



## Town of Reading Meeting Posting with Agenda

### Board - Committee - Commission - Council:

Charter Review Committee

Date: 2023-12-11

Time: 7:00 PM

Building: Reading Town Hall

Location: Conference Room

Address: 16 Lowell Street

Agenda:

Purpose: General Business

Meeting Called By: Jacquelyn LaVerde on behalf of Chair Chris Haley

Notices and agendas are to be posted 48 hours in advance of the meetings excluding Saturdays, Sundays and Legal Holidays. Please keep in mind the Town Clerk's hours of operation and make necessary arrangements to be sure your posting is made in an adequate amount of time. A listing of topics that the chair reasonably anticipates will be discussed at the meeting must be on the agenda.

**All Meeting Postings must be submitted in typed format; handwritten notices will not be accepted.**

### Topics of Discussion:

This meeting will be held in the Town Hall Conference Room and remotely via Zoom:

Join Zoom Meeting

<https://us06web.zoom.us/j/89575359750>

Meeting ID: 895 7535 9750

One tap mobile

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Find your local number: <https://us06web.zoom.us/u/kdOxe5olvp>

### **AGENDA:**

1. Public Comment
2. Discussion on Content and Potential Changes to Charter Article 5 and Article 6
3. Approval of Minutes
4. Future Agenda Items



**Town of Reading**  
**16 Lowell Street**  
**Reading, MA 01867-2685**

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**Assistant Town Manager**  
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MEMORANDUM

To: Charter Review Committee

From: Matthew A Kraunelis, Esq. *MAX*  
Assistant Town Manager

Date: November 30, 2023

Re: Reading Charter §5.3 – Ombudsman

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I am writing to bring your attention to the Ombudsman section (5.3) of the Reading Home Rule Charter. I have been serving as the Ombudsman since I began my employment in Reading in 2015, as the first and only one to hold that designation. I enjoy the work but have found the title to be a misnomer. In other industries, such as healthcare, an Ombudsman is an investigator and an advocate. Many people apply that understanding here in Reading. Consequently, I have gotten many calls from nursing home patients and other residents looking for me to conduct investigations, issue fines or change policies. That is clearly not part of the intended role.

Other residents are very unfamiliar with the title itself and often ask what it means. Still others have mentioned that the title is not gender neutral and have suggested “Ombuds Officer” as an alternative. Looking at the current Charter language, I would suggest that a title such as “Constituent Services Officer” or “Resident Services Officer” may be more appropriate and more intuitive to residents. There is also the issue of whether the Ombudsman function should be contained in the Charter at all. If removed, the decision whether to designate such a person can then be left to the Town Manager.

I will continue to do this important work no matter what your decision is regarding the title and placement in the Charter. I believe that the ten-year review process is the appropriate place to address these issues, and so I am bringing it to your attention.

Thank you for your consideration.

## ARTICLE 5 TOWN MANAGER

### 5.1 Appointment, Qualifications and Term

The Board of Selectmen shall appoint a Town Manager, who shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. He shall have had at least five (5) years of full-time paid experience as a City or Town Manager or Assistant City or Town Manager or the equivalent level public or private sector experience.

The terms of the Town Manager's employment shall be the subject of a written contract, for a term not to exceed three (3) years, setting forth his tenure, compensation, vacation, sick leave, benefits, and such other matters as are customarily included in an employment contract. The Town Manager's employment contract shall be in accordance with and subject to the provisions of the Charter and shall prevail over any conflicting provision of any personnel bylaw, rule, or regulation. The Town Manager's compensation shall not exceed the amount annually appropriated for that purpose.

The Town Manager shall devote full time to his office and, except as expressly authorized by the Board of Selectmen, shall not engage in any other business or occupation. Except as expressly provided in the Charter, he shall not hold any other public elective or appointive office in the Town; provided, however, that, with the approval of the Board of Selectmen, the Town Manager may serve as the Town's representative to regional boards, commissions or similar entities, but shall not receive any additional salary from the Town for such services.

Upon the termination of the Town Manager's appointment, whether voluntary or otherwise, he may receive termination pay as determined by the Board of Selectmen, not to exceed twelve (12) months' salary in total. To be eligible for this benefit upon voluntary termination, the Town Manager shall provide the Board of Selectmen a minimum of sixty (60) days written notice of his intent to leave. This benefit shall not be available if the Town Manager is terminated for cause.

