

**Town Charter Workshop
May 7, 2013
Dracut Central Fire Station**

Present: Cathy Richardson, John Zimini, Joseph DiRocco, Robert Cox, Tony Archinski, Dennis Piendak, Town Manager, Glen Edwards, Assistant Town Manager/Planner, Attorney James Hall and Recording Secretary Shannon Rowe Beaulieu

Ms. Richardson opened the meeting at 7:08 p.m.

Ms. Richardson stated that it is custom for the Board of Selectmen's reorganization to take place the first meeting in May but Mr. DiRocco will not be available for the first meeting in May. The Board agreed to reorganize at the second meeting in May.

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 at the last meeting, the Board adjourned after Article 4, Section 1.

Mr. Ward discussed Article 4, Section 2, which reads "He shall appoint, and may remove subject to the civil service laws where applicable, all Department Heads, all officers and all subordinates and employees for whom no other method of appointment is provided in the Charter, except person serving under other elected agencies and appointments made by representative of the Commonwealth. Mr. DiRocco stated that he questioned this language when he was the Fire Chief and also discussed this with previous Town Counsel and was told that this would keep politics out of appointments. Chief Brouillette stated that the Town Manager is leaving and the Fire Department has since gone to Civil Service. Chief Brouillette discussed the ability of a Strong Chief to discipline, make appointments and create rules and regulations. Mr. DiRocco stated that a Strong Chief should be able to address these issues. Mr. Cox stated that the Chief should have the ability to run his Department. Mr. Piendak stated that according to the Charter the Town Manager is the appointing authority. Attorney Hall discussed the Strong Manager in the Charter, the Strong Chief in the Charter and the current text in the Charter. Mr. Zimini discussed the Strong Chief, the Hearing Officer and how Civil Service works. Attorney Hall stated that he needed to complete more search and the Board may want Attorney Weinberg to way in on this. Mr. Ward stated that there are strong arguments on each side regarding this.

Mr. Ward discussed Article 4, Section 4 which reads" Upon the termination of the Town Manager's appointment, whether voluntary or otherwise, he shall receive, in addition to any other benefits provided in his contract, termination pay equal to one month's salary for each full year of service as Manager, not to exceed three month's salary in total". Mr. Ward discussed considering deleting and leaving it up to the Board of Selectmen to decide whether to include when negotiating a contract. Mr. Zimini stated that this should be taken out of the Charter and should be negotiated under the Manager's contract.

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The Board agreed to remove this from the Charter and should be negotiated under the Manager's contract.

Mr. Ward discussed Article 5, Section 4 which reads "The Department of Public Works shall assume all of the duties and responsibilities in the performance of public works functions, including but not limited to those performed prior to the adoption of the Charter by or under the authority of the Sewer Commission, the Park Commission, the Cemetery Commission and the Board of Selectmen". Mr. Piendak stated that the Department of Public Works (DPW) currently has the Sewer Commission and Park Commission but in the future the Board might want to add Kenwood Water and the Cemetery Department. Mr. Piendak stated that the Cemetery Commissioner's job is a 24 hour a day job. Mr. Piendak also discussed the DPW maintaining all Town buildings including the School buildings. The Board discussed combing the water entities. Mr. Cox discussed the budgetary issues with combing all of this with the DPW. Attorney Hall discussed adding Kenwood Water to the Charter language in paragraph 2. The Board agreed to add Kenwood Water into the language.

Mr. Ward discussed Article 6, Section 2 which reads "The budget adopted by the School Committee shall be submitted to the Town Manager in sufficient time to enable him to prepare the total Town budget". Mr. Ward stated that the Board could put in the Charter, or could include language referring to a date being set in the bylaws, providing a little more flexibility. Mr. Ward discussed making "sufficient" more specific. Mr. Piendak discussed when budgets are due for his review. Ms. Richardson discussed adding "as indicated in by-law" wording into the Charter. Mr. Rich Cowen, 12 Greenlawn Ave, stated that the Charter states that a public hearing should be held on the School Committee's budget. Attorney Hall stated that they would have to comply with State Law. Mr. Cowan discussed the language regarding the budget, preliminary budgets and draft budgets. Mr. Piendak stated that he receives the local aid figures in March and 40% of the budget is State aid. Attorney Hall stated that he would review Mass General Law 71.

Mr. Ward discussed Article 6, Section 3 which reads "He shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget and a notice stating the times and places where complete copies of his proposed budget shall be available for examination by the public". Mr. Ward discussed requiring that the budget be posted on the Town's official website. The Board agreed to post the budget on the Town's official website.

Mr. Ward discussed Article 6, Section 6, which reads "All warrant articles requiring an appropriation in excess of \$500 shall be integrated into the Town Manager's budget and shall be considered and reported thereon by the finance". Mr. Ward discussed changing \$500 to text referring to an amount set by by-law. Mr. Zimini discussed having Mr. Ward create language and move to the by-law. The Board agreed to have Mr. Ward create language and move to the by-law.

