

**Town Charter Workshop  
April 2, 2013  
Dracut Historical Society**

**Present:** Cathy Richardson, John Zimini, Joseph DiRocco, George Malliaros, Dennis Piendak, Town Manager, Glen Edwards, Assistant Town Manager/Planner, Attorney James Hall and Recording Secretary Shannon Rowe Beaulieu

**Absent:** Robert Cox

Ms. Richardson opened the meeting at 7:09 p.m.

Mr. Michael Ward from the Collins Center appeared before the Board and presented the Dracut Board of Selectmen Charter Revisions Working Meeting Outline dated April 2, 2013. Mr. Ward stated that the Town of Dracut's existing Charter is generally sound. Mr. Ward stated that the target for any possible Charter changes would be the Fall Town Meeting.

Mr. Ward discussed the Preamble and stated that the presented outline lists the current text, issue(s) and potential step(s).

Mr. Ward discussed Article 2, Section 1 which reads "all registered voters qualified to vote in state and local elections". Mr. Ward discussed the issue being unusual phrasing as there is a very small change of potential issues if there is divergence in state and local election voter qualifications. Mr. Ward stated that the Board may want to consider changing to simpler "open to all registered voters of the Town". The Board agreed to the change.

Mr. Ward discussed Article 2, Section 2 which reads "The second such meeting shall be primarily concerned with general by-laws, zoning by-laws and not having a fiscal effect on the Town". Mr. Ward discussed the issue being potential confusion around "primarily concerned". Mr. Ward stated that the Board may want to consider discuss either changing language around fall Town Meeting purpose or leaving call of meetings other than Annual Town Meeting as needed. Ms. Richardson referenced page 13 of the draft Groton language. The Board discussed the Groton language and discussed holding the June Town Meeting earlier in April or May. The Board discussed leaving a window like Groton but changing the date by By-Law.

Mr. Ward discussed Article 2, Section 3 which reads "A quorum of 250 shall be required to conduct business at any Town Meeting unless otherwise provided in a future by-law". Mr. Ward discussed this subsequently changed by by-law and could change the Charter to reflect the change. Mr. Ward also discussed some interest in reducing it further. The Board agreed to reflect the numbers currently: 250 spring/200 fall. Mr. Piendak discussed a Warrant Article failing which can not be brought back to Town Meeting for one year which would be June to June. Mr. Piendak stated that an Article could come back in June of the next years Town Meeting.

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Mr. Ward discussed Article 2, Section 4 which has no provisions for a back-up Moderator. Mr. Ward stated that this would default to MGL C39, S14, which is very clear. The Board agreed to not making any changes and to keep using the State Law.

Mr. Ward discussed Article 2, Section 7 which deals with multiple standing Committees. Mr. Ward discussed Committee's that have become difficult to fill and the difficulty potentially partially because of need to maintain geographic diversity. Mr. Ward discussed merging Committee's and changing precinct rule to give preference to geographical diversity but that allows for filling the positions without it if necessary, either in Charter or Charter refers to By-Laws. The Board agreed to merge the two Committee's and to keep the precinct options.

Mr. Ward discussed Article 2, Section 7 which states "There shall be a Finance Committee appointed by the Moderator consisting of seven or nine members each of whom must reside in a different precinct from all other members having at least one member from each precinct to be appointed by the Moderator". Mr. Ward discussed it being unclear what the correct text is. The Board discussed the Moderator appointing the Finance Committee and agreed to not make any changes.

Mr. Ward discussed Article 3, Section 3 which pre-dates the 1993 Education Reform. Attorney Hall discussed option (3) which reads to adopt and administer an annual operating budget for the School Department, subject to appropriation by the Town Meeting. Attorney Hall stated that he would like to do more research on this for the next meeting. Mr. Piendak discussed there not being anything about the Regional School in the Charter. Mr. Ward stated that they could incorporate the State Law for Regional Schools into the Charter. Mr. Ward stated that he would come back with the possible language change for the next meeting.

Mr. Ward discussed Article 3, Section 4 which reads "There shall be a Town Accountant appointed by the Board of Selectmen for a three- year term" The Board discussed the three year term and discusses not having to look at every three years if all is going well. The Board agreed to not making any changes to this section.

Mr. Ward discussed Article 3, Section 7 which reads "There shall be a Board of Library Trustees consisting of three members elected for three-year terms, so arranged so that one term shall expire each year". Mr. Ward discussed the current text being not up-to-date. Mr. Ward stated that the text has been changed since the Charter was written to five. The Board agreed to bring the language up-to-date.

Mr. Ward discussed Article 3, Section 8 which reads "There shall be a Moderator elected for a one-year term". Mr. Ward discussed changing this to a three-year term. The Board discussed the Moderator having a three-year term would give them more experience and this person would not have to run every year. The Board agreed to change the Moderator's term to a three year term.

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Mr. Ward discussed Article 3, Section 9 which reads “There shall be a Planning Board consisting of five members appointed by the Manager for three-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year”. Mr. Ward discussed Associate Members of the Planning Board cannot participate. Mr. Ward discussed the “Mullen Rule” and discussed moving Associate Members to Full Members. The Board discussed Alternate Members only getting to vote on special permits. Attorney Hall stated that he would review the legal side of this issue for the next meeting. Mr. Piendak discussed having the Planning Board become an elected Board again. The Board discussed Hanover’s Charter wording and discussed the Board of Selectmen appointing the Alternate Members. The Board discussed removing the Hanover wording stating “in the event of a vacancy on the Board”. Attorney Hall stated that he would review the “Home Rule” issue for the next meeting.

Mr. Ward discussed Article 3, Section 10 which reads “There shall be a Housing Authority consisting of five members. Four members shall be chosen by ballot”. The Board discussed the possibility of having an appointed Housing Authority and that the Housing Authority is required by the Charter to appear in front of the Board of Selectmen if requested. The Board discussed the term being five years and discussed changing the term to three years. Attorney Hall stated that he would review this for the next meeting.

Mr. Ward discussed Article 4, Section 1 which reads “He shall not have served in an Elective or Appointive office in the Town”. Mr. Ward discussed the wording “Elective” being common regarding the hiring of a Town Manager and the wording “Appointive” being uncommon. Mr. Ward discussed removing “or Appointive” to the Charter has this wording is very restrictive. Mr. Piendak discussed the pros and cons of the Charter. The Board discussed already having experienced people but they are cut out due to the way the Charter currently reads. The Board agreed to removing the wording “or Appointive”.

Mr. Ward provided the Board with information regarding the Chapter 43B, Home Rule Procedures, the Next Step Flow Chart and the Town of Salisbury’s Charter Amendments.

The next workshop was scheduled for May 7, 2013 at 7:00 p.m.

Motion made by Mr. Zimini to adjourn the workshop. Motion seconded by Mr. DiRocco. Motion passed unanimously.

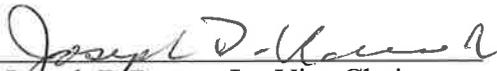
The workshop adjourned at 8:50 p.m.

#### BOARD OF SELECTMEN

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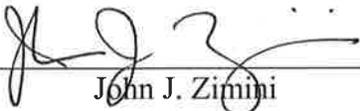
Cathy Richardson, Chairperson

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Joseph DiRocco, Jr., Vice Chairman

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George A. Malliaros, Clerk

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ABSENT  
Robert O. Cox

  
John J. Zimini