[Amended November 10, 1997 - Article 7 and approved by vote of the Town on March 24, 1998]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

[Amended November 21, 2011 - Article 28 and approved by vote of the Town on March 6, 2012]

### 5.2 Powers and Duties

The Town Manager shall be the Chief Administrative Officer of the Town and shall be responsible to the Board of Selectmen for the proper administration of all Town affairs placed in his charge by or under the Charter. The Town Manager's powers and duties shall include:

- a To supervise and be responsible for the efficient administration of all functions under his control, as may be authorized by the Charter, by Town Bylaw, by Town Meeting vote or by the Board of Selectmen, including all officers appointed by him and their respective departments.
- b To appoint and remove, subject to the civil service laws where applicable, the Police Chief, Fire Chief, Appraiser and all employees for whom no other method of appointment is provided in the Charter, except persons serving under the School Committee, Municipal Light Board of Commissioners or Board of Library Trustees, and appointments made by the representatives of the Commonwealth of Massachusetts. The Town Manager's appointment of the Police Chief and Fire Chief shall be subject to confirmation by the Board of Selectmen. The Town Manager's

appointment of the Appraiser shall be subject to confirmation by the Board of Assessors.

- c** To administer all personnel policies, practices and related matters for all municipal employees as established by any compensation plan, personnel policy guide or Town Bylaw, and all collective bargaining agreements entered into by the Board of Selectmen on behalf of the Town.
- d** To fix the compensation of all Town officers and employees appointed by him within the limits established by applicable appropriations and any compensation plan adopted by the Town Meeting.
- e** To attend all regular and special meetings of the Board of Selectmen, unless excused at his own request, and to have a voice, but no vote, in all discussions.
- f** To attend all sessions of Town Meetings and to answer all questions directed to him that are related to his office.
- g** To see that all of the provisions of the Massachusetts General Laws, of the Charter, of the Town Bylaws, of Town Meeting votes, and of votes of the Board of Selectmen that require enforcement by him or Town Officers and employees subject to his direction and supervision are faithfully carried out.
- h** To prepare and submit a proposed Annual Operating Budget and a Capital Improvements Program in accordance with Article 7.
- i** To ensure that a full and complete record of the financial and administrative activities of the Town is kept, and to render a full report to the Board of Selectmen at the end of each fiscal year and at such other times as may be required by the Board of Selectmen.
- j** To keep the Board of Selectmen fully informed as to the financial condition and needs of the Town and to make such recommendations to the Board of Selectmen as he may deem necessary or appropriate.
- k** To have full responsibility for the rental and use of all Town facilities, except those under the care, custody, management and control of the School Committee, the Board of Library Trustees, the Municipal Light Board of Commissioners, or other boards or committees specified by Town Bylaw or Town Meeting vote. He or his designee shall be responsible for the maintenance and repair of all Town property under his control.
- l** To inquire into the conduct of any Town Officer, employee or department under his control.
- m** To keep a full and complete inventory of all real and personal property of substantial value belonging to the Town.
- n** To serve as Chief Procurement Officer pursuant to the provisions of Massachusetts General Laws Chapter 30B and to be responsible for purchasing all supplies, materials, equipment, goods and services, except those of the School Committee and the Municipal Light Board of Commissioners; to negotiate and approve the award of all contracts for all departments and activities of the Town except those of the School Committee and Municipal Light Board of Commissioners; to examine the services performed for any Town Agency pursuant to any such contract; and to examine and inspect, or cause to be examined and inspected, the quality, quantity and conditions of materials, supplies, equipment or goods delivered to or received by any Town Agency.
- o** To approve any warrants for the payment of Town funds prepared by the Accountant in accordance with the provisions of the Massachusetts General Laws; provided, however, that the approval of any such warrant by the Town Manager shall be sufficient to authorize payment by the Town Treasurer, and provided further that the Board of Selectmen shall approve such warrants in the event of a vacancy in the office of Town Manager.

- p** To serve as the Executive Officer of the Town for the purposes of Massachusetts General Laws Chapter 258.
- q** To perform any other duties required of him by the Charter, by Town Bylaw, by Town Meeting vote or by the Board of Selectmen.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### **5.3 Ombudsman**

The Town Manager shall appoint a Town employee other than himself or herself to act as an Ombudsman to all citizens in their day-to-day contacts and dealings with the Town, its officials and boards or committees. The function of the Ombudsman shall be:

- a** To direct the citizens to the proper Town Officer, board or committee to deal with the issue or concern of the citizen;
- b** To set up appointments for citizens to meet with directors, department heads and boards or committees as appropriate;
- c** To provide citizens with access to public information within the Town; and
- d** To otherwise serve the public in connection with their dealings with the Town.

