



TOWN COUNCIL
Charter Review Committee
Selectmen's Conference Room

Thursday October 1, 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; Councilor Frederick Chirigotis, Councilor Paul Hebert; Councilor Will Crocker (late) **Also present:** Ruth Weil, Town Attorney; Mark Milne, Director of Finance; Cynthia Lovell, Administrator to the Town Council, President of Town Council Jessica Rapp Grasseti. Absent: Vice President Ann Canedy,

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

Motion made by Councilor Hebert to accept the meeting minutes of July 27, 2015, Seconded by Councilor Fred Chirigotis, all members voted in favor of accepting the meeting minutes of July 27, 2015 as written.

Chair of Committee moved onto New Business:

Mark Milne mentioned that Comprehensive Financial Advisory Committee in the past has recommended that the Town go to a 5 year fiscal financial forecast, anything more than that is difficult to forecast. The general corporate practice is a five year plan. We have a large Capital Program and a five year would match up better to that type of forecast. As part of our Capital Program we do a 20 year cash flow projection because we want to see what type of capacity we will have for the future. Mr. Milne would support a switch from a 10 year to a 5 year forecast. If there is a need to do a longer forecast we can do that, and typically communities will do that because they are in a financial hole, currently the town is not in a financial hole, but that is not to say that the sewer issue will not force us into a longer plan because that is a very costly project that is on the horizon. The other type of long range forecasting would be the benefit process and health care costs, but we have started to address this.

Councilor Hebert asked if a 3 year financial plan would be better. Mr. Milne answered that a 3 year plan is really too short of a window for a Town our size and the issues we face. The 5 year plan will benefit us better. Councilor Hebert asked if the fluctuating market have an effect on our town. Mr. Milne answered no the effects today is the stock market, that is the up and down, the only thing that would hurt us is a recession again. The way we issue out debt is never more currently past 20 years, down the road we may have to go out further, we use level principal payment to pay the debt back which makes the payment decrease every year. If our revenue slides then everything else will go up. If we are not bringing in the revenue it will impact us in a big way. We in this town have always taken a conservative approach and not cut services. We do not issue debt unless we know we can make that first payment.

Councilor Chirigotis said that the revenue side is the most vulnerable right now, and we need to make sure we protect our vulnerability. Mr. Milne discussed the proposition 2 ½ override that happened, it changed the whole way municipalities do business now, you have to live within a budget now that is controlled. Our revenue is very important, and we look outside to the long term to manage this.

Councilor Hebert stated that you already are looking at the future and the planning. Mr. Milne stated the Cadillac tax is coming very soon and will be placed into effect, we knew that the affordable care act passed, but when they designed the plan it was targeted towards the wealthy, but did not take into effect the inflation. In Massachusetts there is a 1 in 3 health plan in the industry that is going to be affected by this Cadillac tax.

Councilor Chirigotis stated this is insane that we are going to be taxed on our health insurance. A motion was made by Councilor Hebert to change the current 10 year forecasting plan to a 5 year forecasting plan. The Motion was seconded by Co Chair Councilor Chirigotis. Committee members voted in favor of accepting the Motion.

Attorney Weil spoke about the Charter Objection language and its purpose and how a couple of people can stop the entire process, especially if the Item is time sensitive. If it is the will of the Council to keep the Charter Objection language then she believes that the language needs to be tightened and also make clear as to when the Charter Objection should be used. Councilor Cullum believes that one Councilor should not have the power to stop the process just because they do not like something. Attorney Weil stated that most Communities she researched have it in their Charter.

Councilor Chirigotis is not a fan of it. It becomes very disruptive; he has seen it used when there was not a will of the majority to move an Item forward. Councilor Chirigotis said if a Councilor does not like an Item then it can be postponed. He would be in favor of eliminating the Charter Objection language. Councilor Chirigotis said this is very costly if it involves a purchase and sale agreement, or if there are clear cut deadlines, if you do not meet those deadlines, then it becomes very costly to re-negotiate the purchase and sales agreement again. Councilor Chirigotis stated the Hyannis Golf Course is a perfect example of this. This project cost us a lot of money because the purchase and sale expired.

