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**TOWN COUNCIL**  
**Charter Review Committee**  
**Selectmen's Conference Room**

**Thursday July 27, 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 Councilor Jennifer Cullum; Vice President Ann Canedy, Councilor Frederick Chirigotis, **Also present:** Ann Quirk, Town Clerk; Ruth Weil, Town Attorney; Cynthia Lovell, Administrator to the Town Council  
**Absent:** Councilor Paul Hebert; Councilor William Crocker Jr.

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

Chair accepted a motion by Councilor Chirigotis, seconded by Vice President Canedy to accept the meeting minutes of June 22, 2015, approved unanimously by members of the committee.

The Chair of Committee moved onto the next item on the agenda which was preliminary elections. The Town Clerk stated she would like to see them go away and the reason behind it was for financial reasons. In 2001 there was a preliminary election for 5 people running for the School Committee seat which only 2 positions were open for it. The preliminary election was done town wide and cost us \$ 30, 000 dollars to do it, with a 3% turnout, and it is always the top vote getter in the primary that wins the election.

In 2003 there was a preliminary election for Precincts 2 and 11 we had 17% turnout in Precinct 2 and a 16% turnout for Precinct 11; the two top vote getters were the ones that won the election. In 2007 there was a Town wide election because the Treasurer had 2 opponents, and 6% percent turnout, and those voters decided that Maureen Niemi was going to be on the ballot and she won.

The Chair of the Committee asked for the costs per precinct, Ann Quirk stated for each precinct it's about \$4, 000, plus we need to add Department of Public Works and Police, the Police get overtime hours at \$75.00/hr. so when the polls open up until they close; and the Department of Public Works get about \$45 to \$70/per hour, this would be for 4 people from the Highway Department that come and set up everything prior to opening up, whether it be cones, or saw horses, or the poll machines. There is a \$300 cost for a custodian for each precinct the Department of Public Works gets a 4hr minimum even if the work is only 1 hr. long in the morning and they are called back at 2 in the afternoon to break it down and it takes them an hour they get paid for 4 because it is a

break in the day. Those Department of Public Works workers have a 4hr minimum in their union contract.

Chair Jen Cullum asked how many Police officers are there in each precinct. Town Clerk, Ann Quirk stated there are 2 Police officers in each precinct, the cost of printing ballots is approximately \$1600 per precinct, and supplies is about \$60.00 per precinct. The auto mark machines need programming as well and that cost \$500 per precinct, mail outs are about \$60.00 for supplies per precinct, and \$115 for postage

Chair Jen Cullum asked recent past has there ever been 4 or more running as a town Councilor, yes in 2011, there were (3) Precinct 3 running and we had to have a preliminary and the other two were town elections so that was about \$6,000 wasted. Town Clerk also stated she also has to have her own staff at Town Hall as well when the polls close as well because there are ballots that need hand counting.

Chair of Committee asked what are the drawbacks about eliminating the preliminary elections, Ms. Quirk answered that there is not one that she can see; she would like to see everyone on the ballot and the highest vote count wins. She would also like to see the amount of signatures required to run should be increased, currently only 25 signatures are required to get on the ballot as a councilor. She would recommend 50 to 75 signatures, and this would decrease the numbers running. (See handout)

### **Nominations and ElectionsSection 7-1 Town Elections; General and Preliminary**

The regular town election shall be held on the first Tuesday following the first Monday in November of each odd-numbered year.

On the seventh Tuesday preceding every regular town election, there shall be held a preliminary election for the purpose of nominating candidates.

(Amended by Town Council item #93-106; Amendment passed by Act of Legislature August 6, 1993).

### **~~Section 7-2 Regular Election~~**

#### ~~(a) Signature Requirements~~

~~The number of signatures of voters required to place the name of a candidate on the official ballot to be used at an election shall be as follows: For an office which is to be filled by vote of the whole town, not less than one hundred and fifty. For an office which is elected by the voters in a precinct, not less than fifty (50) signatures from said precinct.~~

#### ~~(b) Information to Voters~~

~~If the candidate in a regular town election is an incumbent of the office to which he seeks election, against his name shall appear the phrase "candidate for re-election."~~

#### ~~(c) Ballot Position~~

~~The order in which names of candidates appear on the ballot for each office in a regular town election shall be determined by a drawing by lot conducted by the town clerk in the presence of such~~

~~candidates or their representatives as may choose to attend.~~

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## **Section 7-3 Precincts**

The territory of the town shall be divided into precincts so established as to consist of as nearly equal a number of inhabitants as it is possible in compact and contiguous territory; bounded insofar as possible by the center line of known streets or ways or by other well defined limits.

## **Section 7-4 Application of State Laws**

Except as expressly provided in the charter and authorized by statute, all town elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary and regular elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

Councilor Chirigotis stated he has mixed feelings about all this. On one hand, there is a lot of wasted money spent on these preliminary elections. The Charter itself is the ruling document of the Town of Barnstable, and the push back we are going to get is if the Town Council on its own takes to change or add words to this. It should be on a ballot for the residents to decide. Councilor Chirigotis mentioned that it does not mean we can't make recommendations regarding change; however it should be on the ballot for a vote of the people. Vice president Canedy spoke to the fact that she felt that some of the issues we are discussing could be recommended by this Committee and not put on the ballot such as the number of required signatures to hold a public office or the clarification of term limits, could be suggested by this Committee to change and not have it appear on a ballot.