The office of the Town Ombudsman shall be clearly and conspicuously marked within the Town Hall.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### **5.4 Acting Town Manager**

#### **5.4.1 Temporary Absence**

By letter filed with the Town Clerk and the Board of Selectmen, the Town Manager shall designate a qualified individual to serve as Acting Town Manager during any anticipated temporary absence, not to exceed thirty (30) days.

#### **5.4.2 Long-Term Absence**

In the event of the absence, incapacity or illness of the Town Manager in excess of thirty (30) days, the Board of Selectmen shall appoint a qualified individual to serve as Acting Town Manager until the Town Manager returns.

#### **5.4.3 Vacancy**

When the office of Town Manager is vacant or the Town Manager is under suspension as provided in Section 5.5, the Board of Selectmen shall appoint a qualified individual to serve as Acting Town Manager under terms of employment to be determined by the Board of Selectmen. In the event of vacancy, the Board of Selectmen shall initiate recruitment for a new Town Manager without delay and shall appoint a new Town Manager within one hundred eighty (180) days.

#### **5.4.4 Powers**

Except as authorized by a four-fifths (4/5) vote of the Board of Selectmen, the powers of an Acting Town Manager shall be limited to routine matters requiring immediate action and to making emergency temporary appointments to any Town office or employment within the scope of the Town Manager's responsibilities.

### **5.5 Removal Procedures**

The Board of Selectmen may remove the Town Manager from office as follows:

#### **5.5.1 Notice**

By affirmative vote of a majority of its members, the Board of Selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the Town

Manager for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the Town Manager forthwith following its adoption.

### **5.5.2 Public Hearing**

Within five (5) days (see Section 8.5) after the delivery of the preliminary resolution of removal, the Town Manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the Board of Selectmen. The hearing shall be convened by the Board of Selectmen not less than twenty (20) nor more than thirty (30) days after such request is submitted. Not less than five (5) days (see Section 8.5) prior to such hearing, written notice thereof shall be given to the Town Manager at his last known address. The time limitations set forth herein may be waived in writing by the Town Manager. Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, the Town Manager may file a written statement with the Board of Selectmen responding to the reasons cited for the proposed removal. The Town Manager may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### **5.5.3 Removal**

The Board of Selectmen may, by a vote of a majority of its members, adopt a final resolution of removal, which shall be effective upon its adoption; provided, however, that such resolution shall not be adopted until:

- a** Ten (10) days after the date of delivery to the Town Manager of the preliminary resolution of removal; or
- b** If the Town Manager has made a timely request for a public hearing, five (5) days (see Section 8.5) after completion of the public hearing or forty-five (45) days after the adoption of the preliminary resolution, whichever occurs later.

Failure to adopt a final resolution of removal within the time limitations provided in this section shall be deemed to nullify the preliminary resolution of removal. The action of the Board of Selectmen in suspending or removing the Town Manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the Board of Selectmen. The Town Manager shall continue to receive his salary until a final resolution of removal has become effective.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

## ARTICLE 6 ADMINISTRATIVE ORGANIZATION

### 6.1 Organization of Town Agencies

The organization of the Town into operating Town Agencies shall be accomplished through the establishment of a Table of Organization that presents the organization of all Town Agencies. Such table shall be prepared by the Town Manager in consultation with the Board of Selectmen and may be revised from time to time.

[Amended November 17, 2011 - Article 20 and approved by vote of the Town on April 5, 2011]

For the convenience of the public, the Table of Organization shall be printed as an appendix to, but not as part of, the Bylaws of the Town. The Table of Organization shall also be published annually in the Town Report.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

[Amended November 17, 2011 - Article 20 and approved by vote of the Town on April 5, 2011]

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 6.2 Town Counsel

**Appointment and Qualifications** – The Board of Selectmen shall appoint a Town Counsel and fix his compensation within the amount annually appropriated for that purpose. The person appointed and employed by the Board of Selectmen as Town Counsel shall be a member in good standing of the bar of the Supreme Judicial Court of Massachusetts and of all other courts before which he has been admitted to practice. Any Special Counsel employed by the Board of Selectmen shall be a member in good standing of the bar of all courts before which he has been admitted to practice.

**Powers and Duties** – The Town Counsel shall provide legal advice, representation and litigation services to the Town, Town Agencies and Town Officers, as the Board of Selectmen or Town Manager may request or authorize.

**Vacancy** – If the Town Counsel is unable to perform his duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Board of Selectmen may appoint a temporary Town Counsel to hold such office and exercise the powers and perform the duties until the Town Counsel can resume his duties, or until another Town Counsel is duly appointed.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

### 6.3 Town Accountant

**Appointment, Qualification and Term of Office** – There shall be a Town Accountant, appointed by the Board of Selectmen. The Town Accountant shall be qualified in accordance with State law, and shall have appropriate prior full time accounting experience as determined by the Board of Selectmen.