Attorney Ruth Weil stated that if a Councilor with a minority position felt strong about that position that was overrun by the majority, then this provision would allow the minority to discuss the issue and find out more facts about the issue. Councilor Cullum mentioned that one Councilor should not be able to do the “checkmate process” a motion to postpone would be the better objection.

Councilor Hebert asked what happens when a particular piece is being voted on and a Councilor missed some language in the first time around, or did not hear the Item correctly the first time it’s read, and then you read it a second time and you do not like what you read; then do you as a Councilor have the right to ask for postponement? Councilor Chirigotis said yes, you always have the right to ask for more information.

Councilor Chirigotis stated our government is based on a majority rule. Councilor Cullum asked Attorney Weil is there any way to put language in that the Charter Objection can only be used if.... So in other words Councilor Cullum did not like the use of this when it is a time sensitive Item, or an eleventh hour decision, its use is being misused, and if we can add some language to it to say it can only be used when this occurs or that occurs? Attorney Weil stated she will look into this and get back to the Committee. Councilor Chirigotis said in the past it has been used vindictively, and has caused a lot of conflict amongst the Councilors. Councilor Hebert asked if there is a mechanism in place if it is time sensitive or if there is a purchase and sale involved. Councilor Chirigotis discussed if that is done with that type of language then the issue becomes who is this important too. Attorney Weil clarified that the language is spelled out in the Emergency Measures. Another way of dealing with this when there are two people objecting to this, you can remove the provision and go to the Special Meeting clause. Councilor Chirigotis said it depends on the situation, who declares it an Emergency, Councilor Chirigotis said to him it is just an extension of time, and if the issue is legitimate and the reason is a sound one, then postponement is the option, not a Charter Objection. Councilor Cullum said that if the problem is obvious, then she believes that the majority of Councilors would vote to postpone. Councilor Hebert asked if they increased the amount of Councilors it took for the Charter Objection to pass. Councilor Cullum mentioned that if there was an issue that 4 out of the 13 Councilor were uncomfortable with then a motion to postpone would be her suggestion and not a Charter Objection motion. Councilor Cullum said it is a parliamentary tool pulled out at the last minute and that is why I do not like it. Councilor

Cullum said the Committee is going to put this topic on hold until the next meeting when all members are present and they can add to the discussion.

Chair of Committee mentioned a topic that one of the members, Vice President Canedy, wanted mentioned and red into the record is wondering if (1) prohibition could be put into place such as the one in place for managers, put into place for the Assistant Manager (2) give the Council rather than the Manager the Appointing Authority for to outside Committees i.e. Cape Cod Commission, Water Collaborative. The Committee reserved discussion on these Items until the next meeting.

Chair of Committee moved onto the next Item which id the Tax Collector, should this be an appointed position or an elected one. Chair of Committee Councilor Cullum asked why is the Tax Collector elected. Attorney Weil said it is unusual in this form of government, however it has previously been tried to change and did not pass, the argument made is whether the person in that position is either political or professional. Ann Quirk the Town Clerk provided documentation pertaining to the ballot and how things get on the ballot and how they were voted the last time in 1995. Our Finance Director and Department of Public Works Director are appointed positions in our town said Councilor Cullum. Even if you are appointed or elected there are rules you have to follow regardless. Is there a savings to the town wide election if it becomes appointed, no was the answer. Attorney Ruth Weil stated it would be interested to see what the other communities do as far as this position. Attorney Weil said some of the Clerks are appointed in towns as well, as ours is elected. Chair of Committee said she would like to see it be an appointed position and not an elected one. Councilor Chirigotis asked who the Tax Collector reports to? Ultimately the appointed people in this Town answer to the Town Manager. Councilor Chirigotis would also like to see the Tax Collector appointed. A Motion was made by Councilor Chirigotis to recommend that the Charter be changed to reflect the Tax Collector position be appointed and not elected. (Discussion began on this) We would need special legislation to go forward as it is too late this year. This Committee could also create a document to have it appear on the ballot on 2017 as a Town election. The Motion passed as a recommendation to be made to the full Council that the Tax Collector be an appointed position and not an elected position. All members present voted in favor of this.

Motion made to Adjourn by Councilor Chirigotis, Seconded by Councilor Hebert, all members voted in favor of adjournment 7:00pm

NEXT MEETING: November 5, 2015 5:30pm

ADJOURNED: 7:45PM