The Charter has never been amended by the Town Council without the vote of the people. Attorney Ruth Weil mentioned that we have missed the opportunity for the Home Rule Charter so we would have to get permission to have it on the special ballot or have a special election. It would be too late for this November's ballot, but there is a big election from 2017. If you want a Special Election, you need to gain permission from the State to do so. This could be done if needed in the year 2017.

Attorney Ruth Weil discussed the issue next on the Agenda which is recall language. There has been language going way back in Charters that pertain to sex offenders, federal felonies, Attorney Ruth Weil said there are some existing Charters that have language pertaining to those concerns.

A motion was made by Vice President Canedy that the Council as a whole can decide the language for the following: Seconded by Councilor Fred Chirigotis, unanimously approved by Committee members.

1. Clarification of the language regarding Term limits
2. Language of the 10 year Forecast
3. Clarification of the language regarding Charter objection vs motion to postpone

A motion was by Vice president Canedy to bring to the people and have on the ballot the following items: Seconded by Councilor Fred Chirigotis. Unanimously approved by Committee members

1. Elimination of Primaries
2. Clarification of language regarding the definition of Recall Provision

Attorney Ruth Weil passed out the language having to do with the Recall Provision. This combines the Framingham and Ipswich language (see handout) for purpose of discussion only. There were no prescribed for grounds language. (Committee members looked at handout)

## Chapter C. Charter of the Town of Barnstable

### PART VIII. Citizen Relief Mechanisms

#### Section 8-8. Recall of Elected Office Holders.

##### (a)

Application. Any holder of an elected office in the town, with more than six months remaining in the term of office for which the officer was elected, may be recalled therefrom by the voters of the town in the manner provided in this section. No recall petition shall be filed against an officer within six months after taking office.

##### (b) Grounds for Recall:

Any one of the following may be grounds for recall:

1. Conviction of a felony while in office or admission of sufficient facts, while in office, to be convicted of a felony.
2. Being found in violation of the state conflict of interest law, in Chapter 268A of the General Laws, while in office, as determined by the State Ethics Commission or the state attorney general.
3. Attending less than fifty percent of meetings of the full elected body held during the previous six months.

##### (c) Recall Petition.

A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall, provided that, the affidavit is signed by at least one

hundred **fifty** voters for any officer elected at large and at least **one hundred voters** for any officer elected by precinct.

The town clerk shall thereupon deliver to said voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms the town clerk shall keep available. Such blanks shall be issued by the town clerk, with signature and official seal attached thereto. They shall be dated, shall be addressed to the town council and shall contain the names of all the persons to whom they are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within ten days after the filing of the affidavit, and shall have been signed by at least ten per cent of the registered voters of the town for any officer elected at large. For any officer elected by precinct, said recall petition shall be returned and filed with the town clerk within ten days after the filing of the affidavit, and shall have been signed by at least ten per cent of the voters from the precinct the officer to be recalled represents.

The town clerk shall forthwith submit the petition to the registrars of voters in the town, and the registrars shall, within five working days, certify thereon the number of signatures which are names of registered voters of the town.

(d)

Recall Election. If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with such certificate to the town council within five working days, and the town council shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than forty-five and not more than sixty days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within sixty days after the date of the certificate the town council shall postpone the holding of the recall election to the date of such other election.

The recall election for any officer elected by Precinct, shall only be held in the precinct that the officer represents.

If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.

(e)

Office Holder. The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If recalled the officer shall be deemed removed and the office vacant. The vacancy created thereby shall be filled in accordance with this charter. Any person appointed to fill the vacancy caused by such recall shall hold office for the unexpired term of the officer recalled.

(f)

Ballot Proposition. The form of the question to be voted upon shall be substantially as follows:

"Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?"

If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled.

No recall election shall be effective unless at least twenty percent of those entitled to vote shall have voted.

(g)

Repeat of Recall. In the case of an officer subjected to a recall election and not recalled thereby, no recall petition shall be filed against such officer until at least sixty days after the election at which the officer's recall was submitted to the voters of the town.

(h)

Office Holder Recalled. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any town office within one year after such recall or such resignation.

Councilor Chirigotis asked about the language concerning conviction of a felony, Councilor Chirigotis asked whether the prohibition was if the conviction happened while the person was in office or whether it was prior to being elected? Attorney Ruth Weil stated while in office. Attorney Ruth Weil asked the Committee members if they want to be specific with what felonies by listing them. ; Councilor Chirigotis said that list would be very long and time consuming and things may be left out. Councilor Chirigotis suggested being convicted of a felony while in office. The Committee would like the misdemeanor language removed.

Attorney Ruth Weil will redraft the suggestions made by the Committee and re-introduce.

**NEXT MEETING:** August 19, 2015 5:30pm (CINDY: IS THIS CORRECT? )

**ADJOURNED: 7:45PM**