The Town Accountant shall be appointed in March of every year for a one (1) year term to run from the first day of the following July and shall serve until the qualification of his successor.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

**Powers and Duties** – The Town Accountant shall be subject to the supervision of the Town Manager. In addition to the powers and duties conferred and imposed upon Town Accountants by the Massachusetts General Laws, his powers and duties shall include:

- a To prescribe the methods of installation and exercise supervision of all accounting records of Town Agencies and Town Officers; provided, however, that any change in

the system of accounts shall be made only after consultation with the Town Manager and the Town Agencies affected.

- b** To establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the Town, including clerical and office methods, records, reports and procedures as they relate to accounting matters; and to prepare and issue rules, regulations and instructions relating thereto that, when approved by the Town Manager, shall be binding upon all Town Agencies and employees.
- c** To draw all warrants upon the Town Treasurer for the payment of bills, drafts and orders chargeable to the appropriations of the Town Meeting and other accounts.
- d** Prior to submitting any warrant to the Town Manager, to examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examinations, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any Town Agency or Town Officer. If, upon examination, it appears to the Town Accountant that any such bill, draft or order is fraudulent, unlawful or excessive, he shall immediately file with the Town Manager and Town Treasurer and Chairman of the Finance Committee a written report of his findings.
- e** To be responsible for a continuous audit of all accounts and records of the Town wherever located.

**Vacancy** – If the Town Accountant is unable to perform his duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Board of Selectmen may appoint a temporary Town Accountant to hold such office and exercise the powers and perform the duties until the Town Accountant can resume his duties, or until another Town Accountant is duly appointed, in the same manner as an original appointment, for the remainder of the unexpired term.

#### **6.4 Town Treasurer**

**Appointment and Qualifications** – There shall be a Town Treasurer, appointed by the Town Manager. The Town Treasurer shall be qualified in accordance with the Massachusetts General Laws.

[Amended November 15, 2004 - Article 16 and approved by vote of the Town on April 5, 2005]

The Board of Selectmen, upon the recommendation of the Town Manager, may combine the powers and duties of the Town Treasurer with those of the Town Collector, and the Town Manager may then appoint a Town Treasurer-Collector.

**Powers and Duties** – In addition to the powers and duties conferred and imposed upon Town Treasurers by the Massachusetts General Laws, the powers and duties of the Town Treasurer shall include:

- a** To supervise and be responsible for the prompt deposit, safekeeping and management of all monies collected or received by the Town.
- b** To be the custodian of all funds, moneys, securities or other things of value that are or have been given, bequeathed or deposited in trust with the Town for any purpose, including the preservation, care, improvement or embellishment of any of the Town's cemeteries or burial lots therein; to invest all sums held in trust as he determines to be appropriate after consultation with the Board of Commissioners of Trust Funds; and to distribute the income therefrom on the order of said Board.

**Vacancy** – If the Town Treasurer is unable to perform his duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Treasurer to hold such office and exercise the



powers and perform the duties until the Town Treasurer can resume his duties, or until another Town Treasurer is duly appointed.

## **6.5 Town Collector**

**Appointment and Qualifications** – There shall be a Town Collector, appointed by the Town Manager. The Town Collector shall be qualified in accordance with the Massachusetts General Laws.

The Board of Selectmen, upon the recommendation of the Town Manager, may combine the powers and duties of the Town Collector with those of the Town Treasurer, and the Town Manager may then appoint a Town Treasurer-Collector.

**Powers and Duties** – In addition to the powers and duties conferred and imposed upon Town Collectors by the Massachusetts General Laws, the powers and duties of the Town Collector shall include:

- a** To be responsible for the collection and receipt of all sums and accounts due, owing or paid to the Town including taxes and fees, and shall act as the Town Collector of Taxes.
- b** To report to the Town Manager at such times as he may direct or as he may deem appropriate, but at least semi-annually, as to all uncollected claims or accounts due or owing to the Town. Such reports shall include the Town Collector's recommendations as to whether suit should be instituted on behalf of the Town for the establishment or collection of any claim or account for the benefit of the Town.

**Vacancy** – If the Town Collector is unable to perform his duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Collector to hold such office and exercise the powers and perform the duties until the Town Collector can resume his duties, or until another Town Collector is duly appointed.

## **6.6 Town Clerk**

**Appointment and Qualifications** – There shall be a Town Clerk, appointed by the Town Manager. The Town Clerk shall be qualified in accordance with the Massachusetts General Laws.

