll changes increase in busier elections

* The Federal and State elections we have no printing of ballots - but increased payroll and postage. The printing line item includes computer programming, printing of ballots, printing of voter lists

(4.)

POPULATION
TOWN OF BARNSTABLE

CENSUS INFO.

1900	4,023	
1910	4,676	
1920	4,836	
1925	5,774	
1930	7,305	
1935	8,037	
1940	8,333	
1945	8,647	
1950	10,480	
1955	12,051	
1960	13,465	
1970	19,843	
1975	26,699	
1980	31,344	
1982	30,876	
1983	31,303	
1984	31,567	
1985	33,526	
1986	33,479	
1987	33,295	
1988	35,708	
1989	36,304	
1990	31,439	
1991	32,882	FEDERAL 40,949
1992	38,037	
1993	41,227	(1/1/93)
1994	-	
1995	43,184	
1996	43,500	(APPROX) Federal figures

The school department had a preliminary election recently that cost them \$20,000. The committee will invite the Town Clerk to the next meeting to discuss the costs associated with primary elections.

The committee discussed the issue of term limits. Councilor Chirigotis mentioned the (Rugo) situation, this is when Councilor Rugo had run for 2 terms at 4 years then ran for a third term which was only a two year term, the following term was a 4 year term which he could not run for because it would have put him at 14 years, and a councilor can only serve for 12 years. If he had decided to run for the 4 year term he would have had to vacate the term after only two years served of the 4 year term. Attorney Ruth Weil handed out Chapter 94, having to do with term limits.

Chapter 94. AN ACT RELATIVE TO THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Barnstable which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 2-1(a) and inserting in place thereof the following section: -

Section 2-1(a). Composition: There shall be a town council, which shall exercise the legislative powers of the town. One councillor shall be elected from each precinct.

SECTION 2. Said charter is hereby further amended by striking out section 2-1(c) and inserting in place thereof the following section:-

Section 2-1 (c). Councillors shall serve for four year overlapping terms, so arranged that the terms of as nearly half of the councillors as may be shall expire at each biennial town election.

SECTION 3. Said charter is hereby further amended by striking out section 2-6(b) and inserting in place thereof the following section:-

Section 2-6(b). Quorum: One-half of the total membership of the town council plus two shall constitute a quorum. The affirmative vote of a majority of the full town council shall be necessary to adopt any appropriation order. Except as otherwise provided by the laws of the commonwealth or the charter, any other motion or measure may be adopted by a majority vote of those present.

SECTION 4. In order to implement the provisions of this act, the town clerk of the town of Barnstable shall no later than June thirtieth, nineteen hundred and ninety-three draw by lot to determine whether the even-numbered precincts or the odd-numbered precincts of said town shall elect councillors for a two-year term at the biennial town election to be held in the year nineteen hundred and ninety-three.

SECTION 5. This act shall take effect upon its passage.

Approved July 2, 1993.

Attorney Ruth Weil will look into the language and codify the term limit language for the next meeting.

Vice President Canedy mentioned the Charter objection language that she does not like because one councilor can use this tool to kill an item (e.g. when there is a hard deadline for decision). Attorney Ruth Weil understands that this has been only used twice in her time here at the town.

NEXT MEETING: June 22, 2015 5:30pm

Councilor Chirigotis made motion to adjourn: Councilor Will Crocker seconded
Meeting Adjourned 7:00pm