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Mr. Ward discussed Article 6, Section 7 which reads “There shall be a Capital Planning Committee consisting of seven or nine members each of whom must reside in a different precinct from all other members appointed by the Town Manager for terms of three years”. Mr. Ward discussed removing the precinct requirement language and replacing it with language in the by-laws that gives initial preference for precinct representation on Committees, but provides that seats may be filled from among applications if residents from the requisite precincts are not forthcoming. The Board agreed to the change.

Mr. Ward discussed Article 6, Section 9 which reads “Warrants for the payment of Town funds prepared by the Town Accountant in accordance with the provisions of the general laws shall be submitted to the Town Manager. The approval of any such warrant by the Town Manager and by the Board of Selectmen shall be sufficient authority to authorize payment by the Town Treasurer”. Mr. Ward discussed changing the Charter to allow the Town Manager to sign the warrants and if the Town Manager is not available to sign them it moves back to the Board of Selectmen. Mr. Zimini discussed the ratifications of the warrants. The Board discussed bi-weekly pay periods and direct deposit. Mr. Zimini discussed the change being subject to warrant review by the Board of Selectmen or any individual Selectman at any time. The Board agreed to the change.

Mr. Ward discussed Article 7, Section 9 which does not state anything in the Charter about mandated periodic Charter reviews. Mr. Ward discussed putting in text mandating periodic Charter reviews similar to current text mandating remodifications of the by-laws.

Mr. Cox left the meeting at 8:17 p.m.

The Board discussed reviewing the Charter every ten years. The Board agreed to the review the Charter every ten years.

Mr. Cox returned to the meeting at 8:20 p.m.

Mr. Ward discussed Article 7, Section 13 which reads “the Board of Selectmen shall order an election to be held not less than thirty-five nor more than forty days after the date of the Town Clerk’s certificate of the sufficient petition. If, however, any other Town election is to occur within sixty days after the date of the certificate, the Board of Selectmen shall hold the recall election on the date of such other election”. The Board discussed the timeline for elections. Mr. Ward discussed expanding the window when the election must be held. A more typical timeline gives a range of between sixty-four and ninety days for the election, with the provision that provides for waiting until an upcoming regular election if there is one coming within one hundred ten or one hundred twenty days. The Board agreed to the potential steps. Mr. Rich Cowen, 12 Greenlawn Ave, asked if this pertained to the School Committee? Mr. Zimini stated that Mr. Piendak is the appointing authority. Mr. Piendak stated that he would have to provide a hearing or would not re-appoint the Board member. The Board discussed a recall for Board members. Mr. Piendak discussed never removing an appointed Board member.

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Mr. Ward discussed Article 7, Section 14 which reads "No full time employee of the Town under the jurisdiction of the Town Manager shall suffer dismissal unless he first receives a verbal warning from his superior that specified employment misconduct could result in termination". Mr. Ward discussed adding an exemption or remove the entire section. Mr. Ward discussed the argument for removing the section is that this would be better placed in the by-laws or among specified personnel policies. The Board discussed employee dismissal and there being no exceptions for severe misconduct. Attorney Hall stated that its best to eliminate this from the Charter and the Board agreed.

Mr. Ward discussed Article Twenty-two under the Town of Salisbury Charter Amendments and discussed using this as an example for Dracut.

Mr. Ward discussed having a new electronic updated Charter.

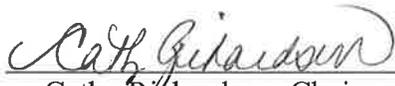
Mr. Ward discussed putting together a memo for the Board with all of the proposed changes from the workshops. Mr. Ward stated that the next steps would be a public hearing and having Town Counsel review the proposed changes. Mr. Ward stated that this should be ready for the November Town Meeting.

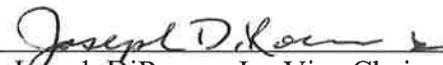
Mr. Rich Cowen, 12 Greenlawn Avenue, asked if he could provide written comments from the first workshop as he was not available to attend that meeting. Ms. Richardson stated that he could send this comments to the Board of Selectmen.

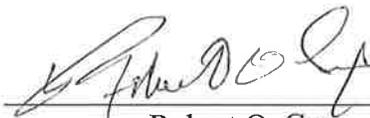
Motion made by Mr. Zimini to adjourn the meeting. Motion seconded by Mr. DiRocco. Motion passed unanimously.

The workshop adjourned at 8:34 p.m.

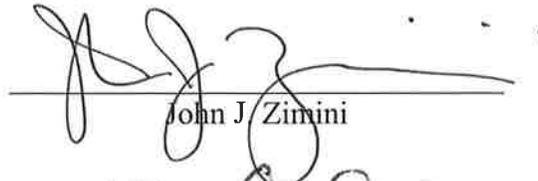
BOARD OF SELECTMEN


Cathy Richardson, Chairperson


Joseph DiRocco, Jr., Vice Chairman


Robert O. Cox

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John J. Zimini



Tony Archinski