**Powers and Duties** – The Town Clerk shall have all the powers and duties conferred and imposed upon Town Clerks by the Massachusetts General Laws or by Town Bylaw.

**Vacancy** – If the Town Clerk is unable to perform his duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Clerk to hold such office and exercise the powers and perform the duties until the Town Clerk can resume his duties, or until another Town Clerk is duly appointed.



# Town of Reading Meeting Minutes

## Board - Committee - Commission - Council:

Charter Review Committee

Date: 2023-11-14

Time: 7:00 PM

Building: Reading Town Hall

Location: Select Board Meeting Room

Address: 16 Lowell Street

Session: Open Session

Purpose: General Business

Version: Draft

### Attendees: **Members - Present:**

Chair Chris Haley, Vice Chair Phil Pacino, Jesse Arnold, Jonathan Barnes, Geoff Beckwith, Chuck Robinson

### **Members - Not Present:**

Bill Brown, Alan Foulds, Andrew Grimes

### **Others Present:**

Town Clerk Laura Gemme, Assistant Town Manager Matt Kraunelis

**Minutes Respectfully Submitted By:** Jacquelyn LaVerde

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## Topics of Discussion:

Chair Chris Haley called the meeting to order at 7:00 pm.

### **Discussion on Content and Potential Changes to Charter Article 3 and Article 4:** **Article 3**

The Committee continued to update gender neutral pronouns, update "Board of Selectmen" to "Select Board", and correct various typos.

### **Section 3.5 Municipal Light Board of Commissioners**

Phil Pacino explained that the Light Department is subject to state statute Chapter 164. Paragraphs four and five go beyond the authority of Chapter 164. The Committee debated whether to grant the RMLD Board of Commissioners the ability to appoint the Accounting Manager for checks and balances, and opted to ask Town Counsel to weigh-in with their recommendation. Mr. Haley will consult with Town Counsel.

### **Section 3.6 Moderator**

Alan Foulds sent comments ahead of the meeting with his suggestion of the Town Moderator term remaining at one year. Other members agreed, as there is no recall mechanism for the Town Moderator.

### **Article 4**

### **Section 4.1 Board of Assessors**

Per Mr. Foulds's comments, "The elected members of the Board of Assessors serving at the time that this section first becomes effective may continue to serve in office until their elected terms expire, unless reappointed for an additional term or terms pursuant to this section." was stricken, as all members of the Board of Assessors are now appointed.

### **Section 4.4 Board of Health**

Town Meeting voted to increase the number of members on the Board of Health, but it is still pending state approval. Mr. Haley will consult Town Counsel on how best to word the charter given the anticipated increase in the number of members.

Section 4.9 Housing Authority

The Committee discussed the membership of the Authority, which includes one state appointed member that must be a resident of the Town, and one member who must be a resident of the Authority. Mr. Haley will consult Town Counsel to clarify the wording in the charter.

Section 4.14 Other Boards and Committees

The Committee briefly discussed residency requirement comments from Town Counsel and agreed to leave the section in place, and add ex-officio, non-voting members, such as Town Manager or School Superintendent, to Boards and Committees as applicable.

Section 4.15 Associate Membership

Per Mr. Foulds's comments, "Associates members of boards or committees serving as of the effective date of this Section 4.15 shall be allowed to serve until the end of their term or until June 30, 2015, whichever comes first.", was stricken as it is no longer applicable.

Mr. Haley reviewed his items to address with Town Counsel, including all paragraphs in Municipal Light BOC Section 3.5, clarification on Board of Health Section 4.4, determining the membership of the Housing Authority in Section 4.8, and asking whether to add the Affordable Housing Trust Committee to the Charter or if it belongs in the bylaws.

**Approval of Minutes:**

Geoff Beckwith noted that the attendees list needs to be added to the final version.

**On a motion by Chuck Robinson, seconded by Jesse Arnold, the Charter Review Committee voted 6-0-0 to approve the meeting minutes of October 30, 2023 as amended.**

**Future Agenda Items:**

Laura Gemme stated that she will be unable to attend the next scheduled meeting on November 27<sup>th</sup>. The Committee discussed and agreed to reschedule the next meeting for Monday, December 11<sup>th</sup> at 7:00 pm in the Town Hall Conference Room. The Committee will review Articles 5 and 6, and potentially review responses from Town Counsel to date.

**On a motion by Geoff Beckwith, seconded by Jesse Arnold, the Charter Review Committee voted 6-0 to adjourn at 8:44 pm.**

**Roll call vote: Chuck Robinson – Yes, Jesse Arnold – Yes, Geoff Beckwith – Yes, Phil Pacino – Yes, Jonathan Barnes – Yes, Chris Haley – Yes.**